
CDM Responsibilities (Construction Design and Management Regulations 2015)

Hard landscaping work is considered as construction work according to the CDM Regulations 2015.

Each involved party (including the Client, the Designer and the Contractor) is bound by law to comply with the regulations

A. Roles of each involved need to be appointed formally by the Client in writing – see guidance information on roles produced by the CITB and HSE

1. Commercial Clients

<http://www.citb.co.uk/documents/cdm%20regs/2015/cdm-2015-Clients-interactive.pdf>

2. Domestic Clients

<http://www.hse.gov.uk/pubns/indg411.pdf>

3. Principal Designers

<http://www.citb.co.uk/documents/cdm%20regs/2015/cdm-2015-principal-Designers-interactive.pdf>

4. Designers

<http://www.citb.co.uk/documents/cdm%20regs/2015/cdm-2015-Designers-interactive.pdf>

5. Principal Contractors

<http://www.citb.co.uk/documents/cdm%20regs/2015/cdm-2015-principal-Contractors-interactive.pdf>

6. Workers

<http://www.citb.co.uk/documents/cdm%20regs/2015/cdm-2015-workers-interactive.pdf>

B. Before any design or construction work commences the following documentation must be produced:

Pre-Construction Information

So that the design can be built safely a Pre-Construction Information document should be produced by the Client containing information for the Designer to refer to when preparing designs and to Contractors before they start construction work.

The Client can produce this themselves or Jane Bingham from The Cheshire Garden can assist in preparing it as part of her role as Principal Designer or Designer. This counts as an additional service.

Once in possession of this document, the Principal Designer/Designer can produce designs and will pass on to the Principal Contractor/Contractor so that they can add the information to the Construction Phase Plan.

The Construction Phase Plan details how the construction aspect of the project will be managed safely and should be put together by the Principal Contractor. The Cheshire Garden regularly works with Principal Contractors who fulfil these obligations well and can recommend them to Clients. If Clients choose to appoint an alternative Principal Contractor then it must be ensured by the Client that they are aware of their obligations under the CDM regulations and abide by them. Refer to <https://www.hse.gov.uk/pubns/indg411.pdf> for more information.

C. Provision for changes to the design

Changes to the design and products used need to be communicated to involved parties so that everyone is clear what has changed and understands any risks that may need to be considered. For example, if you wish to change the design and/or materials after the masterplan has been signed off and/or during the build, this must be confirmed in writing to the Principal Designer copying in the Principal Contractor.

If you, the Client, make changes to the design you then assume the role of a Designer and take on the responsibilities associated with making those changes. You must take guidance from the Principal Designer who will ensure you fully understand the impact of the design variations and their potential risk and hazards during and after the construction phase

D. CDM designated area

It is usually the responsibility of Principal Contractor to draw up the CDM area i.e. to which parts of the site the CDM regulations apply – within an agreed working boundary.

Alternatively, The Cheshire Garden can produce this. This counts as an additional service.

E. Design phase risk assessment register

It is the Principal Designer/Designer's responsibility to produce this register to highlight risks together with recommended action for mitigation.

F. Specification and construction drawings

The Principal Designer/Designer can produce a specification for the works as per the design and construction drawings including an indication of associated risk in the form of a red triangle for high risk and amber for medium risk.

It needs to be agreed whether these will be required by you, the Client or whether you will agree for the Principal Contractor to build using his own construction techniques with any consequential risks being your responsibility.

These count as additional services

G. Health & Safety file

The Principal Designer/Designer must produce a H&S file if there is more than one Contractor i.e. if there is an electrician engaged as well as a Landscape Contractor.

The H&S File will include information relating to the residual risks present after the construction of the garden is complete together with a list of all materials used with provisions for their cleaning, maintenance, dismantling and removal.

The Cheshire Garden is required to formally hand the H&S file over (signed by you, The Client and Jane Bingham from The Cheshire Garden) to you for completion by you or The Cheshire Garden can liaise with the Principal Contractor to obtain the information and hand over to you when the construction work is complete.

If The Cheshire Garden completes it with input from the Principal Contractor, it counts as an additional service.

The Cheshire Garden will formally hand over the H&S file (signed by you and The Cheshire Garden) to you no later than six weeks after the construction work is complete, regardless of whether the Principal Contractor/Contractor has provided all the information or not.

If The Cheshire Garden's appointment ends before the project ends, the information gathered to date will be formally handed over to the Principal Contractor in writing for completion.