

Millwood Designer Homes Ltd

CODE OF CONSTRUCTION PRACTICE



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MILLWOOD
designer homes limited
Part of Places for People

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INTRODUCTION

Aims of the Code of Construction Practice

The Code of Construction Practice (*CoCP*) sets out standards and procedures for managing the environmental impacts of the projects constructed by Millwood Designer Homes Ltd.

The CoCP applies to the complete range of projects that Millwood Designer Homes Ltd undertakes, from small design and build projects through to large scale sites of 100 homes or more. It covers the environmental, public health and safety aspects of the project that may affect the interests of local residents, businesses, the general public and the surroundings in the vicinity of the proposed construction site.

The CoCP identifies the main legal responsibilities and requirements of Millwood Designer Homes Ltd and sub-contractors in construction projects. The CoCP also aims to assure residents and other affected parties that the mitigation of impacts to the environment are being taken into account according to best practice. Overall, it aims to minimise nuisance and disturbance to the public and to safeguard the environment.



INTRODUCTION

Purpose and Scope

The purpose of the CoCP is to guide the management teams and sub-contractors through the process of dealing with the assessment and management of the identified significant construction phase and the environmental impacts associated with the developments. One of the main tools for controlling any environmental impacts during the construction or demolition phase are the consents granted or to be granted under the Control of Pollution Act 1974 (*COPA*) *Section (60/61)*. This CoCP, supported by the project specific construction environmental plan (*CEMP*), shall supplement that and provide a framework for managing environmental impacts of construction by Millwood Designer Homes Ltd.

Compliance with this CoCP will not absolve Millwood Designer Homes Ltd or their sub-contractors from compliance with all legislation relating to their construction activities.

The CoCP sets out:

- The general principles to be applied during construction and the context within which mitigation measures will operate and be developed.
- The general provisions for construction site operations; and the particular environmental issues that need to be considered throughout the period of the construction work.

APPLICABLE CODES, STANDARDS AND ACTS OF PARLIAMENT

Applicable Codes, Standards and Acts of Parliament

There are many Codes, Standards and Acts of Parliament that cover environmental and related matters and these are referred to as applicable in this CoCP. Notwithstanding those references, compliance with them shall not discharge Millwood Designer Homes Ltd and their nominated sub-contractors from complying with any other legislative requirements applicable at the time of construction activities.

Relevant Legislation

Each section of this document sets out the main statutory provisions, regulations, and the codes of practice and standards relevant to each environmental topic. However, the legislative requirements, standards, etc. in this document are not exhaustive. It is the responsibility of Millwood Designer Homes Ltd to monitor the development and implementation of new environmental legislation and regulation and to use the appropriate standards prevailing at the time of awarding contracts. Millwood Designer Homes Ltd must comply with all prevailing legislation at the time of construction, including any requirements under Health and Safety legislation.

Planning Conditions

Certain aspects of construction such as working hours and construction methodology may be controlled by conditions contained in the planning permission imposed under the Town and Country Planning Act 1990. It is Millwood Designer Homes Ltd's responsibility to demonstrate via its Construction Environmental Management Plan how they will comply with these conditions.

Licenses

In addition to environmental permits, other aspects of construction are also subject to licenses. For example, Millwood Designer Homes Ltd may need to obtain licenses from the Local Authority before:

- i) Erecting any scaffolding, hoarding, gantry, temporary crossing or fence on the highway;
- ii) Depositing a skip; or
- iii) Operating a mobile crane, aerial platform, concrete pump lorry or any such equipment.

Millwood Designer Homes Ltd has a duty to inform local residents likely to be affected by such activities at least 14 days prior to undertaking the works, as well as applying for the appropriate permits and licenses. The most suitable method of informing residents is through newsletters. Such newsletters will also update neighbours on site progress and projected activities that might cause loss of amenity, e.g. road closures for delivery or use of mobile cranes or abnormal deliveries to site.

APPLICABLE CODES, STANDARDS AND ACTS OF PARLIAMENT

Construction Environmental Management Plans

Millwood Designer Homes Ltd shall be responsible for preparing a project specific Construction Environmental Management Plan (*CEMP*) demonstrating how the requirement of this CoCP will be met. The plan will clarify environmental management responsibilities and activities, monitoring and auditing processes, complaints response procedures, and community and stakeholder liaison processes. The CEMP shall make reference to, and provide for compliance with, all legislation relevant to the construction phase. This shall be updated as new legislation is introduced.

The CEMP shall be developed in liaison with the Environmental Health Department of the Local Authority, and for the approval of the Local Authority (*where required*).

Incident Reporting Procedures

The sub-contractor's nominated agent must inform Millwood Designer Homes Ltd of any incidents of non-compliance with the CoCP and CEMP and will respond to any reports referred by Millwood Designer Homes Ltd with 24 hours, or as soon as reasonably practicable. In the event of working practices being deemed dangerous by either Millwood Designer Homes Ltd or the Health and Safety Executive (*HSE*), immediate remedial action must be taken.

Millwood Designer Homes Ltd will maintain on site, and collate in a timely manner, a system for recording any incidents and any ameliorative action taken for inspection by the Local Authority's representatives.

Any reports forwarded by the Local Authority, Police, or other agencies will be dealt with by Millwood Designer Homes Ltd and the sub-contractor's nominated representative as soon as practicable, preferably within one hour, but always within 24 hours of receipt by Millwood Designer Homes Ltd. Millwood Designer Homes Ltd will monitor and ensure that appropriate action has been taken. Where appropriate, remedial action shall be agreed with the Local Authority. Procedures should be put in place to ensure, as far as is reasonably practical, that necessary action has been taken and steps to avoid recurrence have been implemented.

Review Timetables

Millwood Designer Homes Ltd will hold monthly review meetings with their nominated sub-contractor representatives, or as requested, to discuss responsibilities under the CoCP. Millwood Designer Homes Ltd shall undertake regular planned inspections of site and the works to ensure compliance with the CoCP and associated records.

ROADS AND FOOTPATHS

Roads and Footpaths

Regulatory Overview

The Highways Act 1980 (*particularly Part IX*) sets out requirements relating to construction work on or near to the highway. The meaning of 'highway' for the purposes of the 1980 Act is defined as the whole or part of a highway, other than a ferry or waterway. The actual definition of a highway is set in common law, to be a way over which the public have the right to pass and repass. In practice, highways are classified as Special Roads, Trunk Roads, Unclassified Roads, Public Footpaths and Bridleways.

Key requirements of the 1980 Act include:

- Permission by formal agreement from the Highways Authority is required for any works to highways.
- Licences are required for permission to place temporary obstructions on the highway (*e.g. hoardings, fenced storage areas, temporary cross-overs, scaffolding, gantries and skips*).
- Prior notification to the Highway Authority is required for construction of a vehicle cross-over on a highway.
- Deposition of mud or other such materials on the highway is prohibited. Measures to prevent this (*e.g. wheel washing*) can be required by order.
- Surface drainage from a construction site must not be allowed to run across the footway part of a public highway.

The New Roads and Street Works Act 1991 amends earlier legislation and contains updated provisions for carrying out works to highways and construction of new roads. In conjunction with the Highways Act 1980, the 1991 Act also contains requirements for prior notification to the Highway Authority before commencing construction of a new highway crossing. A Street Works licence issued by the Local Authority is required for excavation of the highway (*New Roads and Street Works Act 1991 (s.50)*) only for accessing installation, repair, or removal of apparatus, *e.g.* not for trial pits, which is under the provision of the Highways Act 1980.

ROADS AND FOOTPATHS

The Town and Country Planning Act 1990 (*Part X*) requires that a Public Right of Way may not be obstructed or diverted without an Order permitting it. In addition, the Highways Act 1980 also makes it an offence to obstruct a highway (*including a Public Right of Way*) e.g. with building material that results in a public danger/nuisance. The 1990 Act also provides for a planning permission to be subject to planning conditions which relate to the off-site activity, such as parking or loading on the highway.

In addition to the above statute law, common law requires that contractors working on or over a highway or a duty of care to other users of the highway. Contractors are liable for any personal injuries or property damage that may arise from a breach of that duty. Construction professionals, (e.g. *engineers, surveyors*), owe a duty of care to the employer when preparing design work and offering advice related to it. The professional has a duty 'to act diligently'.

The Highways Act 1980 (*ss. 148-151*) makes it an offence to deposit on a highway anything that is a nuisance (*s. 148*). There is a statutory duty on the Highway Authority to clear soil which is washed onto, or falls onto, the highway (*s. 150*) and the Highway Authority has powers to serve notice on the occupier of a land adjoining a street which is a highway maintainable at the public expense to instigate works to prevent soil being deposited on the highway (*s. 151*). In addition, the Environmental Protection Act 1990 (*ss. 79-82*) provides for the control of 'statutory nuisance'. Where a situation arises that is considered to be a nuisance or injurious or dangerous to health, a local authority can serve a notice requiring the nuisance to be stopped.

Temporary and Permanent Closures and Diversions

Millwood Designer Homes Ltd or their nominated contractor will carry the initial consultation with the Local Authority concerning the stopping up of roads and footpaths and the posting of notices informing local residents, businesses and organisations.

Work Affecting Carriageways and Footways

Before commencing construction which will involve interference with a carriageway or footway, the Local Authority will be consulted and agreement reached on the proposed commencement date of these works, the area of the carriageway or footway to be occupied and duration, and the proposed methods of construction in order to minimise inconvenience to the public (*Highways Act 1980*). All necessary consents and licenses must be obtained in advance.

In approving the timetable for the works, the Local Authority will need to bear in mind its network management responsibilities under the Traffic Management Act 2004 to secure the expeditious movement of traffic (*including pedestrians and cyclists*) on its road network and neighbouring authorities.

All temporary and diverted footways and carriageways shall be designed for access for wheelchairs and pushchairs where reasonably practicable, reasonable pedestrian routes should be provided throughout the construction period and will meet the following requirements:

- i) Any temporary footways and carriageways will be constructed to the reasonable requirements of the local authority and should have uniform surfaces; there should be no steps and any gradients should be no greater than 1 in 20. In the event where steps are unavoidable, an alternative route must be identified for people with mobility impairments or disabilities.
- ii) Pavement ramps will be provided at all junctions of footways with carriageways. Gradients must not exceed 1 in 20 and the base of the ramp must be flush with the carriageway.
- iii) All temporary footways and ramps must be surfaced in non-slip materials to the satisfaction of the Local Authority and kept free from mud and debris.
- iv) So far as is reasonably practicable, all footways and carriageways will be kept free from mud and other loose materials arising from the works.
- v) Existing pavement widths around work sites will be maintained except where this exceeds 2 metres when with the agreement of the Local Authority, this may be reduced to a minimum clearance of 1.5m between street furniture, obstructions and temporary measures.
- vi) Clear signing will be provided at all times for each pedestrian route with the minimum number of changes to all temporary layouts in order to reduce confusion. Advance warning should, if possible, indicate alternative exiting wheelchair-accessible routes.
- vii) All openings or obstructions on the carriageway and footway will be barricaded with a continuous rail (*lit at night*) strong enough to offer necessary resistance should a blind person walk into it; a tapping rail will be provided.

ROADS AND FOOTPATHS

- viii) Headroom clearance over footways will be minimum of 2.3m. A preferred clearance of 2.5m to soffit will be provided if possible. A horizontal clearance of 0.6m will be provided from kerb-line, where practicable, for any hoarding projection under 5.1m high, to avoid fouling by vehicles. If any projection is over the highway, the clearance will be more than 5.41m. For permanent structures the clearance will be more than 6.45m.
- ix) All pedestrian routes diverted onto the carriageway will be clearly defined by continuous barriers, constructed to the reasonable requirements of the Highway Authority.
- x) Where a temporary footway is provided, it will conform to all reasonable requirements of the Highway Authority.
- xi) Lorries entering or leaving the site will only be allowed to cross footways under the control of competent banksman.
- xii) Roll-on-roll-off containers are not allowed on the highway.
- xiii) After completion of the works all material arising from the works will be cleared from the highway leaving the area in a clean and tidy condition to the reasonable requirements of the Highway Authority.
- xiv) All vehicles must enter and leave site in a forward direction, unless where space restrictions prevent this. In such cases, Millwood Designer Homes or their sub-contractor will appoint a competent banksman to provide assistance.

Maintenance and Repair of the Highway

Where works traffic has to use public highways, Millwood Designer Homes Ltd shall take the necessary precautions to prevent damage to roads and footpaths. Millwood Designer Homes Ltd and their contractors will comply with the relevant legislation with regard to vehicle licensing and operation.

Millwood Designer Homes Ltd will be responsible for any damage caused by their activities to roads, kerbs or footpaths in the vicinity of the work site (*Highways Act 1980 (ss. 148-151)*) and will carry out the temporary or permanent reinstatement as may be required, of such roads, kerbs or footpaths in a manner approved by the Local Authority to their specification and reasonable satisfaction. Permanent reinstatement will be carried out by the Local Authority or by Millwood designer Homes Ltd in accordance with the Local Authority's specification and reasonable requirements.

ROADS AND FOOTPATHS

Street Furniture

Millwood Designer Homes Ltd and their nominated contractors will not remove or relocate any street furniture (*electrical or non-electrical*). This work may only be carried out by the Highway Authority or their appointed contractor, unless a permit to work is issued to Millwood Designer Homes Ltd, or their nominated contractor and works are carried out to the Highway Authority and Local Authority specifications and requirements.

Lorry Movements

A “planned route” for lorries travelling to and from each work site will be agreed with the Local Authority and the Police.

Vehicles arriving or leaving site shall do so during normal working hours as specified later in this CoCP.

Access to the site shall be located to ensure the minimum disturbance from vehicles entering or leaving the site in nearby noise sensitive buildings. The number of lorry movements, hours of operation and any lorry holding areas will be agreed in advance with the Local Authority and the Police.

Millwood Designer Homes Ltd shall apply to the Local Authority for all temporary road signs on the public highway that indicate routes to the site, in accordance with the New Roads and Street Works Act 1991. The application for approval must be submitted at least six weeks in advance of the requirement for the signage.

All access from the site onto the highway shall be of sufficient width to accommodate two way travel where practicable.

Traffic signs in accordance with Traffic Signs Regulations and General Directions 2016, shall be provided for each access as follows:

- i) As advance warning of the approach signs shall be as diagram 506.1, 1200mm high with an additional plate conveying the distance.
- ii) For control of traffic leaving the Site. “Give Way” signs as diagram 602, 1200mm high, and road markings, where practicable, as diagram 1003A and 1023A.

The precise location of each sign shall be determined by Millwood Designer Homes Ltd to the satisfaction of the Local Authority.

Traffic signs and temporary road signs shall comply with the Traffic Signs Regulations & General Directions 2016 and with BS873.

Lorries waiting to enter or leave site must switch off their engines.

Mud on Roads

This is regarded as one of the main environmental nuisance problems arising from construction sites. Millwood Designer Homes Ltd will impose strict measures to minimise this problem.

These will include, but are not necessarily limited to:

- i) The provision of easily cleaned hardstandings for vehicles entering, parking and leaving the site.
- ii) The provision of wheel washing facilities including where practicable, mechanical wheel spinners.
- iii) The use of an approved mechanical road sweeper to clean the site hardstanding and any mud or debris deposited by site vehicles on roads or footpath in the vicinity of the site. The road sweeper is to be readily available whenever the need for cleaning arises and will be properly used and maintained.
- iv) The complete sheeting of each lorry of spoil removed to prevent spoil falling off during its journey to its destination.

Millwood Designer Homes Ltd and their nominated sub-contractors will also comply with the requirements regarding dust outlined in this document.

ROADS AND FOOTPATHS

Avoidance of Fly-tipping: Ticket System

Fly tipping will not be permitted. Loads must only be deposited at authorised landfill sites. Deposition will be in accordance with the requirements of the Environment Agency (EA) and the 'Duty of Care' provisions of the Environmental Protection Act 1990 and any other relevant regulations. 'Duty of Care' Documentation must be kept and provided to the Local Authority upon request.

To prove the correct depositing of excavated material and to prevent the occurrence of fly tipping, a ticket system will be operated at all sites. Millwood Designer Homes Ltd will prove to the Local Authority's satisfaction that there is a record to confirm that all spoil being removed from site is deposited at an approved site. Millwood Designer Homes Ltd will also ensure that fly tipping by others does not occur on the site by ensuring there is adequate security.

Responsibility for Enforcement

Millwood Designer Homes Ltd will be responsible for all the lorries delivering to or exiting from the work site and will ensure that the requirements above are met.

PROTECTION OF THE WATER ENVIRONMENT

Protection of the Water Environment

Regulatory Overview

The Water Resources Act 1991 (s.85) establishes that it is an offence to knowingly discharge any poisonous, noxious or polluting matter (*liquid or solid*) or solid waste matter to any controlled waters (*including either surface or groundwater*) without a discharge consent issued by the Environment Agency (*under Part III Ch. II of the Water Resources Act 1991*). In addition, general good site management practice is essential to protect surface water and groundwater from accidental contamination.

Where discharge of polluting matter to controlled waters has occurred or the Environment Agency considers that such discharge is likely to occur, it can carry out works to clean up the pollution and recover its cost from the polluter (*s.161 of the Water Resources Act 1991*) or can serve a works notice on the polluter requiring them to clean up the pollution at their own expense (*Anti-Pollution Works Regulations 1999 (SI 1999/1006)*).

The Control of Pollution (*Oil Storage*) Regulations 2001 came into force in March 2003 with the objective of minimising the pollution of controlled waters that results from spillage or leaking of oil. The regulations impose a requirement on anyone storing more than 200 litres of oil based liquids outdoors to have in place storage facilities that comply with a comprehensive range of requirements, including but not limited to:

- The oil container must be of sufficient strength to ensure it is unlikely to leak.
- The container must be situated within a secondary container system (SCS), which will prevent the release of any leak oil.

For further details on the requirements of the regulations it is advised that guidance is sought from the Environment Agency.

Waste Water and Ground Water

Wherever possible, Millwood Designer Homes Ltd must seek to minimise the amount of waste water that need to be discharged and find alternative means of disposal. Such alternatives might be discharged to foul sewer subject to trade effluent obligations or disposable through a licensed waste my contractor in accordance with duty of care obligations.

PROTECTION OF THE WATER ENVIRONMENT

All waste water and site discharges shall only be permitted where the effluent quality and discharge location is acceptable to the Environment Agency or the Water Authority. Effluent will pass through treatment facilities such as sediment traps and/or settlement lagoons, as appropriate, before being discharged. Millwood Designer Homes Ltd will ensure that all treatment facilities are regularly inspected and maintained and the full record is kept of inspection, maintenance and measures to sustain equipment performance.

Any seepage and waste water arising from the works must be collected and discharged via a settlement tank. The standards for treatment, prior to discharge, will be agreed in advance with the Local Authority and, where applicable satisfy the Environment Agency requirements.

Soakaway discharge will only be permitted where the effluent is proved to be acceptable to the Environment Agency. With the consent of the Water Authority, contaminated water of a dubious quality can be discharge into sewers by tankers or by other approved means.

Prior to any excavation below the water table, including any site dewatering, Millwood Designer Homes Ltd will inform the Environment Agency – local region, of the works to be conducted. Cut-off ditches may be used to prevent water from entering excavations. The de-watering and disposal measures will be agreed with the Environment Agency and an Abstraction License shall be obtained.

Millwood Designer Homes Ltd will also comply with BS 6031: 1981 Code of Practice for Earthworks, regarding the general control of site drainage.

Millwood Designer Homes Ltd will ensure that any water that has come into contact with contaminated materials will be appropriately disposed of in accordance with the Water Industry Act 1991 (*if discharged to sewer*) and the Water Resources Act 1991 (*if discharge to controlled waters*) and all other related regulations and to the satisfaction of the Environment Agency.

Millwood Designer Homes Ltd will prepare a full management plan where contaminated land is identified within a construction site in order to comply with all relevant handling and disposal legislation (*including dewatering discharge from piling operations*). Where earthworks or piling operations are planned, a detailed site investigation will be carried out in order that appropriate mitigation measures can be implemented.

PROTECTION OF THE WATER ENVIRONMENT

Millwood Designer Homes Ltd will have to apply for consents and approvals as follows:

- i) A consignment note system will be applied to all discharges.
- ii) For any discharge into a watercourse or river, approval will be required from the Environment Agency.
- iii) For any discharge into a sewer, a Trade Effluent Consent will be required from the Water Authority.

Millwood Designer Homes Ltd will make provisions to ensure that all hazardous substances including oil drums and containers or other potential contaminants stored on site are controlled in accordance with the Control of Substances Hazardous to Health (COSHH) Regulations 2002 and are properly isolated and bunded so that no oil or other contaminants are allowed to reach watercourses or groundwater, including aquifers. Storage locations for such material should be positioned away from watercourses and agreed with the Environment Agency. All surface water or other contaminated water, which accumulates in the bund, will be removed by manually controlled positive lift pumps and not by means of gravity drain. This water will be removed from site and discharged in a public sewer in consultation with the relevant water companies.

Foul water and sewage effluence produced by the construction workforce on site must be contained in temporary foul drainage facilities that are to be installed and subsequently disposed of offsite by a licensed waste contractor.

Millwood Designer Homes Ltd must ensure continuous compliance with the above conditions under the monitoring of the site project management staff (*in compliance from the Environment Agency regulations*).

Protection of Aquifers

Millwood Designer Homes Ltd will have due regard for underlying aquifers and adhere to the Environment Agency's Groundwater Protection Policy. In all instances, appropriate protection of aquifers will be undertaken, following liaising with the Environment Agency regarding the piling and construction techniques to be employed. Details of appropriate measures to prevent groundwater contamination (*including monitoring*) will be agreed with the Environment Agency, in writing, prior to commencement of the relevant works.

PROTECTION OF THE WATER ENVIRONMENT

Drainage Routes to Canals

Drainage to canals or other waterways will not be permitted without prior agreement with British Waterways. British waterways will require identification of the source and quality of the water, and will liaise with the Environment Agency.

Spill and Leak Protection

Where development sites are adjacent to canals or other waterways, suitable precautions must be taken to prevent the entry of pollutants into the water way to the satisfaction of the local authority in liaison with British Waterways. Specific measures, such as place in oil stores at a distance from the canal and put in place additional secondary containment system (SCS) measures, must be considered on a site by site basis. On site adjacent to the canal, where there is a potential risk to the canal, emergency procedures to ensure containment and treatment in the event of a spill must be agreed in advance of any works with the council and British Waterways.

Drainage of Waterways

Where it is proposed that canals or other waterways be drained in connection with construction, Millwood Designer Homes Ltd shall agree with the local authority and British Waterways in advance, details of the methodology to be employed, prior to commencement of the development. Particular attention must be given to:

- i) Regular pest control treatment (*particularly rats and flies*);
- ii) Removal of sludge and other debris after drainage;
- iii) Prevention of leakage and ingress of surface water to minimise risk from legionella organisms;
- iv) Minimising smell nuisance from sludge and algae by measures including deodorising, hosing down etc.

Safety measures must also be taken to protect both the general public and employees and prevent fly tipping and illegal access during the development works.

NOISE AND HOURS OF WORKING

Noise and Hours of Working

Regulatory Overview

The principal legislative controls on noise which includes vibration are contained within the Control of Pollution Act 1974 (*COPA 1974*). In addition, statutory nuisance provisions contained within the Environmental Protection Act 1990 (ss.79-82) also apply to noise.

Key issues relating to noise from construction sites include:

- i) Prior consent may be sought from the council relating to noise from construction activities (*s.61 of COPA 1974*).
- ii) If no prior consent is sought, the authority may serve a notice on the site/works, setting conditions of permitted work (*s.60 of COPA 1974*).
- iii) An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice (*s.82 of Environmental Protection Act 1990*).

Circular 2/76 – Control of Pollution Act 1974: Implementation of Part III – Noise provides useful background to COPA. Also British Standard 5228: Noise Control on Construction Sites and Open Sites (BSI 1997) has been recognised by a statutory order as the excepted guidance for noise control during construction work.

Noise Control – General

Baseline surveys should be carried out prior to any works commencing in order to any works commencing in order to provide a basis for determining acceptable noise levels for each specific site. These noise levels will be included in any formal agreement between Millwood Designer Homes Ltd and the Local Authority. A programme of onsite noise monitoring is required to demonstrate compliance with agreed standards. Survey procedures and locations are to be agreed with the Local Authority in advance.

The noise criteria will be utilised by Millwood Designer Homes Ltd in determining their method of work, type of plant to be used and noise mitigation measures for each construction site. Prior to commencement of work at any site, Millwood designer Homes Ltd will demonstrate the efficacy of the proposals.

NOISE AND HOURS OF WORKING

Millwood Designer Homes Ltd will apply to the Local Authority for formal consent in accordance with Section 61 of the Control of Pollution Act 1974. The application under Section 61 of the Act will contain particulars of the works, noise predictions for the various phases of work, methods by which the works are to be carried out and details of the measures proposed to minimise noise resulting from the works. Millwood Designer Homes Ltd will also be required to comply with the other provisions of the Control of Pollution Act 1974, Part III Noise.

Millwood Designer Homes Ltd will comply with the recommendations set out in BS 5228: 1997, Code of Practice of Noise and Vibration Control on Construction and Open Sites; Part 1 – Code of Practice for Basic Information and Procedures for Noise and Vibration Control and Part 2 – Guide to Noise and Vibration Control Legislation for Construction and Demolition, including Road Construction and maintenance.

In assessing the impact of any piling operations, Millwood Designer Homes Ltd will comply with the recommendations set out in BS 5228: Noise and Vibration Control on Construction and Open Sites Part 1 – 1997 and Part 4, 1992 – Code of Practice for Noise and Vibration Control Applicable to Piling Operations.

Millwood Designer Homes Ltd will also fulfil all obligations under the relevant Noise and Vibration at Work Regulations in order to protect on site personnel.

While it is recognised that BS 4142: 1997 – Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas, is not applicable to construction works, the philosophy of this document may be referred to in assessing degrees of disturbance.

Sound levels will be monitored according to the methods set out in Annex “E” of BS 5228: Part 1. All measurements shall be made on a sound level meter compliant with BS 7580: 1997 Part 1 (*Type 1*).

Noise Control – Detailed Provisions

In achieving the specific noise criteria, Millwood Designer Homes Ltd will be required to consider the following details provisions:

- All sites shall be totally surrounded by fencing or hoarding to the required height and density appropriate to the noise sensitivity of the location concerned.
- Any damage to the fencing boarding surrounding the work site will be immediately repaired by the Millwood Designer Homes Ltd.

NOISE AND HOURS OF WORKING

- All work site gates will be controlled to give them minimum amount of time open for passage of vehicles, in order to minimise stray noise to the external surrounding area.
- Fixed items of construction plant may have to be electrically powered and not diesel or petrol driven. Where this is not practicable, suitable attenuation measures will be provided.
- Vehicles and mechanical plant used for the purpose of the work shall be fitted with effective exhaust silencers, will be maintained in a good and efficient working order and operated in such a manner as to minimise noise emissions. Millwood Designer Homes Ltd and their sub-contractors will use plant that complies with the relevant EU/UK noise limits applicable to that equipment or is no noisier than would be expected from the noise levels quoted in BS 5228:1997.
- Plant shrouding should be in accordance with the recommendations set out in BS 5228.
- On site where environmental disturbance may arise, compressors will be “sound reduced” models fitted with properly lined and sealed acoustic covers which must be kept closed whenever the machines are in use, and pneumatic percussive tools must be fitted with shrouding or silencers of the type recommended by the manufacturers.
- Machines in intermittent use should be shut down in the intervening periods between works or throttled down to a minimum. Noise imaging equipment, which is required to run continuously, may have to be housed in a suitable acoustic enclosure (*see BS 5288 Part 1:1997, figures B.1, B.2 and B.3*).
- Equipment that breaks concrete by munching or similar, rather than by percussion to be used as far as it is practicable.
- The installation of sheet piling with a diesel or air driven impact or drop hammer may not be acceptable on certain sites. Use of hydraulically operated or vibratory hammers may be necessary in these circumstances to drive and extract sheet piling, provided the soil strata are suitable for such equipment.
- Where practicable, rotary drills and bursters actuated by hydraulic or electrical power should be used for excavating hard material.
- Noisy plan or equipment will be situated as far away as is practicable from noise sensitive buildings. The use of barriers, e.g. soil mounds, site huts, acoustic sheds or partitions to deflect noise away from Noise Sensitive Areas will be employed wherever practicable.

NOISE AND HOURS OF WORKING

Care should be taken when loading or unloading vehicles or dismantling scaffolding or moving materials, etc. to reduce impact noise.

Prior to commencement of works at any site, Millwood Designer Homes Ltd will be required to submit for approval the following information:

- i) Method statement (*in accordance with the principles described in BS 5228*) stating precisely the type of plant to be used and the proposed noise control measures.
- ii) Program of works indicating the sound power level and location for each activity on the program.
- iii) Documentation for manufacturer's literature establishing the sound power level of plant.
- iv) Calculations of LAeq and maximum levels at specified buildings as requested and displayed where practicable as a "Noise Map" for the various phases of the works.

Use of any plant or equipment required for any emergency situation which causes a departure from the above shall be notified to the Local Authority as soon as practicable. Millwood Designer Homes Ltd will accordingly advise if previously agreed noise levels are likely to be exceeded due to the adoption of alternative working methods.

Hours of Working

The hours of working will be established on a site by site basis in conjunction with the Local Authority. In general, for any construction or demolition works, the normal hours of working will be:

Monday-Friday 0800 – 1800

Saturdays 0800 – 1300

No working on Sundays, Bank or Public Holidays

No work and ancillary operations, which are audible at the site boundary, will be permitted outside these hours unless fully justified and agreed by the Local Authority on the grounds of engineering necessity or for reasons of health and safety. Any such works will be kept to an absolute minimum.

NOISE AND HOURS OF WORKING

During normal working hours, as defined above, the maximum LAeq, period noise levels measured 1 metre from the façade of any building occupied or other building used for residential purposes, generated by construction plant and equipment, including the movement of vehicles to and from the site should not exceed the following limits:

Period	Hours	Residential / Commercial Premises	Schools or Hospitals
Monday to Friday	0800 – 1800	75 dB(A)	65 dB(A)
Saturday	0800 – 1300	75 dB(A)	65 dB(A)

Noise levels in terms of LAeq,T where T = 10 hours for Monday to Friday and 5 hours for Saturday.

Local circumstances may prevent these limits from being used. Millwood Designer Homes Ltd will liaise with the Local Authority to ascertain whether any unusual circumstances exist.

Should Millwood Designer Homes Ltd propose any additional or alternative working hours for constructional reasons, prior agreement will be obtained from the Local Authority. A minimum of 14 days notification should be given, except in case of emergency, safety reasons, unforeseen circumstances or occasional major construction operations. Regarding the latter, as much notice as possible will be given.

Additional or alternative working hours needed for emergency reasons will be advised to the Local Authority as soon as is reasonably practicable that the works are taking place and their likely duration.

VIBRATION

Vibration

General

Millwood Designer Homes Ltd will ensure that measures are taken to:

- i) Protect the residents, users of buildings close by and passers-by from nuisance or harm and
- ii) Protect buildings from physical damage.

Millwood Designer Homes Ltd will be obliged to comply with the vibration levels established by the Local Authority.

The following factors will be considered:

- i) Human Exposure

Millwood Designer Homes Ltd will refer to BS 5228:1992 Part 4: Code of Practice for Noise and Vibration Control Applicable to Piling Operations for guidance.

- ii) Protection of Structures

Demolition and construction activities will be carried out in such a way that vibrations arising will not cause significant damage to adjacent structures. Further guidance may be obtained from BS 7385 – Evaluation and Measurement of Vibration in Building – Part 2: Guide to Damage Levels from Groundborne Vibration.

On Site Monitoring

A programme of on-site vibration monitoring will be required to demonstrate compliance with agreed standards with the Local Authority.

Vibration Standard

Millwood Designer Homes Ltd will select and utilise methods of working and items of plant so that the maximum measured ground vibrations do not exceed a peak particle velocity of 1mm per second at any occupied residential property and 3mm per second at any other property in any orthogonal directions.

DUST AND AIR QUALITY

Dust and Air Quality

Regulatory Overview

The main regulatory controls over dust are the 'statutory nuisance' provisions contained in the Environmental Protection Act 1990. Dust can give rise to a statutory nuisance if it is considered to be 'prejudicial to health or to a nuisance'.

Smoke, for example burning waste on site, can also result in a statutory nuisance and is also controlled by the Clean Air Act 1993.

The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (AQS) (*along with its addendum*) contains national air quality standards and objectives established by the Government to protect human health. The objectives for seven pollutants have been prescribed within the Air Quality (England) Regulations 2000 and the Air Quality (England) (Amendment) Regulations 2002 (*benzene, 1,3-butadiene, carbon monoxide, lead, nitrogen dioxide, sulphur dioxide and particulates*).

Dust

Millwood Designer Homes Ltd shall take all necessary measures to avoid creating a dust nuisance during both construction and demolition works, and shall submit a statement to the Local Authority identifying proposed dust control measures before any work starts. Dust levels within enclosed areas must be measured with appropriate equipment to compare to the relevant Occupational Exposure Limits (*made under the Control of Substances Hazardous to Health (COSHH) Regulations 2002 (SI 2002/2677) and published annually in EH40*) and any other relevant guidelines.

Measures to prevent dust shall include the following practices:

- i) The provision of easily-cleaned hardstandings for vehicles.
- ii) The enclosure of material stockpiles at all times and damping down of dusty materials using water sprays during dry weather.
- iii) The hard surfacing of heavily-used areas which will be kept clean by brushing and water spraying regularly.

DUST AND AIR QUALITY

- iv) Control of cutting or grinding of materials on site. Dust-generating machinery e.g. disk cutters must be fitted with vacuums.
- v) The complete sheeting of the sides and top of all vehicles carrying waste and other dusty materials.

During demolition operations, watering at rubble chutes, covering skips and screening of buildings with debris screen/sheets, as appropriate. Materials should be stored away from the site boundary wherever possible.

Unsurfaced haul routes and verges to receive regular damping down and cleaning where located close to sensitive locations. In certain cases, permanent surfacing shall be considered.

Establishment and enforcement of appropriate speed limits over all unmade surfaces.

Completed earthworks to be sealed and/or revegetated as soon as reasonably possible.

Mixing of large quantities of concrete or Bentonite slurries to be carried out in enclosed/shielded areas where necessary.

Stockpiles of material shall be damped down or otherwise suitably treated to prevent the emission of dust from the site. Stockpiles should be planned and sited to minimise the potential for dust generation (*as far from site boundaries where practicable*). The handling of material should be kept to a minimum and when deposited onto a stockpile it should be from the minimum possible height.

Skips and removal vehicles shall be properly covered when leaving the site. Materials should be handled in such a way so that it does not give rise to excessive dust. Watering of rubble chutes shall be undertaken where necessary to prevent dust emission.

Millwood Designer Homes Ltd will ensure that the area around the site, including the public highway, is regularly and adequately swept to prevent any accumulation of dust and dirt. The use of wheel cleaning facilities and road sweeping equipment may be required.

Where dust generating works (*e.g. excavation, piling, demolition*) are undertaken particularly close to buildings such that there is a potential for siling of windows and ledges with dust, Millwood Designer Homes Ltd shall clean the windows and ledges during periods of dust generating work activity or activities, as appropriate and on completion of the works.

Millwood Designer Homes Ltd will refer to the Buildings Research Establishment's Guidance on the Control of Dust from Construction and Demolition Activities.

DUST AND AIR QUALITY

Air Quality

Millwood Designer Homes Ltd and their sub-contractors will comply with the provisions of the Environment Act 1995, Clean Air Act 1993, the Health and Safety at Work Act 1974 etc., the Environmental Protection Act 1990 and the UK Air Quality Strategy.

Millwood Designer Homes Ltd and their sub-contractors shall comply with the Control of Substances Hazardous to Health (COSHH) Regulations 2002 and the Health and Safety Executive's (HSE) Guidance Notes EH 40/2002 on Occupational Exposure Limits.

Millwood Designer Homes Ltd and their sub-contractors will comply with the Control of Lead at Work Regulations 1998.

The burning of materials on site shall not be permitted. Millwood Designer Homes Ltd shall take all the necessary precautions to prevent the occurrence of smoke emissions or fumes from the site plant or stored fuel oils for safety reasons and to prevent such emissions or fumes drifting into residential areas. In particular, plant should be well maintained and measures taken to ensure that it is shut down in the intervening periods between works or throttled down to a minimum.

Off-road mobile vehicles e.g. bulldozers, excavators and loaders, with compression ignition engines must comply with emission standards set in EC Directive 97/68/EC, meeting Stage II limits where possible. Off-road mobile vehicles should be run on low sulphur diesel.

On-road vehicle emissions are regulated through the Road Vehicles (*Construction and Use*) Regulations (*as amended*), and the Motor Vehicles (*Type Approval*) (*Great Britain*) Regulations made under the Road Traffic Act 1988. Further amendments implement the European Directives on vehicle emissions known as the EURO standards. The EURO standards set emission limits for several pollutants from different types of vehicles. Construction vehicles will be required to comply with relevant EURO standards. Drivers will be required to switch off their vehicle's engine when stationary to prevent exhaust emissions (and noise); and as required under The Road Traffic (*Vehicle Emissions*) (*Fixed Penalty*) (*England*) Regulations 2002.

Drivers will also be required to:

- Keep their engines in tune and their catalysts working efficiently.
- In practice, emissions are controlled through the MOT. All vehicles used by contractors must comply with MOT emission standards at all times.

DUST AND AIR QUALITY

Special Precautions for Asbestos

Special precautions shall be taken if materials containing asbestos are encountered. Millwood Designer Homes Ltd and their sub-contractors will comply with the Control of Asbestos at Work Regulations 2002 (as amended). A new Approved Code of Practice providing guidance on the new duty to manage the risks from asbestos and on implementation of the chemical agents Directive accompanies the Regulations. Millwood Designer Homes Ltd will adhere to the exposure limits and measurement methods for asbestos, which are set out in the Health and Safety Executive (*HSE*) Guidance Note EH10 Asbestos Exposure Limits and Measurements of Airborne Dust Concentrations 2001. Millwood Designer Homes Ltd will comply with:

- i) HSE Guidance Note MS13 Asbestos: Medical Guidance Notes 1999.
- ii) The Health and Safety Commission Approved Codes of Practice on: Work with Asbestos Which Does Not Normally Require a Licence (*L27*), Work with Asbestos Insulation, Asbestos Coating and Asbestos Insulation Board (*L28*) and the Management of Asbestos in Non-domestic Premises (*L127*).
- iii) The COSHH Regulations 2002 (*SI 2002/2677*)

Disposal of Waste and Contaminated Materials

Regulatory Overview

The Environmental Protection Act 1990 (s. 34) imposes a duty of care on any person who produces, imports, carries, keeps, treats or disposes of controlled waste. Details of how to comply with this duty are set out in the Waste Management: the Duty of Care – Code of Practice March 1996 and includes the use of registered waste carriers to transport the waste and the use of waste transfer notes. The Waste Regulation section of the Environment Agency can provide further guidance if required.

The identification and clean-up of contaminated land is governed by the Environmental Protection Act 1990 (*Part IIA*) which was enacted by Section 57 of the Environment Act 1995. The regime provides an explicit statutory definition of contaminated land.

The Contaminated Land Regulations 2000 allow developers or contractors carrying out construction and associated activities, to be shown to have caused, or knowingly permitted, substances to be in, on or under the land, so that the land is classified as contaminated land (*defined in Part IIA of the Environmental Protection Act 1990*). If this is the case, the regulator may seek to take action against those responsible, whether that is the design engineer, contractors or the owner/occupier or developer of the land, depending on the particular circumstances.

Definitions contained within the Contaminated Land (*England*) Regulations 2000, indicate conditions which are deemed to be contaminated and which must be developed in accordance with the Environmental Protection Act (*Part IIA*) 1990.

The Pollution Prevention and Control Regulations 2000 are designed to prevent, reduce and eliminate pollution at source through the efficient use of natural resources. Implementation is intended to help operators move towards greater environmental sustainability and the regulations contain guidelines for the storage and transfer of contaminated material under a system designed to minimise the impact of contamination.

Waste

Millwood Designer Homes Ltd will be required to carry out the works in such a way that as far as is reasonably practicable the amount of spoil and waste (*including ground waters, production waters and run-off*) to be disposed of is minimised, and that any waste arising from the site is classified, transported and disposed in accordance with the Controlled Waste (*Regulation of Carriers and Seizure of Vehicles*) Regulations 1998 and any amendments, also the European Waste Catalogue (EWC), Environmental Protection (Duty of Care) Regulations 1991, and the Hazardous Waste (*England and Wales*) Regulations 2005.

The waste stream will be managed so far as is reasonably practicable to maximise the re-use of surplus materials and, in circumstances where off-site disposal to licensed landfill is unavoidable, minimise any adverse environmental effects resulting from disposal. Materials requiring treatment or recycling, such as scrap metal or crushed concrete, are likely to be classified as waste and will be subject to the waste management legislation and any other statutory guidance referred to above.

Disposal sites and routes will be identified by Millwood Designer Homes Ltd in consultation with the Local Authority and the Environment Agency. When assessing the most suitable option for landfill disposal, the operator should consider the mode of waste transportation and alternatives to reduce adverse environmental impacts, transport times, landfill capacity and license conditions (*including hours of operation etc*).

Millwood Designer Homes Ltd will comply with relevant legislation, technical guidance and regulations in the identification, handling, storage, recovery and disposal of waste. Millwood Designer Homes Ltd will also comply with the measures set out in Section 4 regarding discharges to controlled waters and wastewater.

Millwood Designer Homes Ltd will make provision for a suitably qualified and experienced environmental consultant to identify any “hazardous waste” as defined in the Hazardous Waste (*England and Wales*) Regulations 2005, Special Waste Regulations 1996 and EWC and subsequent amendments so that the materials can be appropriately managed and disposed of during works.

Contaminated Land

A desk study of any site to be developed shall be carried out in order to identify the history of the site and the surrounding land and potential contaminants of concern (COC's). A walkover survey should also be undertaken to identify any potential on-site or off-site sources of contamination (*i.e. underground storage tanks*). The results of the desk study and walkover survey will determine the necessity for any intrusive site investigation works and the scope of such works.

The scope of any intrusive site investigation to be undertaken at the site must be sufficient to determine as far as is reasonably practicable the ground conditions at the site and the nature and extent of any contamination within the substrate. The results of the investigation will then form the basis of a Remediation Method Statement (RMS), which will outline the proposals for mitigating the risks posed by any contamination identified at the site. The RMS must be agreed with the Local Authority before the proposed remedial works are commenced at the site.

A validation report will be commissioned following completion of the remedial works at the site and made available to the Local Authority. The validation report will confirm that the agreed remedial works have been undertaken as agreed with the Local Authority.

Prior to and during construction operations at certain sites, it may be necessary to monitor emission of carbon dioxide and methane gas. Should this be the case, Millwood Designer Homes Ltd will be required to establish a programme of testing for carbon dioxide, methane, oxygen levels and gas flow rates by a suitably qualified and experienced environmental consultant.

Where contamination is identified at a site during ground works, a procedure for the handling and disposal of the material must be in place and adhered to. Empty containers, that originally contained Hazardous Waste, must be treated as Hazardous Waste unless they hold less than 0.1% of their original contents. If the contents are of a very toxic or carcinogenic nature, that limit is further reduced to 0.01%.

A Waste Management Licence or Pollution Prevention Control must be obtained to burn waste on site. An exemption is available under Schedule 3, Paragraph 30 to the Waste Management Licensing Regulations 1994, under which it is permitted to burn up to 10 tonnes of waste wood or plant matter in a 24 hour period on land in the open, where it was produced as a result of demolition work. Even if an exemption is registered, the overriding relevant objectives must be met, which include not using processes or methods that could harm the environment or endanger human health.

Excavation Materials

Millwood Designer Homes Ltd will comply with the provisions of the Environmental Protection Act 1990 and, if applicable, the Special Waste Regulations 1996 (*as amended*) Hazardous Waste (*England and Wales*) Regulations 2005. The removal and disposal of contaminated materials must be conducted under a strict consignment system. Disposal sites must be agreed with the Environment Agency.

Millwood Designer Homes Ltd will comply with the COSHH Regulations 2002 and HSE Guidance Note EH/02, Occupational Exposure Limits 2002, to ensure that contaminated excavated materials are handled and disposed of safely and properly. Millwood Designer Homes Ltd will take measures to prevent the contamination of watercourses and aquifers during excavation works.

Safety measures concerning the workforce are outside the scope of this code

Demolition Materials

Millwood Designer Homes Ltd will comply with the provisions of the Environmental Protection Act 1990 and, if applicable, the Special Waste Regulations 1996 (*as amended*) and the Hazardous Waste (*England and Wales*) Regulations 2005.

Millwood Designer Homes Ltd will comply with the Control of Substances Hazardous to Health Regulations (COSHH) 2002 and HSE Guidance Note EH 40/02, Occupational Exposure Limits 2002 to ensure that contaminated materials are handled and disposed of safely and properly.

Millwood Designer Homes Ltd will comply with HSE Guidance Note GS 29/1 Health and Safety in Demolition Work:

- Part 1: Preparation and Planning.
- Part 2: Legislation.
- Part 3: Techniques.
- Part 4: Health Hazards.

And shall ensure that contaminated materials are handled and disposed of safely and properly.

If the works involve the removal of asbestos or the demolition of premises containing asbestos, Millwood Designer Homes Ltd or their appointed contractor will comply with the Control of Asbestos at Work Regulations 2002 (SI 2002/2675), and the HSE Approved Code of Practice and Guidance Note L28 "Work with Asbestos Insulation, Asbestos Coating and Asbestos Insulating Board".

Asbestos waste will be double sealed in receptacles, which prevent the escape of dust. In the case of crocidolite the receptacles shall be marked in bold "Blue Asbestos – DO NOT INHALE DUST".

The disposal of waste materials containing asbestos will be arranged in advance, to a license disposal site. Disposal site shall be agreed by Millwood Designer Homes Ltd or their appointed contractor with the Local Authority and the Environment Agency. Millwood Designer Homes Ltd or their appointed contractor will obtain a license from HSE to remove asbestos insulation or coating.

If materials containing lead are encountered, Millwood Designer Homes Ltd or their appointed contractor will comply with the Control of Lead at Work Regulations 2002 (SI 2002/2676) and the Health and Safety Commission (HSC) Approved Code of Practice 2002 Control of Lead at Work to ensure that contaminated materials are handled and disposed of safely and properly.

Re-use of Construction Materials

Millwood Designer Homes Ltd and their appointed contractors will endeavour to reuse and recycle construction and demolition waste from their sites. Section 54 of the Clean Neighbourhoods and Environment Act 2005 gives the Secretary of State in England (*and the National Assembly for Wales in Wales*) the power to make regulations to require developers and contractors to produce a written site waste management plan for construction and demolition projects. The government will develop the relevant regulations in due course. The aim of the site waste management plans will be to reduce wastage of construction materials; improve regulatory compliance (*for example duty of care regime*); encourage reuse and recycling that reduces demand for primary materials; and reduce the legal disposal of waste.

Demolition arisings and waste provide a significant opportunity to reclaim, recycle and segregate materials on site. The following measures should, where practicable, be implemented in respect of demolition activities on site:

- i) Concrete, brick from walls, foundations, terraces, bases etc. should be crushed (*subject to the appropriate licenses*) and reused for temporary site roads and/or capping of permanent roads;

- ii) Live vegetation should be removed for composting;
- iii) Suitable inert earth spoils should be stockpiled for reuse in landscaping or general fill;
- iv) Bituminous road surfacing should be crushed for reuse as temporary footpaths on site;
- v) Existing boundary fence panels should be reused as hard standings;
- vi) All metal components should be segregated for recycling;
- vii) Existing strip out material should be segregated for resale/reuse offsite.

The re-use of materials will also reduce the number of vehicle movements to site.

Measures to reduce waste arising during construction should include the following, where practicable Millwood Designer Homes Ltd and their appointed contractors will:

- i) Allocate sufficient storage space for materials which can be reused to avoid disposal;
- ii) Avoid over ordering materials;
- iii) Avoid damage on delivery by using a ward laid out storage and offloading area;
- iv) Use prefabrication, if feasible;
- v) Avoid repetitive handling;
- vi) Segregate materials for recycling, such as timber and cardboard wrapping;
- vii) Salvage top soil for reuse;
- viii) Recycle municipal waste from temporary welfare accommodation on site.

Urban Ecology

Regulatory Overview

Protection of ecology is provided by the Wildlife and Countryside Act 1981 and the Conservation (*Natural Habitats &c*) Regulations 1994 (*as amended*). The Act creates a large number of offences relating to the killing and taking of birds, other animals and plants. Several schedules of different categories of species are set out, each affording a different degree of protection. The 1994 Regulations implement the EC Habitats Directive and provide for designation of 'European Sites'.

The Countryside and Rights of Way (*CRoW*) Act 2000 has provided for greater protection to Site of Special Scientific Interest and has strengthened the wildlife enforcement provisions of the Wildlife and Countryside Act 1981. The *CRoW* Act also makes it an offence to recklessly disturb a place of rest or shelter of a protected animal or a nest site.

The Wild Mammals (*Protection*) Act 1996 provides protection for wild mammals against a wide variety of acts of deliberate harm. An offence under the act would constitute an act with intent to inflict unnecessary suffering. The Town and Country Planning (*Trees*) Regulations 1999 (*SI 1999/1892*) provide for local authorities to protect trees by means of 'tree preservation orders'. Consent of the local planning authority (*City Council*) is required before any tree protected by an Order may be cut down, topped, lopped, uprooted, damaged or destroyed. Certain trees are exempt from this requirement, e.g. those that are dying, dead or have become dangerous.

Protection of Habitats

Millwood Designer Homes Ltd and their appointed contractors will comply with the provisions of the Wildlife and Countryside Act 1981, as amended, and other relevant nature conservation legislation together with the requirements of the Unitary Development Plan and any conditions attached to planning permissions. The first priority is to maintain habitats intact and undisturbed, and if possible to make improvements to enhance natural habitats. Planning Conditions and Agreements may include:

- Measures to prevent any encroachment onto valuable habitats during the construction process.
- Compliance with standards of dust and air pollution control are set out elsewhere in this code of practice.

URBAN ECOLOGY

- Precautionary measures to prevent entry of pollutants into any bodies of water and any incidents reported to the Environment Agency and English Nature.

Where it is demonstrably impossible to maintain habitats in their existing conditions then the species will either be:

- Relocated/transplanted to a suitable local site; or
- Disturb habitats will be properly re-stocked to an equivalent or richer ecological status after construction work ceases.

In either of these instances, Millwood Designer Homes Ltd and their appointed contractors must consult with their local ecological unit prior to the commencement of remedial works.

Standards of dust and a pollution control, as set out previously, will be applied at all construction sites to protect adjacent wildlife habitats.

Protection of Mature Trees

Millwood Designer Homes Ltd and their appointed contractors will follow the specific requirements agreed with the Local Authority. Loss of trees will be avoided wherever possible. No mature trees shall be interfered with. Where appropriate, the requirements of BS5837: 1991 "Trees in relation to construction" shall be complied with.

Adverse effects on mature trees within or in the vicinity of worksites will be minimised by the adoption of suitable mitigation measures, including, but not limited to the following (*where appropriate*):

- i) Selective removal of lower branches in an approved manner, to reduce mechanical damage by construction plant.
- ii) The use of matting around the root zone to prevent excess soil compaction.
- iii) The use of chestnut paling around the trunk to prevent damage.

If any protected tree on site dies or is damaged as a result of the construction process, a replacement tree of agreed species and age is to be planted in an agreed location.

URBAN ECOLOGY

Protection of Breeding Birds

The Wildlife and Countryside Act 1981 protects nesting wild birds, their eggs and their nests. If habitat removal is required it should take place outside the breeding bird season wherever possible (*Mid-March to August*). Where this is not possible, advice on mitigation shall be sought from a qualified professional. It may be necessary to hand-search habitat for birds prior to habitat removal. If nesting birds are found, they must not be disturbed until they have left the nest.

Archaeology

Regulatory Overview

The Ancient Monuments and Archaeological Areas Act 1979, as amended by the National Heritage Act 1983, provides for the designation of certain ancient monuments as 'Scheduled Monuments' by the Secretary of State. The Act also provides for the protection of 'Areas of Archaeological Interest (AAIs)'. It is an offence to undertake works *(except those defined in classes of work subject to automatic consent)* to Scheduled Monument and AAIs without first obtaining formal consent from the Secretary of State.

The Act defines an ancient monument as "any Scheduled Monument; and any other monument which in the opinion of the Secretary of State is of public interest by reason of the historic, architectural, traditional, artistic or archaeological interest attaching to it" (*Section 61 (12)*). In order to carry out works to these monuments the consent of the Secretary of State is required, although a special provision of the Act to give certain activities 'class consent'. The specific consent of the Secretary of State has to be given for:

- a) any works resulting in the demolition or destruction of or any damage to a Scheduled Monument;
- b) any works for the purpose of removing or repairing a Scheduled Monument or any part of it or of making any alteration or addition is there to; and
- c) any flooding or tipping operation on land in, on or under which there is a Scheduled Monument.

The provisions of Acts of Parliament to have been supplemented and enhanced by Department of the Environmental Planning Policy Statements (*PPS*). While both PPS1 and PPS7 refer to archaeology, the most directly relevant note is PPS16, "Archaeology and Planning", which gives detailed advice on the handling of archaeology within development plans and development control.

By making archaeological a material consideration within the planning process PPS16 places the responsibility for dealing with archaeological remains with Millwood Designer Homes Ltd. This means that prospective contractors must consider and mitigate the effects of their development scheme on the historic environment.

ARCHAEOLOGY

Archaeological Features

Millwood Designer Homes Ltd will allow for a prior archaeological excavation of sites of particular interest; alternatively, and archaeological “watching brief” may be utilised during initial surface layer stripping.

A preliminary assessment of sites is to be carried out and investigated early in the project. The aim is to identify those of particular interest and to enable an action plan for excavation and/or a watching brief to be prepared. Any work site investigation required by condition or planning agreement will become carried out by a recognised archaeological institution.

Before submitting development proposals, developers should have established whether the site is in an area of archaeological importance. The Unitary Development Plan (*UDP*) includes guidance notes for developers. A full archaeological investigation is required if the site is within the Archaeological Priority Zones defined by the *UDP*.

The site evaluation is to be carried out to a specification to be approved in advance by the Local Authority, this usually involves archaeology is opening up trial trenches on the site to assess the nature, extent and significance of the surviving ancient remains. The results of the evaluation will enable recommendations to be made as to how remains are to be treated.

If the evaluation revealed no ancient remains then no further action will be necessary.

Where significant remains are revealed the preferred option is to preserve in situ. This can be achieved by the relocation of ground works or buy more sympathetic foundation design. If this is not achievable then the second option is that of preservation by record. This would involve a full-scale rescue excavation to record the remains before their destruction.

Millwood Designer Homes Ltd shall follow the Code of Practice of the British Archaeologists and Developers Liaison Group.

ARCHAEOLOGY

Built Heritage

Millwood Designer Homes Ltd will comply with the requirements of the relevant legislation in respect of listed buildings and listing building consents. Attention is drawn to the Planning (*Listed Buildings and Conservation Areas*) Act 1990 and the Planning (*Listed Buildings and Conservation Areas*) (*Amendment*) (*England*) Regulations 2005.

Millwood Designer Homes Ltd will take advice from English Heritage before any application for development on a site that will affect listed buildings and conservation areas.

Millwood Designer Homes Ltd will also take advice from the local authority's Conservation Officer before any application for development on a site that will affect listed buildings and conservation areas.

SITE BOUNDARIES/ HOARDINGS

Site Boundaries/Hoardings

Fencing and Hoardings

All work sites will be completely fenced from public ingress. A range of suitable variations are as follows:

- i) The Minimum Case:
A post chain-link/mesh fence, where appropriate for minimum security and noise limitation needs.
- ii) The Standard Hoardings:
A 2.4m minimum height, plywood faced, timber braced boundary hoarding, of a surface density of not less than 7 kg/m² squared for normal security and noise limitation requirements.
May be necessary to increase the minimum height to protect buildings from noise.
- iii) Special Circumstances:
Where a particular appearance or acoustic rating is needed.

The provisions of the Health and Safety at Work Act 1974 will be followed in all cases.

Hoardings erected causing poorly lit walkways will have bulkhead lights fitted.

Gates in the fencing or hoarding should, as far as is practicable be positioned and constructed to minimise the noise transmitted to nearby noise sensitive buildings from the worksite or from plant entering or leaving the site.

Hoardings will be provided and maintained by Millwood Designer Homes Ltd and the Conditions of License issued by the local authority (*if applicable*).

Adequate security will be exercised by Millwood Designer Homes Ltd to prevent unauthorised entry to or exit from the site. Site gates will be closed and locked when there is no site activity and site security provisions will be set in motion. Provisions of alarms will follow HSE requirements.

SITE BOUNDARIES/ HOARDINGS

Painting and Hoardings

Millwood Designer Homes Ltd will ensure that all hoardings are painted. This will normally be in plain, uniform manner, but in some cases where they will not distract drivers on the adjacent highway, different murals may be used.

Fire Brigade Access

The requirements of the local fire and emergency planning authority will be followed in the provision of site access and will be monitored by the local superintendent.

Temporary Structures on the Public Highway

Fenced storage areas, scaffolding gantries, loading/unloading bays, skips and other temporary structures on the public highway will be provided and maintained to the Conditions of License issued by the local authority (*if applicable*).

Visual Intrusion

In environmentally sensitive areas construction buildings and equipment will be sited to minimise visual intrusion consistent with the efficient operation of the site. Local hedges, existing tree screens, shrubbery and the natural land form will be used to screen construction sites as far as practicable. The use of earth mounding will also be considered where appropriate.

SITE ACTIVITIES

Site Activities

Good Housekeeping

Millwood Designer Homes Ltd will follow a good housekeeping policy at all times. This will include, but not necessarily be limited to, the following requirements:

- Smoking areas will be provided.
- Open fires will be prohibited at all times.
- Rubbish will be removed at frequent intervals, and the site kept clean and tidy.
- Hoardings will be frequently inspected, repaired and repainted as necessary to comply with the conditions of the local authority license.
- Toilet facilities will be kept clean.
- Food waste will be removed frequently.
- The wheel washing facilities area will be brushed clean frequently.

Lorries will enter and exit the site in a forward direction except in special cases where space restriction does not permit this. These conditions will be subject to prior discussions with the Highway Authority and the Police before implementation. All loading and unloading of vehicles will take place off the highway wherever this is practicable.

Site Inspection

Worksite inspections will be carried out by Millwood Designer Homes Ltd.

Living Accommodation

No living accommodation will be permitted on site except with the approval of the local authority. Mess rooms, locker rooms, toilets and shower facilities will be provided.

SITE ACTIVITIES

Information Boards

Information boards will be erected containing information on the progress of the works and instructions for reporting complaints of public interest.

Clearance of Site on Completion

On the completion of the works Millwood Designer Homes Ltd will clear away and remove from the site or plant, surplus materials, rubbish and temporary works of every kind and leave the whole site and work is clean and in a condition to the satisfaction of the Local Authority.

Pest Control

Millwood Designer Homes Ltd will insure that the risk of infestation by pest or vermin is minimised by adequate arrangements for disposal of food waste and or other material attractive to pests. If infestation occurs Millwood Designer Homes Ltd must take such action to deal with it as required by the Local Authority's Environmental Health Officer.

Considerate Constructor Scheme

The U.K.'s Considerate Constructors Scheme is recognised by the industry and the government and encourages firms to be sensitive to the environment by considering aspects such as:

- Care About Appearance – Constructors should ensure sites appear professional and well managed.
- Respect the Community – Constructors should give utmost consideration to their impact on neighbours and the public.
- Protect the Environment – Constructors should protect and enhance the environment.
- Care about Safety – Constructors should attain the highest levels of occupational health and safety performance.
- Value their Workforce – Constructors should provide a supportive and caring working environment.

SAFETY

Safety

General

Safety provisions in this document cover aspects of safety likely to affect people outside the worksite. They do not cover safety provisions affecting construction workers either above or below ground, although reference is made to the Health and Safety at Work Act 1974.

Emergency Contacts Procedure

Millwood Designer Homes Ltd will prepare and provide a current Emergency Contacts Set of Procedures for each work site. These Procedures will be followed in any site emergency.

They will contain emergency phone numbers and methods of notifying the Local Authority. Copies of Procedures will be issued to the Local Authorities, Fire Brigade, Police, Ambulance Service and Statutory Authorities etc.

Emergency telephone numbers for Millwood Designer Homes Ltd key personnel will also be included.

Health and Safety at Work Act 1974

All site work will be carried out under the provision of this Act, to the satisfaction of the local HSE Officer.

Contaminated Materials (Special Precautions)

For those sites at which contaminated material is encountered, the Safety Officer will ensure that a Workers' Safety Information Sheet will be prominently displayed in rest/mess rooms and wash rooms covering hygiene, work practices, clothing requirements etc.

Crane Arcs

These will be confined to the site periphery unless agreed otherwise with the Local Authority and the Police.

SAFETY

Unexploded Bombs

Millwood Designer Homes Ltd will pay special attention to sites that have been undisturbed since World War II, where there may be buried unexploded bombs, shells and incendiary devices. Millwood Designer Homes Ltd will warn all operatives of this possibility, and should such items be uncovered during the works the Police should be notified immediately and take such action as directed by them.

Lighting

Section 79 of the Environmental Protection Act 1990 has been amended by the Clean Neighbourhoods and Environment Act 2005 to include artificial light emitted from premises to be statutory nuisance. Lighting to site boundaries will be provided with illumination sufficient for the safety of the passing public, including disabled people. Wherever possible, lighting will be fed from an electricity mains supply.

In particular, precautions will be taken to avoid shadows cast by the hoarding on surrounding footpaths and roads.

Site lighting will also be positioned and directed as to minimise nuisance to residents or adjacent buildings and land uses, or to cause distraction or confusion to passing traffic on adjoining public highways.

Millwood Designer Homes Ltd will comply with the Institute of Lighting Engineers document Guidance Notes for Reductions of Light Pollution 2000 (*revised 05/03*).

REVIEW AND UPDATE

Review and Update

Review and Update

Periodic review of this code is necessary to ensure that it is sufficiently current and robust. Where necessary intervening updates will be produced to make minor changes where a review of the whole document is deemed not to be necessary.