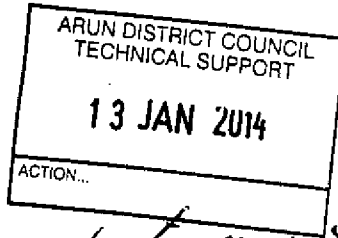


Mr. K. ROBERTS. A/134/13. 23, MERRYFIELD CRESCENT.
DIRECTORATE OF PLANNING. ANGMERING VILLAGE,
CIVIC CENTRE, LITTLEHAMPTON. WEST SUSSEX.
WEST SUSSEX. BN17.5LF. BN16.4DA



13th JAN. 2014.

Dear Sir,

As a follow up to my letters dated 23rd & 31st Dec. 2013, I enclose herewith copies of letters & documentation delivered to the underlisted people for your information & review the contents of which are self explanatory.

Yours faithfully,



ENCLOSURES :- COPIES OF LETTERS & DOCUMENTATION SENT TO:-

MR. N. LYNN. CHIEF EXECUTIVE, ARUN. D.C.
COUNCILLOR P. BICKNELL
ANGMERING PARISH CLERK, MR. R. MARTIN.
MS. P. DART, DIRECTORATE OF ENVIRONMENTAL HEALTH

Mr. N. LYNN. Mr. K. ROBERTS 23, MERRYFIELD CRESCENT,
CHIEF EXECUTIVE, COPIES OF LETTERS ANGMERING VILLAGE,
ARUN DISTRICT COUNCIL FOR INFORMATION. WEST SUSSEX.
Civic Centre, LITTLE HAMPTON, BN16. 4DA.
WEST SUSSEX. BN17. 5LF. 13th JAN. 2014.

Dear Mr Lynn,

Thankyou for responding to my letter of 2nd JAN. 2014, it is very much appreciated.

In order that you are kept fully informed, I enclose herewith photocopies of letters and "CDM REGULATIONS DOCUMENTATION" to :- COUNCILLOR PAUL BICKNELL

ANGMERING PARISH CLERK - Mr R. MARTIN

Mr. K. ROBERTS PLANNING OFFICER, ARUN D.C.

DIRECTORATE OF ENVIRONMENTAL HEALTH - " " "

The "CDM REGULATIONS" of the Health & Safety Executive would only be applicable if planning approval was given and works of site clearance, demolition & construction went ahead.

Over the years, many residents and myself have experienced severe problems due to the Landowners inconsiderate and cavalier attitude in allowing enormous bonfires to be lit when cutting back vegetation/trees etc; which on one occasion resulted in my bedroom curtains catching fire due to hot airborne particles and causing potentially serious smoke inhalation by my bed ridden Wife.

CONTINUED

On that occasion, the Head of Environmental Health, ARUN District Council - Mr Paul UNSWORTH responded in a first class manner and was able to halt a situation which was causing considerable damage to residents washing hanging on lines to dry together with the abuse vented on residents by the workmen involved.

As a result of the foregoing problems, the residents and myself would request that you exercise your Executive authority to ensure that if planning approval is recommended then Mr K. Roberts, Planning Officer of the Directorate of Environmental Health be apprised of the need to ensure that suitably worded "conditions" are highlighted with that approval and that the Landowner/developer/agent, planning supervisor, contractor are made fully aware of their responsibilities under the various regulations.

Yours faithfully,



ENCLOSURES:- COPIES OF LETTERS & DOCUMENTATION SENT TO :-
COUNCILLOR PAUL BICKNELL
ANGMERING PARISH CLERK - Mr. R. MARTIN.
Mr. K. ROBERTS, PLANNING OFFICER, ARUN. D.C.
DIRECTORATE OF ENVIRONMENTAL HEALTH. " "

COUNCILLOR PAUL BICKNELL
6, BIRCH CLOSE,
ANGMERING,
WEST SUSSEX.
BN16. 4HB.

23, MERRYFIELD CRESCENT,
ANGMERING VILLAGE,
WEST SUSSEX.
BN16. 4DA.
13th JAN 2014.

Dear Councillor,

RE: PLANNING APPLICATION N°A 143/13.
PROPOSED DEVELOPMENT ON LAND, EAST SIDE
OF DAPPERS LANE, ANGMERING, WEST SUSSEX.

First, I must again thank you for calling on me at home on the 29th December last to discuss various aspects of the above application, it was very much appreciated.

For your information I have enclosed herewith photocopies of the relevant pages which set out the LEGAL REQUIREMENTS embodied in legislation which requires LANDOWNER/DEVELOPERS/CONTRACTORS to be in FULL COMPLIANCE, failure to fully comply is a criminal offence for which some business personnel have been imprisoned and/or heavily fined.

The photocopies enclosed are :-

- ① HEALTH & SAFETY EXECUTIVE - "GUIDANCE NOTES"
AND ② HEALTH & SAFETY FILE :- CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 1994 THRU. TO THE CURRENT UPDATED 2007 REGULATIONS.

The aforementioned planning application was in part prepared & compiled for the applicant by STRUTT & PARKER, agents for the applicant.

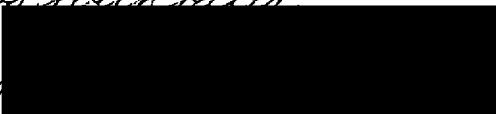
As you are aware, some statements made in the application are not correct and require further research and detailed clarification BEFORE the Council considers the application.

IF the application is approved, the "Construction (Design & Management) Regulations" MUST be fully applied by the "PLANNING SUPERVISOR" in compilation of the "HEALTH & SAFETY FILE" for the works, scrutinised & closely monitored to ensure full compliance by all involved in the on site works.

I would bring your attention to the "HIGH LIGHTED SECTIONS" of the above CDM REGULATIONS which would require close monitoring.

In particular I would kindly ask you to study SECTIONS :- 1:3:5, 1:3:7, 1:6:3, 1:6:5, 1:6:6, 1:6:9, 1:7:1, 1:7:3 1:8 ON PAGES N^o 9, 10, 11, 12, 13, & 16

If I can be of further assistance please contact me.

Yours faithfully


COPIES SENT TO:- Mr. N. LYNN, CHIEF EXECUTIVE, ARUN D.C.
Mr. K. ROBERTS, PLANNING OFFICER " " "
Mr. R. MARTIN, PARISH CLERK, ANGMERING.
DIRECTORATE OF ENVIRONMENTAL HEALTH, ARUN D.C.

23, MERRYFIELD Crescent,
ANGMERING Village,
West Sussex.
BN16 4DA.
13th Jan. 2014.

Mr. R. Martin,
Parish Clerk,
Angmering Parish Council,
The Square, Angmering,
West Sussex. BN16 4EA.

Dear Mr. Martin,
Thank you for your responding
letter dated 9th Jan 2014. It is very much
appreciated.

I have enclosed herewith photocopies
of my letter to Councillor Paul Bicknell dated
13th Jan 2014 together with documentation which is
self explanatory; clearly, the CDM Regulation
of refer to would only be applicable if
planning permission was granted.
I am off to can the
of any assistance in future please do not
hesitate to contact me.

Yours faithfully,



COPIES OF ALL LETTERS & DOCUMENTATION SENT TO:-

Mr. N. Lynn, Chief Executive, Arun D.C.
Mr. K. Rogers, Planning Officer " " "
DIRECTORATE OF ENVIRONMENTAL HEALTH ARUN DISTRICT Council
COUNCILLOR Paul Bicknell.

Ms. P. DART.
DIRECTORATE OF ENVIRONMENTAL HEALTH.
CIVIC CENTRE, ARUN. D.C.
LITTLEHAMPTON. WEST SUSSEX
BN17 5LF.

23, MERRYFIELD CRESCENT.
ANGMERING VILLAGE,
WEST SUSSEX
BN16 4DA.
13th JAN 2014.

Dear Madam,

Please find enclosed herewith photocopies of letters and Health & Safety Executive - C.D.M. REGULATIONS (RELEVANT EXTRACTS) for your information.

The contents of the above letters & documentation concern a PLANNING APPLICATION N° A/34/13 - DEVELOPMENT PROPOSALS ON LAND EAST OF DAPPERS LANE, ANGMERING VILLAGE, WEST SUSSEX.

Clearly the above "Regulations" would not become active unless the application is approved by Council, however if approved, your important Directorate would become involved.

Yours faithfully.



ENCLOSURES:- COPIES OF LETTERS & DOCUMENTATION SENT TO:-

MR. N. LYNN, CHIEF EXECUTIVE. ARUN. D.C.
COUNCILLOR P. BICKNELL.

MR. K. ROBERTS. PLANNING OFFICER. ARUN. D.C.
& ANGMERING PARISH COUNCIL CLERK. MR. R. MARTIN.

HEALTH & SAFETY FILE

Construction (Design & Management)
Regulations 1994 ~~&~~ *SUBSEQUENT*
REVISIONS THROUGH TO THE
CURRENT 2007 REGULATIONS.

PLEASE SEE PAGES 10 & 13
IN PARTICULAR.

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1.1 INTRODUCTION

1.1.1 Purpose

The primary purpose of the CDM Regulations is to improve the health and safety of persons involved in the construction and subsequent operation/maintenance of a structure and its services. Under these regulations the Client must appoint a competent person to act as a Planning Supervisor and a competent Contractor as the Principal Contractor. The Planning Supervisor acts as the Health and Safety Co-ordinator during the planning stage, whilst the Principal Contractor is responsible for co-ordinating health and safety matters during construction. This division is reflected in the requirement for the Health and Safety Plan that is produced in two stages:

1. a planning stage plan.
2. an execution stage plan.

The key duties required of those involved in the construction process are summarised below:

- During the planning stage, the Client must ensure that the Planning Supervisor shall allocate sufficient time and resources to ensure that his duties, imposed by these regulations, can be achieved. The Client also has the duty to provide information he has available or can ascertain regarding the condition of any premises at or in which the construction work will take place.
- Designers must ensure that any design work they prepare includes, as part of the design considerations, adequate regard for the safety of all persons involved in the construction services.
- The Planning Supervisor must ensure that the other parties are aware of their obligations, provide them with adequate advice and notify the HSE of the project. He must also ensure that any design work includes adequate consideration of the requirement detailed above. Finally, they must ensure that a Health and Safety file is prepared in respect of each structure and upon completion of the work passed to the Client.
- The Principal Contractor must ensure so far as reasonably practicable that every contractor and every employee at work on the project co-operates with each other and comply with the Health and Safety Plan. Where required, the Principal Contractor shall provide the managing Supervisor with any information he has available or can ascertain that which may be required by the Planning Supervisor for the purposes of the Health and Safety file.

1.1.2 Objectives of Duties under the CDM Regulations

To comply with the Management of Health and Safety at Work Regulation 1992, the following action needs to be taken:

- Make assessments of the health and safety risks to employees in their work place.
- Make health and safety arrangements for planning, organisation, control, monitoring and review of preventative and protective measures.

- Set up a health and safety surveillance system, guided by the results of risk assessments and, as required, by more specific health and safety regulations, i.e. COSHH.
- Set up procedures for serious and imminent danger and danger areas.
- Provide employees and contractors with information on:
 - a) the risk to their health and safety identified by a risk assessment;
 - b) the preventative and protective measures;
 - c) imminent and serious danger procedures;
 - d) the name of competent persons to deal with (c) above;
 - e) display the notification of the project to HSE.

1.1.3 Designers

The Designer must after the initial design stage, identify the significant health and safety hazards and risks of the design and give adequate regard to the hierarchy of risk control and co-operate with the Planning Supervisor and where appropriate, other designers involved in the project.

1.1.4 General Requirements for Contractors

Where CDM regulations are enforced, contractors are required to play their part in the successful management of health and safety during the project.

Their key duties are to:

- Identify the hazards of their work, assess the risks arising from these hazards and tell the Principal Contractor how these risks are to be controlled;
- Inform the Principal Contractor of any death, ill health or dangerous occurrence;
- Provide the Principal Contractor with information to be included in the Health and Safety file;
- Co-operate with the Principal Contractor and other contractors;
- Comply with the rules in the Health and Safety Plan;
- Follow any direction of the Principal Contractor so that the latter can comply with the duties under the CDM regulations;
- Provide information to employees.

1.1.5 General Requirements for the Principal Contractors

The Principal Contractor is responsible for all sub-contractors within their project. Any sub-contractor deemed to show misconduct, breach of health and safety or site regulations, shall receive a verbal or written warning. All written warnings shall be passed-on ~~to~~ and inserted within the Health and Safety Plan.

It is the responsibility of the Principal Contractor to ensure that work is carried out in a safe manner and to institute a permit to work procedure if required for safety. The Principal Contractor shall produce a site safety manual covering all aspects of safe working on the construction site.

All employees must be issued with a copy of the Principal Contractor's site safety manual and all regulations to be complied with and shall receive training to ensure understanding of the manual.

It is the responsibility of the Contractor to insure that all staff are qualified to carry out the relevant works.

All items of equipment/materials to be installed or removed, must be identified by and agreed with an Engineer.

Risks assessments shall be carried out against identified work with method statements supplied on request.

1.1.6 Safety Training

The Principal Contractor shall ensure that all persons working on the job shall have current proof of safety training. If any person engaged on the site does not have such proof, then he/she shall not be allowed on the site until he/she has proof or is retrained.

1.1.7 Toolbox Health and Safety Talks

On-going training shall take the form of toolbox health and safety talks every two weeks, where contractors discuss health and safety issues with the Principal Contractor, relevant to the current operations. This can take place as an individual and informal operation, or as part of an overall meeting. A standard form shall be completed and signed by the Contractor.

1.2 NATURE OF PROJECT

Client:

Location:

1.2.1 Appointments

Planning Supervisor:

Principal Contractor:

Designer:

Other Contractors:

1.2.2 Nature of work to be carried out

1.2.3 Time scale for completion

1.2.4 Boundaries

~~MAY BE~~ Site boundaries will change throughout the project as phases of work are completed and handed back to the **CLIENT**.

1.3 THE EXISTING ENVIRONMENT

1.3.1 The Site

As defined in tender drawings. Details to be agreed.

The roads around the site are subject to parking and unloading restrictions and times and means of deliveries must be agreed with the local council.

The nature of the access to the site, parking restrictions and the limited access into the building will mean that the delivery of plant, materials, fittings, etc. together with the disposal of rubbish, debris and the like, will be difficult and will be hazardous to road users and pedestrians, as well as providing potential for risks of conflict with adjacent occupiers.

1.3.2 Existing Services

Existing services will need to be surveyed prior to the works commencing since no reliable as-built drawings exist.

1.3.3 Existing Structures

1.3.4 Ground Conditions

1.3.5 Local Hazards:

A detailed survey of the area has not yet been carried out. The necessity of such should be discussed at the pre-contract meeting.

The following is a list of possible hazards identified at the pre-tender stage and is not intended to be exhaustive.

- Erection and use of scaffolding, hoists and other access equipment;
- Unloading and deliveries of materials and plant next to a public carriage way;
- Control of traffic and pedestrians on site (especially reversing vehicles);
- Trailing leads / trip hazards;
- Protruding nails;
- Manual handling and lifting of heavy plant, equipment and materials;
- Stripping out existing fixtures and finishes;
- Working with live services, including drainage;
- Hot works including site welding;
- Working at heights;
- Working in confined spaces;
- Protection of the existing building;
- Control of noise and dust;
- Prevention of unauthorised access;

• Ensuring safe co-ordination of works with other contractors;

• Possible removal of asbestos within the existing building;

"BROADLEES"
DAPPERS LANE

The Principal Contractor will be required to produce Method Statements for all of the above and any additional hazards identified during the course of the works. He is also to ensure that Method Statements are produced by all contractors for all activities with risks to health and safety.

1.3.6 Safe Systems of Working

The Principal Contractor is to ensure that the following safe systems of working are installed prior to commencing operations and installations of:

- Use of mobile access equipment;
- Safety nets;
- Inertia reel safety harnesses;
- Leading edge protection to roofs.

The Principal Contractor is to ensure that programme implications of safe systems of working are fully considered.

1.3.7 Removal of Waste

Any waste, generated from demolition and construction activities, is categorised as Controlled Waste and shall be handled in accordance with the Environmental Protection Act 1990. Any waste which includes materials which are dangerous to life or the environment, may be categorised as Special Waste and must be dealt with under the Control of Pollution (Special Waste) Regulations 1980.

1.4 DRAWINGS

Drawings, currently available for the project, which depict the Scope of Works are included in the tender documentation.

1.5 THE DESIGN

The design has been carried out in such a way as to minimise the risk to health and safety both during construction and when implementing any form of maintenance.

1.6 CONSTRUCTION

1.6.1 Site Staff Responsibilities

Agent (Site Manager) – t.b.a.

Site Safety Supervisor – t.b.a.

1.6.2 General Requirements

As per the Principal Contractor's Company Safety Policy.

1.6.3 Construction Materials - Health Hazards (COSHH Assessments)

All materials used in construction and all working practices shall be assessed with regards to the COSHH regulations.

Documentation shall be provided in the Health and Safety file relating to the COSHH regulations.

1.6.4 Other "Specified Materials" Identified as being of a Hazardous Nature

None identified at this time.

1.6.5 Specific Hazard Identification

a) Existing services

c) Interaction with the public

The following materials specified with the design and associated contract documentation (because of no suitable alternative) can represent a health hazard and manufacturer's instructions in their use or application should be carefully followed:

- d) Plasterboard and MDF board;
- e) Insulation quilt;
- f) Latex levelling screed;
- g) Sealants and silicones;
- h) Adhesives and solvents;
- i) Grouts and mastics;
- j) Paints and paint sprays;
- k) Roofing materials.

The Principal Contractor is to follow the guidelines contained within the Health and Safety Executive's publication *Control of Substances Hazardous to Health and Safety in the Construction Industry*.

1.6.6 Method Statements

Method statements shall be supplied in accordance with the requirements of the Planning Supervisor and will include a "Safety Risk Assessment", where appropriate. Copies of method statements will be filed in the Health and Safety file.

Method statements will be required for, but not limited to:

- a) General Method Statement covering all works - clearly identifying any interaction with the general public.
- b) Erection of screens to segregate public areas.
- c) Working in part live electrical distribution boards.
- d) Connection & stabbings into existing services eg. water, gas.
- e) Working at a height exceeding 3 metres above floor level

Method statements are also required to cater for the risk assessments identified in Section 1.3.5.

1.6.7 Manual Handling

In line with current legislation and good working practices.

The following materials may be required to be manually lifted during the course of the construction work:

- a) Sheet boarded finishes;
- b) Furniture, fixtures and fittings.

The Principal Contractor's attention is drawn to the requirements of the Manual Handling Operations Regulation 1992.

1.6.8 Fragile Materials

The following are fragile materials that may be used during the construction work.

- a) Glass and glazing;
- b) Sanitary fittings;
- c) Joinery fittings.

1.6.9 Hot Work

A permit to work may be required.

It shall also be carried out strictly in accordance with the Principal Contractor's site safety manual.

1.6.10 Accident Reporting

The Principal Contractor shall ensure that all contractors shall inform him of any accident, dangerous occurrence (near miss) or occupation related ill health to their employees. A copy of this information shall be entered into the Health and Safety file.

1.7 SITE WIDE ELEMENTS

1.7.1 Access & Egress

Site access and egress shall be approved ~~by the~~ prior to the commencement of the works.

1.7.2 Temporary Accommodation

Temporary site accommodation and its location shall be approved by ^{MAIN} ~~A~~ ^{CONTRACTOR}, prior to installation.

1.7.3 Loading, Laydown & Storage Areas

Areas for the above shall at all times be confined to the project construction site and at no time shall it encroach on roadways and public thoroughfares. This applies to all material, plant and equipment.

1.8 OVERLAP AND CLIENTS UNDERTAKING

The project does have health and safety implications for the general public and **MUST KEEP ADJOINING OWNERS & RESIDENTS FULLY INFORMED AS REGARDS NOISE LEVELS, CONTAINMENT OF DUST FROM SITE CLEARANCE AND DEMOLITION WORKS. OFFSITE PARKING ON ADJACENT NARROW ROADS TO BE PROHIBITED AND AFFECTS BUS ROUTES. NO ON SITE BON FIRES.**

1.9 SITE RULES

It is the responsibility of the Principal Contractor to ensure that work is carried out in a safe manner and to institute a permit to work procedure, if required for safety. The Principal Contractor shall produce a site safety manual covering all aspects of safe working on the construction site. This will include (but not limited to) the following:

- a) No smoking will be allowed on site, except in a designated area to be agreed with **MAIN CONTRACTOR.**
- b) No alcohol or drugs will be brought onto the site and anyone found to be under the influence of alcohol or drugs during working hours, will be permanently removed from the site;
- c) Food and drink will only be consumed in a designated area;
- d) The Principal Contractor shall maintain a register of all personnel on site;
- e) Visitors to the site shall be accompanied, at all times, by a competent person appointed by the Principal Contractor;
- f) Head and foot protection will be worn at all times on the site.

1.9.1 Safety

All employees must be issued with a copy of the Principal Contractor's site safety manual and all regulations to be complied with and shall receive training to ensure understanding

of the manual. This site safety manual shall include emergency procedures to be followed in the event of fire or accident.

The Principal Contractor shall ensure that all persons, working on the job, shall have current proof of safety training. If any person, engaged on the site, does not have such proof, he/she shall not be allowed on the site until he/she has proof or is retrained.

1.9.2 Welfare

The existing building toilets shall not be used during the construction period. A cabin or adequate welfare facility shall be provided by the Principal Contractor for the consumption of food and drinks by all contractors.

1.10 CONTINUING LIAISON

1.10.1 During Design

Meetings will be held as and when necessary between all interested parties to discuss all aspects of the design with regard to health and safety.

1.10.2 During Construction

- a) This Health and Safety Plan is to be transferred to the Principal Contractor as soon as possible after his appointment by the Planning Supervisor, who will continue to liaise with the Principal Contractor, during its development to comply with CDM regulations 1994 Reg 15.(4).
- b) Design Change Notices will be used throughout the project and prior to change approval, these will be used to assess the health and safety implications before any site work is commenced.

1.10.3 Post Construction

The Principal Contractor will issue the project's Health and Safety file to the Client at the end of the construction period and no later. This file will then be passed by the Client to the department responsible for the on-going maintenance of the site and the future updating of the file as and when necessary.

1.10.4 Project Review

At the end of the construction period, the Planning Supervisor shall call a meeting with the Principal Contractor, Designer, Client and any contractors as necessary, to carry out a review of the project. This review shall address at least the following issues:

- a) Project accident, ill health and dangerous occurrence records;
- b) The degree of compliance with safety standards and the effectiveness of any remedial action;
- c) The relevance and appropriateness of standards set out in the Health and Safety Plan and how they could be improved or added to.

SECTION

2

H & S E Notification

15

2.1 NOTIFICATION OF PROJECT

H & S E Notification, sent by Planning Supervisor.

The attached form is a copy of the form sent to:

The H & S E
Priestley House
Priestley Road
Basingstoke
RG24 9NW

Tel 01256 404 000

*PLANNING SUPERVISOR TO MAKE
KNOWN H&SE OFFICE TO
WHICH NOTIFICATION OF
PROJECT IS SENT.*

1

SECTION

Pre-Tender H & S Plan

17

NOTIFICATION FORM

(to be sent to the above address by the Planning Supervisor)

(Part 1 of 2)

Note:

1. This form can be used to notify any project covered by the Construction (Design and Management) Regulations 1994, which will last longer than 30 days or 500 person days. It can also be used to provide additional details that were not available at the time of initial notification of such projects. (Any day on which construction work is carried out, including holidays and weekends, should be counted, even if the work on that day is of short duration. A person day is one individual, including supervisors and specialists, carrying out construction work for one normal working shift.)
2. The form should be completed and sent to the H&S E area office covering the site where construction work is to take place. You should send it as soon as possible after the planning supervisor is appointed to the project.
3. The form can be used by contractors working for domestic clients. In this case only parts 4-8 and 11 need to be filled in.

H&S E - For official use only

Client V PV NV

Planning Supervisor V PV NV

Focus serial number:

Principal Contractor V PV NV

- 1 Is this the initial notification of this project or are you providing additional information that was not previously available?

Initial notification ☒ Additional notification ☐

- 2 Client: name, full address, postcode and telephone number (if more than one client, please attach details on separate sheet).

Name:

Address:

Postcode:

- 3 Planning Supervisor

Name:

Address:

Postcode:

- 4 Principal Contractor
postcode and TELEPHONE N^o

Name:

Address:

Postcode:

- 5 Address of site.

Address:

Postcode:

RELEVANT PERSONNEL & ORGANISATIONS

(Continued)

THE DESIGNER

Contact

Telephone

THE PRINCIPAL
CONTRACTOR

Contact

Telephone

THE PLANNING
SUPERVISOR

Contact

Telephone

~~RELEVANT PERSONNEL & ORGANISATIONS~~

THE CLIENT

Contact

Telephone

THE SITE

Contact

Telephone

10 The health and safety plan

Definition

Background

Stage one: Preparation of the plan

Who is responsible for the initial preparation of the health and safety plan?

When should the health and safety plan be ready?

What should be included in the health and safety plan?

Stage two: Development of the plan

Development of the health and safety plan by the principal contractor

Health and safety plan at completion of the construction phase

Definition

The health and safety plan is defined in regulation 2 as:

...the plan prepared by virtue of regulation 15

Regulation 15 sets out the requirements of the health and safety plan and therefore, providing the requirements are observed and incorporated within a plan, it is for the purposes of the Regulations, the health and safety plan. Note that the health and safety plan is in respect of any project, where the Regulations are deemed to apply, whereas the health and safety file, discussed in Chapter 11, is in respect of each structure within a project.

The health and safety plan does not have to be a written document, except for any rules, by virtue of regulation 16(3). It could be stored on a computer database, which would offer particular advantages to contributors and the handover between the planning supervisor and the principal contractor. In most cases, of course, the health and safety plan will be written document and it is recommended, in the case of computer storage, that a hard copy of the plan is made at key stages of development for ease of reference by those who may not have the necessary viewing facilities.

Background

The health and safety plan, at one and the same time, is the touchstone and continuous management thread for any project. Its preparation commences from the moment that a planning supervisor is appointed, and is completed when it complies with all the requirements of regulation 15, although it remains subject to continuous review and amendment in the light of circumstances which may have changed after the start of construction.

The health and safety plan is a unique document in so far as there is no other document, in the project documentation commonly used, in which every party to a project has a stake in its final form – and effectiveness. Essentially, the health and safety plan is a medium for communication. Figure 5 illustrates the basic arrangement for contributing to the health and safety plan during its preparation and development.

The success in improving the management of health and safety in construction relies heavily on the effectiveness of the health and safety plan. It compels each party to a project to consider health and safety in a way which no other document could do. As the health and safety plan is developed the rationale adopted by the various contributors should be obvious. The 'transparency' of the health and safety plan and its effectiveness will also be one of the measures which the Executive will be able to use as part of their policing function. It will undoubtedly be the first source of information which any health and safety inspector would wish to see on visiting a site or investigating an accident. The health and safety plan is likely to be vital evidence in the Executive's decision making process when considering enforcement action or prosecution. Equally, in pursuance of any action in civil proceedings for injury or death, the health and safety plan will be important evidence.

Stage 1: Preparation of the health and safety plan



Stage 2: Development of the health and safety plan

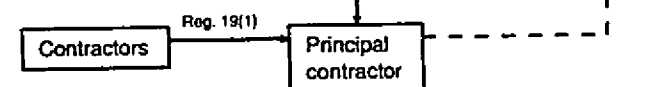


Figure 5 Contributors to the health and safety plan. The dashed line indicates referral back to the client before the start of the construction phase.

Stage one: Preparation of the plan

Who is responsible for the initial preparation of the health and safety plan?

Regulation 15(1) provides:

The planning supervisor appointed for any project shall ensure that a health and safety plan in respect of the project has been prepared no later than the time specified in paragraph (2) and containing the information specified in paragraph (3).

The planning supervisor is in fact only responsible to ensure that the plan has been prepared, which begs the question as to whether this amounts to a responsibility to prepare the plan before it is provided to the principal contractor. Some uncertainty is introduced by the guidance in the ACOP which refers to the planning supervisor having to prepare and develop the health and safety plan.

The client has a duty to provide information to the planning supervisor, by virtue of regulation 11, which information will be included either in part, or in its entirety in the health and safety plan. The client relies upon the planning supervisor to utilise the information and has no involvement in the health and safety plan except for the purposes of ensuring that it complies with regulation 15(4) before construction work starts (regulation 10).

Designers are required to co-operate, in accordance with regulation 13(c), with the planning supervisor and other designers to 'enable each of them to comply with the requirements and prohibitions' imposed by the Regulations. This includes the requirement on the planning supervisor to ensure that the health and safety plan has been prepared. Thus, whilst the Regulations do not require expressly that the planning supervisor shall prepare the health and safety plan, this appears to admit of the possibility that the preparation of the health and safety plan could be delegated by the planning supervisor or client to another party. Ultimately, whether or not the planning supervisor actually prepares the health and safety plan, it remains his responsibility to ensure the plan has been prepared, however it is done.

When should the health and safety plan be ready?

Regulation 15(2) provides:

The time when the health and safety plan is required by paragraph (1) to be prepared is such time as will enable the health and safety

plan to be provided to any contractor before arrangements are made for the contractor to carry out or manage construction work.

The planning supervisor should ensure that the health and safety plan is available to any contractor, as soon as possible before the award of a contract. The ACOP suggests that the health and safety plan should be part of the tender documentation. The planning supervisor is not prevented from handing over sections of the health and safety plan, despite the fact it may not be completed. Details of some structures may be completed which will enable the contractor to develop such parts of the health and safety plan before others. Handing over the health and safety plan to the contractor in sections may be a means of saving time, thus helping to achieve an earlier start on site.

What should be included in the health and safety plan?

The detail and size of the health and safety plan will depend on the nature and extent of the project and the contracting arrangements for the construction work. Clearly, the appearance of the health and safety plan included in the tender documentation for a design and build contract will be very different from the health and safety plan which might be prepared for tenderers in the 'traditional' procurement route.

Regulation 15(3) sets out the information which is required to be in the health and safety plan in sub-paragraphs (a) to (f) inclusive, before it is handed over to the principal contractor.

Regulation 15(3)(a) provides:

a general description of the construction work comprised in the project;

In its simplest form the health and safety plan would include a general description of the works which would correspond with the description of the works in the main contract documentation. However, this may be insufficient if key elements of a project are being tendered separately. This would be so because the contract description of the works in each case will not describe the whole project.

Since the health and safety file has to be compiled in respect of each structure within the project it would be advisable to describe the construction works in the health and safety plan by reference to each structure to ensure the project is adequately described.

Regulation 15(3)(b) provides:

details of the time within which it is intended that the project, and any intermediate stages, will be completed;

The planning supervisor's enquiries to ascertain the intended completion date, or period within which construction must be completed, should involve the client in an honest and frank disclosure to the planning supervisor concerning the client's real needs. However, the client's requirements may be tempered by information from the designers which will include assessments of construction duration. At the end of the planning supervisor's enquiries, the client should be apprised of the factors which will influence the completion date for the project, not least of which will be cost. The planning supervisor's enquiries should have identified issues arising out of a consideration of health and safety matters, which the client will need to consider, in finalising a programme for the project including earlier completion of certain structures. The earlier dates for completion of certain structures or sections of the project, if appropriate, correspond to the 'intermediate stages'.

Note also that the completion of the design phase may be an intermediate stage if the construction phase commences before the design phase is completed in its entirety.

Regulation 15(3)(c) provides:

details of risks to the health or safety of any person carrying out the construction work so far as such risks are known to the planning supervisor or are reasonably foreseeable;

Note that the risks are those known to the planning supervisor. Just in case the planning supervisor does not possess sufficient knowledge, the requirement is qualified as including details of risks which are 'reasonably foreseeable': foreseeable by whom? The interpretation most likely to be adopted would be the reasonable foreseeability attributable to an ordinarily competent planning supervisor thus reverting to an objective assessment as compared with the subjective assessment if it had been related solely to the planning supervisor.

Regulation 15(3)(d) provides:

any other information which the planning supervisor knows or could ascertain by making reasonable enquiries and which it would be necessary for any contractor to have if he wished to show –

- (i) *that he has the competence on which any person is required to be satisfied by regulation 8, or*
- (ii) *that he has allocated or, as appropriate, will allocate, adequate resources on which any person is required to be satisfied by regulation 9;*

The information falls into two categories, the first of which is any other information in the knowledge of the planning supervisor or information obtained by making reasonable enquiries for the purpose of enabling any contractor to demonstrate that it has the necessary competence, in accordance with regulation 8, to satisfy the person making the appointment.

The second category of information is similar to the first, except that it is such information as will enable any contractor to demonstrate it has allocated, or will allocate, adequate resources, in accordance with regulation 9, to satisfy the person making the appointment.

The adequacy of the information required may be judged according to the use to which it can be put by a contractor to demonstrate competence and the necessary allocation of resources. Thus, if the information provided by the planning supervisor is solely within his own knowledge and is insufficient to enable a contractor to demonstrate competence and adequate resources, the planning supervisor is on notice of the need to make reasonable enquiries to supplement that knowledge. A difficulty may arise in the situation where an inexperienced planning supervisor is unaware of what information is appropriate and is unable to judge whether the information in his own knowledge is sufficient. There is no reason why, even after making reasonable enquiries, the information provided to a contractor should be less than sufficient. If there is a lack of sufficient information due to the 'incompetence' of the planning supervisor, that would be a matter of concern to the client with regard to his duty to appoint a competent planning supervisor, by virtue of regulation 6(a).

Regulation 15(3)(e) provides:

such information as the planning supervisor knows or could ascertain by making reasonable enquiries and which it is reasonable for the planning supervisor to expect the principal contractor to need in order for him to comply with the requirement imposed on him by paragraph (4);

The planning supervisor has to know, subject to the test of reasonableness, what a principal contractor will need in order to comply with regulation 15(4). In other words, the planning supervisor has to provide sufficient information to the principal contractor to enable him to ensure that the health and safety plan has the features specified in regulation 15(4). The planning supervisor is not required to double guess every possible approach by the principal contractor to the work involved in the construction phase, but is required to make reasonable assumptions as to what would or would not be needed by the principal contractor.

Note again that the planning supervisor is obliged to make reasonable enquiries if he has reason to believe or suspect that information within his own knowledge would be inadequate for the principal contractor's purposes.

Regulation 15(3)(f) provides:

such information as the planning supervisor knows or could ascertain by making reasonable enquiries and which it would be reasonable for any contractor to know in order to understand how he can comply with any requirements placed upon him in respect of welfare by or under the relevant statutory provisions.

This last requirement is particularly interesting because it is the only one which relates to the information which a contractor needs, to comply with the relevant statutory provisions concerning the welfare of its employees and others for whom it is responsible. The 'relevant statutory provisions' will include the Construction (Health and Welfare) Regulations 1966 with regard to toilet and washing facilities, drinking water, accommodation for clothing, facilities for changing clothes and facilities to rest and eat meals. At the least, the health and safety plan should identify specific welfare facilities which may be available, including shared facilities.

On certain sites a client may have its own safety rules to protect the health and safety of workers, on chemical plants and nuclear installations in particular. Such rules should be included under this heading even if there has not been a reason to include them under any previous heads of requirements.

The health and safety plan should not merely be a list of particular risks and a source of information which a contractor will need, but should indicate when appropriate or necessary, what precautionary measures should be adopted. A client may wish, for its own reasons, to have a contractor adopt a specific approach to the implementation of measures in response to a particular risk. The designer's assessment of risk, which may not be obvious to a contractor, may dictate specific precautions which the designer would ensure is communicated to the planning supervisor. Finally, other legislation or guidance issued by authoritative organisations may require or recommend respectively the adoption of particular precautionary measures.

Every health and safety plan will be unique and it is entirely within the judgment of the planning supervisor as to what should or should not be included. A suggested checklist of matters which every planning supervisor should ensure has been addressed, regardless of whether the result identifies a risk, is set out below. It would be advisable for a planning

supervisor to identify the source of all the information contained within the health and safety plan.

General

1. Name and address of the client.
2. Name and address of the planning supervisor.
3. Name and address of the designer(s).
4. Statement of the client's health and safety policy.
5. Description of the works and identification of specific structures.

Programme

6. Project completion date or period of time during which the site for the works is available.
7. Identification of phases or sections and respective interim completion dates.

Existing off-site conditions

8. Land use adjacent to the site with particular regard to dangerous buildings, industrial processes and the release of noxious substances.
9. The potential for contaminated groundwater flow from adjacent land.
10. The potential for ground instability arising from movement on adjacent land.
11. Transitory hazards including the transportation of liquid petroleum gas, radioactive materials and ammunition.
12. Traffic systems and restrictions including waiting and delivery times.

Existing on-site considerations

13. Existing services including gas, electricity and water. *TELECOM. DRAINAGE CABLES E.V.*
14. Traffic systems on, under or over the site.
15. Traffic restrictions affecting waiting and delivery times.

16. Site investigation data and ground conditions identifying potential instability from old and current mineworkings, underground obstructions, past industrial/chemical contamination, release of methane and other gases and risk of spontaneous combustion.
17. Existing structures (as defined in the Regulations) to be described together with the particular risks which might arise from demolition or refurbishment. This information should include, but is not limited to:
 - (a) Identifying noxious substances or materials, e.g. asbestos, fuels etc.
 - (b) Pre and post tensioned members.
 - (c) Load bearing limits and other reasons for potential instability.

Existing records

18. Available drawings of structures to be demolished, refurbished or incorporated in the new works.
19. Health and safety file, if available, for any structures on the site.
20. Site investigation reports.
21. Historical maps and records with particular regard to mining, flooding and weather.

The design

22. Principles and assumptions of design for structures comprised in the construction work identifying, in particular, states of instability. Further information might include the identification of any precautions that are needed or any method or sequence of assembly that should be followed during construction.
23. Detailed reference to specific risks where contractors will be required to explain and present their proposals for minimising or avoiding such risks.
24. Hazards or work sequences identified as being of particular risk to the health and safety of construction workers and which cannot be eliminated.

Construction materials

25. Health hazards from construction materials specified in the contract documentation (having been selected because there is no suitable alternative). If possible, the construction materials should be identified with particular structures or phases of the work.

Site layout and management

26. Positions of site access and egress. *PERIMETER HARDING / LTR.*
27. Location of storage areas and unloading arrangements.
28. Location of temporary site accommodation.
29. Layout or positions of welfare facilities.
30. On-site traffic and pedestrian routes including zoning where different considerations for health and safety might apply.

Relationship with the client's undertaking

31. Identification and consideration of the health and safety issues which arise when the project is located in premises occupied or partially occupied by the client.

Site rules

32. Security requirements, if any.
33. Specific site rules with which the client or planning supervisor requires compliance.
34. Specific site rules which are required by other statutory provisions.

Procedures for the continuing review of the health and safety plan

35. Procedures for considering the health and safety implications of elements designed by the principal contractor and/or other contractors.
36. Procedures for dealing with unforeseen eventualities and conditions during the construction phase resulting in substantial design change which might affect resources.

Stage two: Development of the plan

At an appropriate time the health and safety plan, prepared under the auspices of the planning supervisor, is handed over to the principal contractor to complete its development, as provided for by regulation 15(4):

The principal contractor shall take such measures as it is reasonable for a person in his position to take to ensure that the health and safety plan contains until the end of the construction phase the following features

Regulation 5(2) requires the health and safety plan to be provided to any contractor 'before arrangements are made for the contractor to carry out or manage construction work'. The ACOP states that the health and safety plan should be prepared sufficiently for it to form part of the tender documentation. A tendering contractor needs all the information referred to in regulation 15(3) to be able to price the work that will be necessary to comply with the health and safety requirements. To be as meaningful as possible, the planning supervisor should be satisfied that the health and safety plan has been developed to a stage which includes all the information referred to in regulation 15(3) immediately prior to tendering, subject to handing over the health and safety plan in sections.

The time required by a principal contractor to develop a health and safety plan will depend on the size and complexity of the project. It will also depend on the ease with which the principal contractor can find and assimilate the information contained within the plan. Presentation of the health and safety plan will be an important skill. Each section of the health and safety plan should be clearly identified by subject matter or structures, and the use of lists and diagrams should be encouraged. Sources of information should be identified to enable the principal contractor to save time by approaching such sources directly. Despite the fact that the principal contractor will at some time after the appointment have responsibility for developing the health and safety plan it is unlikely that the planning supervisor will cease to have any further contribution. It is envisaged in the ACOP that there will be discussion and liaison between the planning supervisor and principal contractor to ensure that the transition is as smooth as possible.

The extent of co-operation needed between the planning supervisor and the principal contractor in design and build projects will be considerable. The same organisation may be responsible for design and construction or it may be different organisations, each responsible for design or construction

respectively. In either set of circumstances, the planning supervisor should develop the health and safety plan as far as possible before the tender documents or similar are prepared. As the detailed design of the project proceeds, the planning supervisor will need to prepare the health and safety plan but in close co-operation with the principal contractor. Thus, the design and build principal contractor will not be given responsibility for developing the plan until the planning supervisor is satisfied that the design has been advanced to a stage where the information referred to in regulation 15(3) has been obtained.

Development of the health and safety plan by the principal contractor

The 'features', referred to in regulation 15(4)(a) to (b), which a principal contractor is required to develop and include within the health and safety plan are as follows:

- (a) *arrangements for the project (including, where necessary, for management of construction work and monitoring of compliance with the relevant statutory provisions) which will ensure, so far as is reasonably practicable, the health and safety of all persons at work carrying out the construction work and all persons who may be affected by the work of such persons at work, taking account of –*
 - (i) *risks involved in the construction work,*
 - (ii) *any activity specified in paragraph (5); and*
- (b) *sufficient information about arrangements for the welfare of persons at work by virtue of the project to enable any contractor to understand how he can comply with any requirements placed upon him in respect of welfare by or under the relevant statutory provisions.*

If the planning supervisor has included the features in the health and safety plan before responsibility passes to the principal contractor, the principal contractor is not under an obligation to include them! Nonetheless, even if such features are included, the principal contractor may not be satisfied that they are sufficiently developed or free from error. It would be prudent to assume that a principal contractor has a duty to check such features which may have been included prior to taking responsibility for the health and safety plan, and therefore check their adequacy or suitability against his own plans for the construction work.

The arrangements which the principal contractor is required to set out in the health and safety plan are for the purpose of demonstrating, so far as it is reasonably practicable, that all persons involved in the construction process and 'all persons who may be affected by the work' are not exposed to any undue risks to their health and safety. Therefore, the scope of persons which the principal contractor has to consider will include visitors to the site, persons on adjacent sites and properties and the public at large. Note that persons, other than workers on the project, may be a possible hazard to the health and safety of the workers. An example would be a chemical plant next to a construction site which may release chemicals across the construction site.

The principal contractor's first consideration of the arrangements must take account of the risks involved in the construction work, which will be identified in the health and safety plan in accordance with regulation 15(3). Secondly, the principal contractor must take account of the activities which will be involved in the project. The definition of an activity is set out in regulation 15(5) which provides:

(5) An activity is an activity referred to in paragraph (4)(a)(ii) if -

(a) it is an activity of persons at work; and

(b) it is carried out in or on the premises where construction work is or will be carried out; and

(c) either -

(i) the activity may affect the health or safety of persons at work carrying out the construction work or persons who may be affected by the work of such persons at work, or

(ii) the health or safety of the persons at work carrying out the activity may be affected by the work of persons at work carrying out the construction work.

This definition is self-explanatory although it should be noted that it includes activities 'carried out in or on the premises' before construction work commences. This would include site inspections and survey work prior to the start of construction which could involve entry by persons into sewers and inspection of unstable cliffs as two typical examples.

In planning the construction work the principal contractor should identify all the activities. This will be assisted by the preparation of method

statements for each job explaining how the contractor intends to construct the works, each of which is likely to comprise numerous activities.

Paragraph (4)(a) requires that the arrangements should include, where necessary, 'management of the construction work and monitoring of compliance with statutory provisions'. Therefore, the arrangements may be developed in the primary sense on a site wide basis and in the secondary sense as applied to activities. A principal contractor who sets out the features required in accordance with paragraph (4)(a) should include the following, which can be considered as a basic checklist:

1. The approach to be adopted for managing health and safety by everyone involved in the construction phase. This will include, in addition to the principal contractor and his employees, all other contractors, designers, suppliers delivering to site and any other category of person involved in or contributing to the work in the construction phase. *(ADJACENT PROPERTY/OPERATIONS/PUBLIC AT LARGE.)*
2. Assessments produced by contractors in accordance with regulation 3 of the Framework Regulations and other relevant legislation.
3. Arrangements for monitoring compliance with health and safety law, including inspection regimes, qualifications of staff and recording.
4. Rules, where appropriate, for the management of the work for health and safety including notices, posters or other means of communicating such rules.
5. Common arrangements, which may be imposed by the client or imposed by the principal contractor, e.g. wheel washing, traffic management etc.
6. Arrangements for the performance and fulfilment of the principal contractor's duties under regulations 16-18.

The principal contractor is also required to include the information referred to in paragraph (4)(b) concerning the welfare of persons at work. The following should also be included by the principal contractor in the health and safety plan as part of the checklist.

7. Common welfare arrangements which may be provided by the client or the principal contractor.

Arrangements for monitoring the health and safety plan as the construction phase proceeds should be included by the principal contractor. The need to make modifications may arise from: