

12 Strand Meadow  
Burwash  
TN19 7BP  
19th October 2019

Mark Bright  
Rother District Council  
Town Hall  
Bexhill  
TN39 3JX

Dear Mr Bright,

**Re: The Hoardings at Strand Meadow, Burwash**

Thank you for your e-mail saying the hoardings were permitted under HSE guidance.

The dark maroon hoarding has generated great hostility as it is so tall, dark and oppressive. Pictures of the hoardings are at the end of this letter.

I have taken advice about this issue and have been informed that:

- a) The relevant guidance from the Health and Safety Executive (HSE) is HSG151 Section 2 of the guidance deals with the site perimeter at building sites. I enclose that section at the end of this letter.
- b) In the introductory paragraph on page 1, the guidance is introduced with the following words, this guidance 'contains practical advice on how those designing, planning, maintaining and carrying out **construction work** can minimise the risks to those who are not involved in the construction process but may be affected.
- c) In para 25 in Section 2, it states the guidance only applies to 'where it is necessary to separate the public and others from the work.'
- d) Consequently, the guidance only applies to construction work and has no application before detailed planning application has been granted and construction work has started.
- e) In any event, the HSE issues guidance and has no powers to dislodge planning rules and where HSE guidance requires planning consent, it should be specifically asked for.
- f) An extract from the guidance is at the end of this letter.

The HSE has been contacted and Mary of the Concerns Advice Team confirmed the guidance only applies to construction sites. The site is clearly not a construction site.

I invite you to confirm the above advice and recommence the enforcement proceedings concerning the hoarding.

Your sincerely,

Martyn Wright

**Pictures of the hoardings**  
(taken 12 September 2019)





## Protecting the public Your next move

This is a free-to-download, web-friendly version of HSG151 (Second edition, published 2009). This version has been adapted for online use from HSE's current printed version.

ISBN 978 0 7176 6294 4 Price £9.95

Construction work can kill people who do not work directly in the industry. The importance of protecting such people cannot be emphasised enough. Members of the public and children are killed or seriously injured from construction activity in accidents which could have been prevented.

This guidance is aimed at all those involved in construction, not only the principal contractor, but also the client, CDM co-ordinator and designer, where appropriate. It contains practical advice on how those designing, planning, maintaining and carrying out construction work can minimise the risks to those who are not involved in the construction process but may be affected.

This guidance in this second edition has been updated in light of the Construction (Design and Management) Regulations 2007.

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Health and Safety Executive

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This guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance as illustrating good practice.

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## **Section 2 The site perimeter and other boundaries**

25 This section describes how to plan, provide and maintain suitable perimeters and barriers at locations where it is necessary to separate the public and others from the work. It also shows how the principles of risk management explained in the Appendix can be implemented after you have identified the hazards which are likely to affect members of the public and visitors. The risk assessment should also indicate where and when risks arise and their significance.

### **Planning, provision and maintenance of perimeters**

#### **Planning**

26 For most sites the perimeter is a geographical area within which construction work will be carried out. Determining this perimeter is an important aspect of managing public risk. Specific areas of risk may occur within the site, such as around deep excavations. Sometimes construction work can create risks outside the site perimeter (e.g. unloading materials from a delivery lorry outside the perimeter). Three issues need to be considered:

- **planning** what form the perimeter will take;
- **providing** the perimeter; and
- **maintaining** what has been provided.

27 Identifying the issues at pre-tender stage allows specific items to be included in the bill of quantities and prospective principal contractors can take them into account when tendering. This helps reduce the likelihood of costs overrunning in this area at the end of the project.

28 Risk assessment should decide how the perimeters will be defined, what type will be needed to protect the public and where it should be placed. Factors to consider will include:

- the nature and type of the construction work;
- how heavily populated is the area;
- who will need to visit the site during the work;
- whether the site may attract children; and
- site characteristics.

29 When planning for the delivery of materials there are many positive precautions that can be taken to ensure people outside the site are protected including:

- eliminate reversing into the street or on to site by providing one-way systems and turning areas within the site where possible;
- providing specific 'drive-in' loading areas for safer movement of goods on to site;
- plan deliveries to make sure they do not coincide with heavy pedestrian traffic, such as taking children to school;
- consider whether the deliveries should be scheduled at times outside of large movements of people such as rush hours or the journeys to and from school.

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However, for higher risk activities, such as using cranes or fork-lift trucks to unload vehicles, it may be necessary to temporarily extend the existing site perimeter while this work is carried out. Alternative pedestrian routes may be required and this will often need permission from the local authority.

### ***The site perimeter***

30 On many sites the location of the site perimeter will be obvious. The layout of the site and the site characteristics will influence the position of the site perimeter fencing,

e.g. it may be possible to consider using existing permanent features such as walls, fences or other structures provided they are structurally sound.

31 It may also be possible to phase the construction of new structures so they will form an effective barrier as the work progresses (see Figure 1). Where existing features cannot be used, you will need to decide what materials will form a suitable barrier and where it is required.

32 The precautions taken to secure the site perimeter should reflect the level of risk.

Signatures: