



Firstly, Happy New Year and best wishes for 2020 which we hope will be a good year for everyone.

**CDM Regulations 2015 & 2020 Year of Change?**

**Newsletter January 2020**



**Survey Results – Impact of the 2015 Regulations**

There have been several surveys undertaken on the Construction (Design and Management) Regulations 2015. Surveys indicated that the 2015 Regulations had not improved our Industry while some were of the opinion that the Regulations are a change for the worse.

Many CDM Duty Holders such as Clients and Designers were initially confused with the role of the CDM Principal Designer. The HSE have consistently stated that the CDM Principal Designer duties had changed dramatically from the CDM Co-ordinator role, within the previous iteration of the CDM Regulations, with many Clients confused by their additional statutory duties and without any

significant support from the Principal Designer.

The HSE emphasised that the Principal Designer is a Designer appointed directly by the Client, where there is more than one contractor, or if it is reasonably foreseeable that more than one Contractor will be working on a project at any time. The Principal Designer could also be an organisation or an individual with sufficient knowledge, experience and ability to carry out the role.

The summary of the role/main duties for the CDM Principal Designer include:

- Plan, manage, monitor and co-ordinate health and safety in the design/pre-construction phase of the project and this includes:
- Identifying, eliminating or controlling foreseeable risks;
- Ensuring Designers comply with their CDM Duties;
- Provide relevant information to the Principal Contractor to assist with developing their Construction Phase Plan, focusing on planning, managing, monitor and co-ordinating health & safety during the Construction Phase.
- Manage and compile the Health and Safety File and issue to the Client on completion of the project.

Not difficult – right? For some, but not for others.

In our experience, Architects just want to design, along with Structural and MEP Engineers.

Do they have the time and knowledge/experience to collate the CDM Pre-Construction Information pack?

Do they have the knowledge/resources to compile the Health & Safety File?

The HSE had advised that by appointing a Designer in this role, that it would be beneficial to have the lead designer as the CDM Principal Designer. All well and good in theory, but in practice?

PFB are currently assisting many Architectural Practices as Principal Designer Advisor. This is a service we have undertaken since the 2015 Regulations were introduced in April, 2015.

The CDM 2015 Regulations are currently being reviewed, which is a process the HSE implement every 5 years. It is not yet known when the draft of the proposed changes will be released and the amended CDM Regulations 2020, released, but the HSE have indicated either April or October this year.

**CDM Health & Safety News**



As a response to improving Fire Safety in High-Rise Residential Buildings, the Government produced a Consultative 'Implementation Plan' entitled 'Building a Safer Future', published in May 2019, which set out the Government strategy for working with the Design & Construction industry to help them implement the required culture change and prioritise public safety.

This also included a full technical review of the Approved Document B (Fire Safety), which is now in force.

This currently relates to high rise residential buildings, 18 metres or above 6 storeys or more.

Key information deliverables proposed are:

- 1] Digital Record;
- 2] Full Plans Approval/documents;
- 3] Fire & Emergency File;
- 4] Construction Control Plan.

The 'Golden Thread' and Dame Judith Hackitt recommendations which focus on the Client, Principal Designer, Principal Contractor and the proposed Gateway process along with the record keeping process, are as follows:

Gateway 1 - Planning Stage.

Gateway 2 - Building Regulations Full Plans Approval.

Gateway 3 - Completion & Occupation.

The proposals for Domestic Regulatory Change will need to be considered in the context of the UK's exit negotiations and proposals for a future relationship with the EU, including the UK's proposal to commit to ongoing regulatory harmonisation as part of a common rulebook.

A full version of this document – *Building a Safer Future – An Implementation Plan*, can be found here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/781707/BSP\\_-\\_implementation\\_programme.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/781707/BSP_-_implementation_programme.pdf)

## Ban of Combustible Materials

In late 2018, the Government confirmed that ban on the use of combustible materials on external walls of high-rise residential buildings over 18 metres in height, and this has been implemented.

This also relates to new hospitals, residential care premises, residential schools and student accommodation over 18 metres in height.

The ban has been delivered through changes to the Building Regulations guidance and will limit materials available to products achieving a European Classification of Class A1, or A2.

- Local authorities to carry out emergency remediation work on private residential buildings above 18 metres which still contain Aluminium Composite Materials/Cladding.
- Costs to be recovered from building owners.

There has been some confusion within the Industry in that some of the combustible materials and components that are either banned, or restricted, are essential for the functionality of both external walls and attachments to relevant buildings, and in certain cases, there are no compliant alternatives currently available.

- Restrictions on the use of curtain walling systems, where spanning between fire compartments.
- The elimination of proprietary polymeric cavity trays used between a masonry outer leaf and built-up backing wall system.
- Restrictions on high elasticity membranes needed to form weatherproof and airtight seals around windows and doors, such as EPDM.
- Restrictions on interlayer membranes in laminated glass used to ensure safe breakage in balustrades of balconies etc.
- Restrictions on roof and damp-proof/tanking membrane upstands on walls abutting roofs, essential for waterproofing of buildings.

The Communities Secretary is also taking action to speed up the replacement of 'unsafe' Aluminium Composite Materials/cladding.

Local authorities will receive the Government backing, including financial support if necessary, to enable them to carry out emergency work on affected private residential buildings with unsafe cladding. They will recover the costs from building owners. This will allow buildings to be made permanently safe without delay.

The Government is already fully funding the replacement of unsafe cladding on social sector buildings that are more than 18 metres high.

## HSE Look to Local Authorities for CDM Support

HSE has recently published Local Authority [LA] Circular (LAC 67/2 (rev 8) which provides Local Authorities with guidance and tools for priority planning and targeting their interventions with businesses.

The guidance explains that although most construction work is regulated by the HSE, the LA Health & Safety Regulators can make a significant contribution to addressing construction related Health and Safety risks.

During general visits by LA inspectors to commercial premises, where owners/occupiers identify that construction work is proposed, the Authorities should "*draw their attention to the Construction (Design and Management) Regulations (CDM) 2015 and the duties they have as CDM Clients, referring them to advice available*".

In addition, there are several specific topic areas which the HSE want LAs to address during the course of their visits.

These are outlined as below:

- **Duty to Manage Asbestos**  
In premises likely to contain asbestos (i.e. built before 2000) LA Health & Safety Regulators should draw dutyholder attention to the duty to manage asbestos and the relevant HSE guidance/webpages.
- **Falls from Height – Work on/adjacent to fragile roofs/materials**  
Fragile roofs/skylights can be found at many premises that fall to LAs for enforcement. Where they are identified during visits, LA's should discuss the associated risks, to ensure that prospective Clients for repair and maintenance work (owner of building user) are aware of their duties under CDM 2015 and the precautions needed, referring them to the appropriate guidance.
- **Health Risks – Respirable Silica Dust**  
Dust, containing harmful respirable crystalline silica [RCS], can be generated during common operations such as block cutting, chasing brickwork and cutting concrete floors. The standards for controlling dust are detailed in HSE Guidance. During visits, LA's may come across minor construction work that is generating significant quantities of silica dust and poor standards should be addressed with dutyholders.

## CDM 2015 Workshops | Further Advice & Guidance

PFB provide CDM Principal Designer services in accordance with the requirements of the Construction (Design & Management) Regulations – CDM 2015 Regulations, applicable to all construction projects within the UK.

Due to our design background and associated professional design qualifications, as well as our considerable experience providing CDM Design related services for over 25 years, PFB have been successfully delivering CDM 2015 Principal Designer services, either directly to our Clients, or on a sub-consultancy basis, predominantly via the lead Designer appointed to fulfil the Principal Designer function.

Due to PFB's considerable experience with the CDM 2015 Regulations, we are able to provide bespoke CDM 2015 Regulation Workshops.

If you would like further information on our Principal Designer Services or to book Workshops, please contact:

Kathi Hill

✉: [kathi.hill@pfbconsult.co.uk](mailto:kathi.hill@pfbconsult.co.uk)

London ☎: 020 7329 1221

🌐: [www.pfbbuildingsafety.co.uk](http://www.pfbbuildingsafety.co.uk)



Kathi Hill

## Asbestos Awareness Workshops



PFB are able to provide Asbestos Management Consultancy Services utilising extensive knowledge and experience of providing specialist services and advice on numerous projects, ranging from Due Diligence services and reports in connection with property acquisition, to the management of surveys and the development of specifications for asbestos remediation/removal works on a variety of projects.

Asbestos Consultancy services provided include:

- Due Diligence Asbestos Reviews & Advisory Services
- Asbestos Survey Briefs
- Asbestos Removal Works Specifications
- Independent Monitoring

If you require some CPD points or require an update on Asbestos Awareness and The Control of Asbestos Regulations 2012, we offer Asbestos Awareness Workshops and would be pleased to discuss this further.

Please contact: ✉: [kathi.hill@pfbconsult.co.uk](mailto:kathi.hill@pfbconsult.co.uk) | ✉: [ross.udall@pfbconsult.co.uk](mailto:ross.udall@pfbconsult.co.uk)



Ross Udall

## Health & Safety Consultancy Services

PFB Safety Management Services is a subsidiary of PFB and was specifically established to provide occupational health & safety services including bespoke health & safety policies, audits/inspections and certificated training courses to a broad spectrum of Clients.

Health and Safety Consultancy Services include:

- Preparation of Health and Safety Policies for Clients, Designers, Contractors, including Risk Assessments/Method Statements/Safe Systems of Work.
- 'Health and Safety Assistance' as defined within and required by Regulation 7 of the Management of Health and Safety at Work Regulations 1999.
- Organisational/building Health and Safety Inspections/Audits/Reports including Risk Assessments.
- Fire Risk Assessment of premises in accordance with the requirements of the Regulatory Reform (Fire Safety) Order 2005.
- Assistance with Safety Schemes in Procurement [SSIP] accreditation.

If you require further information on the Health & Safety Consultancy services we provide, or a quotation, please contact:

✉: [jim.murchie@pfbconsult.co.uk](mailto:jim.murchie@pfbconsult.co.uk) | ✉: [john.murchie@pfbconsult.co.uk](mailto:john.murchie@pfbconsult.co.uk)



Jim Murchie



John Murchie