

CODE OF CONDUCT FOR RESPONSIBLE CONSTRUCTION

Introduction

The impact of development construction is a key issue for local communities, leading to negative impacts on quality of life, complaints to the Council and potential disruption to worksites. In addition there can be significant impacts on road management, traffic congestion, public transport, waste collection, winter weather treatments and deliveries, such as Royal Mail.

In response the Council has drawn up a Code of Conduct for constructors. Whilst the Code of Conduct is not mandatory and will not be enforced, it does set out expectations and best practice for constructors as well as highlighting legal responsibilities governed by legislation and regulation. It is not, however, intended to set out all the legal requirements placed on construction sites by legislation.

The Code of Conduct is not just about complying with legal requirements. It is about being aware of the impact construction sites can have on neighbours, particularly in a busy city centre where ongoing and repeated construction can have significant impacts on quality of life. It is also intended to assist the construction industry in carrying out works safely, efficiently, responsibly and on time.

Impacts include:

- Noise
- Traffic and traffic management
- Dust and debris
- Fumes
- Vibration
- Obstruction and inconvenience
- Quality and experience of townscape
- Trees, soils, water course and other environmental impacts

NEIGHBOUR ENGAGEMENT

Good relations with neighbours and a clear communication strategy will greatly assist in reducing the impact of construction. Disruption may be unavoidable, but the impact will be reduced if neighbouring occupiers are consulted and kept informed throughout the works. This may be through a residents' association, community council, ward councillors or, preferably, directly with neighbours.

Legislation and regulation

The Town and Country Planning (Scotland) Act 1997:

- [Section 75D](#) allows 'good neighbour agreements' to be formed governing operations or activities relating to development of land. Such agreements are entered into between the landowner or developer and a community body and not the Council.
- [Section 27A](#) requires [Notification of Initiation of Development](#) to be given to the planning authority stating the start date of development.
- [Section 27C](#) requires [notices to be displayed](#) during the development period for certain classes of development

Council Code

- Constructors are encouraged to be members of the [Considerate Constructors Scheme](#) and ensure that staff are courteous and respectful of neighbours.
- Constructors should keep neighbours informed about potentially impacting work and in particular work to be undertaken outwith 'normal hours'.

- Constructors should display a notice in a prominent place giving contact details for the developer and constructor, and details of the proposed development, even where not required under [Section 27A](#) (see above)

CONSIDERATE CONSTRUCTORS SCHEME

The [Considerate Constructors Scheme](#) helps the construction industry to raise its standards in being a considerate constructor and build trust with the public. It is a non-profit making, independent organisation founded in 1997 by the construction industry. The Scheme's aim is to improve construction industry standards by encouraging construction sites, companies and suppliers to voluntarily register with the Scheme and agree to abide by its Code of Considerate Practice.

By registering with the Scheme and adopting its Code of Practice, constructors and sites commit to the following five principles:

- to care about appearance
- respect the community
- protect the environment
- secure everyone's safety
- value their workforce

Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) is a key element of a successful project and supports it in being safe and efficient. It also helps projects to be responsible towards its staff, neighbours and the general public and to comply with regulation. The Council is developing a CTMP template.

TRANSPORT AND ROADS

Occupation and obstruction of pavements and roads can be serious obstacles or even dangerous to wheelchair users, the blind and partially sighted, and those with children. Such works can also impact on the operation of businesses, shops and neighbouring premises.

Where permits, licences or temporary orders are required, there may be restrictions on certain streets or during particular periods, such as Christmas or the Edinburgh Festival, particularly [Traffic Sensitive Streets](#). Early engagement with the Council and ensuring sufficient time to process the required permits will assist in minimising or avoiding disruption.

Legislation and regulation

The Building (Scotland) Regulations 2004:

- [Section 13](#) - sets out requirements for the provision of hoardings, barriers, fences, footpaths and other safety measures to protect the public
- [Section 14](#) - sets out requirements to regularly clear footpaths and keep them free of debris

The Roads (Scotland) Act 1984:

- [Sections 21](#) and [22](#) - requirements and offences for road construction consent (see <https://www.edinburgh.gov.uk/roads-pavements/building-new-roads/1>)
- [Section 56](#) - requirements for permits to undertake certain works and allows reasonable conditions to be imposed when a permit is granted
- [Section 57](#) - local roads authority powers in relation to dangerous works
- [Section 58](#) - relates to potential offences and conditions for permits
- [Section 85](#) - requirement for builders' skips to be marked with the owner's name, telephone number or address, and allows conditions to be imposed on siting and lighting etc. (See

<https://www.edinburgh.gov.uk/downloads/file/23634/apply-for-permission-to-deposit-a-skip-on-a-public-street>)

- [Section 86](#) – powers of police and roads authority to remove or reposition builders' skips

The New Roads and Street Works Act 1991:

- [Part IV \(Sections 107 to 165\)](#) – various matters relating to works affecting the road
- [Section 109](#) – relates to permits and conditions on placing apparatus in or on a road

[Safety at Street Works and Road Works: A Code of Practice:](#)

- Intended to help constructors etc to carry out traffic management, signing, lighting and guarding of street and road works safely for operatives and the public.

Edinburgh trams

- Works on or near the tram line require Authority to Work before works commence. This is a legal requirement (see <https://edinburghtrams.com/atw>). Unauthorised work can be dangerous and is contrary to the Edinburgh Tram Byelaws, New Roads and Street Works Act (Scotland) 1991 Section 152, and the Health and Safety at Work Act and may be subject to a penalty fine under Byelaw 10 of the Edinburgh Tram Byelaws.

Transport (Scotland) Act 2005:

- [Part 2 Road Works](#) - created the Scottish Road Works Commissioner to monitor road works, promote compliance with the New Roads and Street Works Act 1991, and promote good practice.
- [Scottish Road Works Register](#) - provides current and planned work on roads throughout Scotland

[Construction \(Design and Management\) Regulations 2015](#) :

- Regulations for managing the health, safety and welfare of construction projects
- Applies to all building and construction work and includes new build, demolition, refurbishment, extensions, conversions, repair and maintenance
- aims to improve health and safety in the industry
- Identifies the Principal Contractor as being responsible for all contractors and subcontractors. See also Health and Safety Executive
<https://www.hse.gov.uk/construction/cdm/2015/index.htm>
- [Regulation 12](#) - requires a Construction Phase Plan to be drawn up prior to setting up a construction site

Road Construction Consent

Road Construction Consent (RCC) is required to build new roads or extend an existing one. [Sections 21 and 22](#) of the [Roads \(Scotland\) Act 1984](#) set out requirements and offences for RCC. For the Council's requirements see <https://www.edinburgh.gov.uk/roads-pavements/building-new-roads>

Council Code

- Construction impacts on footways and carriageways should be avoided or minimised. This can be a significant problem for wheelchair users, those with mobility issues, blind and partially sighted people, push chairs, prams and for cycles
- The Council's expectation is that construction will only take place within the development site and will not impact on footways or carriageways
- Carriageways and footways are to be kept clear of equipment, vehicles, plant and materials unless a permit has been granted, and must comply with the [Safety at Street Works and Road Works: A Code of Practice](#)

- Temporary routes, particularly for pedestrians and cyclists should be clearly signed, safe and continuous. Particular attention must be paid to the potential impacts on those with mobility or visual impairments
- Care should be taken to avoid water run-off from affecting neighbouring property, roads and footways. Freezing water can also be a significant hazard.
- Constructors should produce a Construction Traffic Management Plan
- Deliveries and collections should be undertaken during 'normal hours'
- Constructors should be aware of particularly sensitive sites such as schools, nursing homes and other places with potentially vulnerable people
- The Council may restrict working during festivals, Christmas and other holiday periods
- The Council requires longer notice periods for work affecting 'Traffic Sensitive Streets' (see <https://www.edinburgh.gov.uk/downloads/file/23635/traffic-sensitive-streets-in-edinburgh>)

PERMITS, LICENCES, TRAFFIC AND OTHER ORDERS

These are required for various temporary uses of the road such as placing of skips, erecting of scaffolding and gantries, the suspension of parking bays, road and footway closures and diversions, operation of fixed or mobile cranes, and erection of hoardings (see <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits>).

Road occupation permits are required to carry out any of the following activities in a street:

- Excavate in the road or pavement
- Create or alter a driveway or other access point
- Create a dropped kerb
- Erect scaffolding, access towers, hoarding, staging or place plant
- Put up a tower crane
- Operate mobile cranes, hoists and cherry pickers

Traffic and other orders

The proposed development may require temporary or permanent orders to control traffic, parking, loading etc. These involve statutory processes which must be followed. Constructors should ensure that the required orders are in place prior to commencement of works.

The notice period will depend on the type of permit, whether the street is classed as 'Traffic Sensitive' (see <https://www.edinburgh.gov.uk/downloads/file/23635/traffic-sensitive-streets-in-edinburgh>), and whether a Temporary Traffic Regulation Order is required (see <https://www.edinburgh.gov.uk/roads-pavements/view-comment-traffic-orders-new>). There are legal requirements to be met before traffic and other orders can be implemented.

Council Code

- Constructors should give sufficient notice to the Council when applying for permits, licences, and orders, bearing in mind the statutory processes involved
- The name of the site manager and their contact details should be displayed prominently on the site boundary.

NOISE, VIBRATION, DUST AND AIR QUALITY

Construction sites can contribute significantly to noise pollution, affecting both workers and neighbours. Keeping such impacts to a minimum and communicating proposed work with neighbours in a timely manner will greatly assist in fostering good relations and avoiding complaints.

Constructors should note that low level, long lasting, repetitive noise may be more significant than loud short duration noise.

Legislation and regulation

Control of Pollution Act 1974:

- [Section 60](#) – sets out enforcement controls in relation to noise from construction

British Standard BS 5228 (1975):

- Established reasonable hours for noise from sites as 7am to 7pm, Monday to Saturday.

Council Code

- Noisy work should not take place outside the hours of 7am to 7pm Monday to Saturday
- Where sites are in close proximity to residential neighbours, or where high impact work is involved, constructors are encouraged to consider more limited hours
- Constructors are encouraged to give neighbours 7 days notice of work outside the above hours or for high impact work
- The use of powered, percussive equipment should be avoided
- Constructors should take precautions to prevent the emission of smoke, fumes or volatile substances
- Vehicles or plant should not be left idling
- Generators and plant should be located away from residential and other neighbours and not left idling
- Dust suppression and screening should be carried out to minimise transfer of dust to neighbouring properties and on to the carriageway and footway
- Staff should be made aware of the impact of noise from their vehicles in residential streets away from the construction site
- Material stockpiles should be enclosed
- Dusty materials and dust from cutting, grinding and other sources should be damped down or otherwise controlled
- No burning of waste or other materials should take place on site
- Access points and loading areas should be located away from neighbours
- Temporary screening, where appropriate, should be used to minimise noise etc
- Where screening is used, quality and appearance should be of a high standard to minimise impacts on townscape such as including artwork where appropriate
- Alternative footways and routes during construction should promote personal safety at all times of day through natural surveillance and appropriate lighting.

TREES, SOILS, WATER COURSE AND OTHER MATTERS

A number of other matters should be considered when planning and operating construction sites. Neighbours may be concerned about the potential impact of these issues on them directly and on trees, biodiversity and the environment generally.

- Trees - the constructor must familiarise themselves with the presence of protected trees and comply with the [Protected Trees In Edinburgh Guidance Note](#). See also BS 5837:2012
- Contaminated land – developers need to satisfy the Council that unacceptable risk from contaminated land will be successfully addressed through remedial action (see <https://www.edinburgh.gov.uk/downloads/download/12959/land-contamination-and-development-management-guidance>). Constructors should be aware of the site history and the potential for contamination impacts from dust, debris and run off
- Water courses and run off – constructors should be aware of the potential impact on water courses, drainage, road gullies etc. Sites may come within the scope of SEPA's [Water Use Guidance: Construction Regulatory Guide](#) and [NetRegs](#) .

USEFUL LINKS

- [Road works and road closures](#)
- [Report incorrectly parked vehicles](#)
- [Health and Safety Executive](#)

END