

# SCHEDULE 1

## Dispensations

Where the proposed works have to be changed from the original programme as given in the application to require operations outside the terms of this Consent, the Applicant shall apply to the Council in writing for a Dispensation **at least 14 days** in advance of the proposed operation submitting an appropriate Dispensation Application form which can be obtained from the Council's website or the case officer.

Where the working method and proposed mitigation is deemed to be acceptable to the Council, a Dispensation varying the terms of this Consent will be issued in respect of the proposed activities. The Dispensation may be issued subject to specific conditions and may be time limited subject to review. Occupiers of nearby residential or other noise sensitive properties who are likely to be affected shall be informed as soon as reasonably practicable by the Applicant about this and, where appropriate, the likely duration of the works.

Where dispensation is required for works of a critical nature for reasons not envisaged and beyond the control of the applicant (such as key activities likely to delay other key activities) the applicant shall apply in writing where practicable at least 48 hours in advance and at least 7 days in advance if the work is expected to last for a period of 5 days or more.

## Variations

Variation to the works featured in the consent application may be necessary as work progresses, for a variety of reasons. Variations are used where the rescheduling of works is of a critical nature (such as a key activity likely to delay other key activities) and/or additional activities that were not included in the original application are required, and in both cases **do not materially affect the predicted noise levels**. In these circumstances, it is not necessary for the Applicant to provide the details commensurate with an application for a dispensation. A form variation application has been devised allowing the Applicant to confirm by e-mail relevant details to the Council. The variation application is to be received by the Council **where practicable 7 days, but at least 2 working days, ahead of the start of the works** for which the application is made. If the Council approves the application, the document will be countersigned and e-mailed back to the Applicant and may include conditions, if appropriate. Occupiers of nearby residential or other noise sensitive properties who are likely to be affected shall be informed as soon as reasonably practicable by the Applicant about this and, where appropriate, the likely duration of the works.

## Notification of an Overrun

Where it becomes apparent that pre-planned construction works (not covered by dispensation/or variation requirements) from this consent is going to run after the consented hours, the applicant shall always notify the Council using the following telephone number – 020 7641 2000 or preferably via email to [oohrefquests@westminster.gov.uk](mailto:oohrefquests@westminster.gov.uk) and [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)

The Council will aim to confirm receipt and respond back to the Applicant as soon as practicable. It should be noted that, unlike the dispensation and variation procedures, **this is not an approval process** but has effect as a **temporary extension to the hours of working** specified in this consent which has effect only so far as it arises from legitimate engineering or health and safety reasons. If the Council subsequently determines that the overrun was not for legitimate engineering or health and safety reasons and could have been avoided, the matter will be taken up with both the Applicant and Nominated Undertaker as being a potential breach of this Consent. For example a legitimate overrun may occur where pouring concrete takes longer than planned due to equipment failure or where unexpected poor ground conditions, encountered whilst excavating, require immediate stabilisation. The applicant shall provide details of why the overrun has occurred and the work which is being done to mitigate the length of the overrun, along with an estimated time when the activity will be completed. The applicant shall send an email notification to the Council when the overrun has been completed. The applicant should also seek to notify local stakeholders as soon as practicable. Regular, sustained and/or excessively long overruns without reasonable justification may result in the Council reviewing the working practices of the applicant. The applicant must adopt Best Practicable Means (BPM) to avoid overruns and failure to do so may result in breach of this notice.

## Emergency Works

It is accepted that construction works may need to be undertaken at very short notice in response to an emergency situation, or where works if not completed, would be unsafe or harmful to the permanent works. In this case the council is to be informed as soon as reasonably practicable via the nominated emergency contact of the reasons for and likely, duration of the works. It should be noted that, unlike the dispensation and variation procedures, this is not an approval process. If the Council subsequently determines that the emergency work was not for sound engineering or health and safety reasons and could have been reasonably avoided, the matter will be taken up with the Applicant as being a potential breach of this Consent.