

Extensions for Planning Permissions

Under section 93A of the Town and Country Planning Act 1990, unimplemented planning permissions with time limits for implementation which were due to lapse between 19 August 2020 (when the provisions came into force) and 31 December 2020 are extended to 1 May 2021. This happens automatically, with no requirement to obtain Additional Environmental Approval.

For permissions that were due to expire before 19 August 2020, a person with an interest in the land can, up until 31 December 2020, apply for an 'additional environmental approval'. The local planning authority (LPA) has 28 days to respond, saying whether or not the additional environmental approval is granted. The LPA must grant the additional environmental approval if the EIA requirement and the habitats requirement are both met.

If the LPA does not respond within 28 days (unless an extension, up to a limit of an additional 21 days, has been agreed between the parties), they are deemed to have granted the additional environmental approval. If an additional environmental approval is granted, an extension can be granted so that development must begin by 1 May 2021.

There is no fee required for an application for Additional Environmental Approval.

Applications must be made in writing and submitted electronically to our email address. The application must specify the date which it has been sent and provide sufficient information to allow the local planning authority:

to identify the relevant planning permission and condition in respect of which it is made; and to determine whether Additional Environmental Approval should be granted.

Applicants should provide details of:

- The planning permission to which the application relates
- The condition(s) which set out the time limit(s) for implementation
- Any condition(s) or other agreements which relate to environmental mitigation or enhancement measures
- Whether the original permission was subject to an Environmental Impact Assessment and/or a Habitats Regulation Assessment, or screening for either type of assessment

For further information please click on relevant link to GOV.UK website below:

<https://www.gov.uk/government/publications/extension-of-certain-planning-permissions-draft-guidance/extension-of-certain-planning-permissions-draft-guidance>

Government Guidance on Construction and Building Site Working Time Relaxation

Council Position on Extended Construction Hours

The Coronavirus pandemic has had a major impact in many areas of commercial activity that is essential for the smooth running of the country including the construction industry. The government has identified the fact that the construction industry needs to have extended working hours to ensure safe working systems that comply the "social distancing" rules.

As a result the government has issued a Ministerial Communication that indicated that planning authorities should be flexible and allow temporary extensions to normal working hours. Where the changes are longer term or are a more significant change to working hours they need to apply to the local planning authority for permission to do so. The government has indicated that local authorities should not refuse requests to extend working hours till 21:00 hours Monday to Saturday without compelling reasons.

To protect residents the government has made clear that it expects the adoption of best practical means to mitigate the impacts of noise, dust or vibration on residents. The government has indicated that relaxation of working hours conditions granted by local planning authorities should not extend beyond 13 May 2021.

The council's involvement will depend on the nature of the application. If the application is for a relaxation of planning conditions they should apply to the Planning Authority who will consult with the Environmental Protection Team. If there are no planning conditions the Environmental Health Noise Team will deal with the matter.

Standard working hours are considered to be;

- 08.00 hrs to 18.00 hrs Monday to Friday,
- 08.00 hrs to 13.00 hrs Saturday,
- No Noisy working on Sundays or Bank Holidays
- If there is an application to extend these hours we will expect appropriate documents to justify the need for the extension and to a Noise Management Plan (NMP) to ensure that any impact on residents is minimised. This would include measures addressing,
 - Justification of the need to work outside normal hours.
 - Arrival of Staff – we can accommodate steps to ensure that staff can arrive safely and comply with “social distancing”
 - Delivery of materials – We do not envisage any need for deliveries of construction materials outside standard times.
 - Noisy work – we would expect that noisy work be curtailed to standard times where possible. It may be possible to utilise distance and screening so that noisy work outside standard hours is done where it is furthest away and most screened. It could be that work is scheduled so that the noisy work is done during standard hours such as Piling, excavating, grinding, cutting etc and that quieter work such as brick laying is scheduled to run later.
 - Supervision and control – with extended hours it is vitally important that extra vigilance is utilised to assess noise and dust that originates outside standard hours. Monitoring and control are key issues here.
 - We have no issues with any work that is not audible beyond the site boundary being taken at any time though we would like to ensure that excessive lighting does not become an issue.
 - Always ensuring that Best Practical Means are employed.
 - Communication with residents by way of a letter drop to residents around the site who could potentially be affected giving the background to the extension, the commitment to mitigate disturbance to a minimum and perhaps a contact name so that any valid complaints or issues can be addressed swiftly.

The Environmental Health Noise Team would like to avoid justifiable complaints but in general will be happy to work with you to increase working hours within a framework that minimises the impact

on the local residents. If you would like to discuss this or any other matter further please contact me at the address, email or telephone number given below.

For the Written Ministerial Statement please click the link below:

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2020-05-13/HLWS230/>

Delivery Hours

Council Position on Extended Delivery Times

The Coronavirus epidemic has had a major impact in many areas of commercial activity that is essential for the smooth running of ensuring that food and other supplies are kept at sustainable levels.

The government has issued a Ministerial Communication that indicated that planning authorities should be flexible and temporally remove any planning restrictions on delivery times. The government has made clear that it expects the adoption of best practice to mitigate any adverse impact on residents. It is not known how long the epidemic will last and therefore the relaxation could be for a considerable period of time – the government has said that it will withdraw it when the immediate urgency has subsided.

The Council's involvement will depend on the nature of the application. **If the application is for a relaxation of planning conditions they will liaise with the Environmental Protection Team. If there are no planning conditions the Environmental Health Noise Team will deal with the matter.**

If there are planning conditions restricting the delivery times we would expect that the store would apply to the Planning Authority to notify them of intention to have deliveries outside planning conditions. The Planning Authority will advise the Environmental Health Noise Team and seek their input with the applicant as they enforce other statutory regulations relating to noise that would be as relevant as planning conditions.

If a store notifies the council or a complainant contacts the Environmental Protection Team about deliveries outside normal hours the Environmental Health Noise Team will deal with the issue. We will expect that any applicant for extension of delivery times will provide the council with appropriate documents to justify the need for the extensions and to develop a Noise Management Plan (NMP) to ensure that any impact on residents is minimised.

We will expect that an NMP will contain information about,

- The need for deliveries outside standard times so that only essential late night deliveries take place and that wherever possible deliveries are within standard times.
- The measures to be taken to minimise impact on residents. There has been a considerable amount of work relating to quiet deliveries such as "Transport for London Code of Practice for quieter deliveries".
- Communication with residents – we would expect a letter to local residents advising them of the situation and what measures have been taken to mitigate noise and other disturbances. There should be a contact number to contact if things go wrong so that the supervisor can immediately investigate and deal with the issue.
- Staff training to ensure that deliveries are as quiet as possible
- Access does not cause issues with HGVs queuing on the road or waiting to be let on site.
- Ensuring that vehicles turn off engines and hook up to electric sockets for refrigeration.

- Having equipment that is suitable for quiet deliveries such as specialist roll cages, mats and screening
- Supervision to ensure that best practice procedures are adhered to and that any issues are identified and dealt with quickly and efficiently.

The Environmental Health Noise Team will contact the store and will ensure that they have appropriate NMP and procedures. Advice will be given as to what needs to be done to minimise impact on residents. They have powers under the Environmental Protection Act 1990 to serve notice prohibiting noise nuisance and will utilise this power if companies are not utilising best practical means and are causing a nuisance. They will work with both stores and with residents to ensure a balanced approach that will enable necessary deliveries outside standard times if this is appropriate.

For the Written Ministerial Statement please click the link below:

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2020-03-13/HCWS159/>

Contact Details

Planning Technical Team

Telephone 01908 691691

Email planning@milton-keynes.gov.uk

Environmental Health Team

Telephone 01908 252398

Email customer.service@milton-keynes.gov.uk

Weblink: <https://www.milton-keynes.gov.uk/environmental-health-and-trading-standards/pollution/construction-site-noise>