
From: Anthony Rush <rush_aj@[REDACTED]>
Sent: 22 September 2010 17:21
To: 'Fitchie, Andrew'
Cc: Steven Bell; Richard Jeffrey; J Blair Anderson
Subject: RE: Princes Street Update - Sent on behalf of Richard Jeffrey

Andrew

It was useful to have the discussion with you and Blair.

I have been minded about three things in my approach to Princes Street:

1. We had a choice of pursuing RTN first or Clause 37 – the RTN route fitted in with the timetable Richard set us for termination.
2. Although I have heard it said that the Roads Authority hasn't approved the design for PSSA I have found it hard to promote that idea.
3. Any remediation plan would have to be approved by the Roads Authority which would in effect circumvent the status of the approval of the design for works carried out (on a cost plus basis) for PSSA.

I am now minded that we can refuse to accept the rectification plan at our absolute discretion and decide whether to use Clause 37.

I am minded that if we do – we should state that BSC should remove and replace work to a design Consented to by the Approval Bodies and in accordance with the Employer's Requirements. We should refer to Clause 36 and require a testing regime. We would also need to set a timetable including obtaining approvals.

As Blair says there are some other defects which we should also refer to.

Failure would entitle us to exercise Clause 37.2 and instruct others to carry out the work at BSC's cost.

We should reserve our rights under clause 90.

As I keep saying this needs careful thought.

Tony

From: Fitchie, Andrew [mailto:Andrew.Fitchie@dlapiper.com]
Sent: 22 September 2010 14:51
To: rush_aj@[REDACTED]
Subject: Re: Princes Street Update - Sent on behalf of Richard Jeffrey

Tony

Can you look at Clause 37 and Clause 40.

Would like to discuss their application to P Street.

A
Andrew Fitchie
Partner
DLA Piper Scotland LLP
T: [REDACTED]

M: [REDACTED]
F: [REDACTED]

From: Anthony Rush <rush_aj@[REDACTED]>
To: Fitchie, Andrew
Sent: Wed Sep 22 14:24:29 2010
Subject: Re: Princes Street Update - Sent on behalf of Richard Jeffrey

Andrew

I will be home before 1510 if you want to ring me then.

Tony

Sent using my BlackBerry® from Orange

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BoW Tel [REDACTED]
Mobile [REDACTED]
email rush_aj@[REDACTED]

From: "Fitchie, Andrew" <Andrew.Fitchie@dlapiper.com>
Date: Wed, 22 Sep 2010 14:14:24 +0100
To: <rush_aj@[REDACTED]>; Richard Jeffrey<Richard.Jeffrey@tie.ltd.uk>; Steven Bell<Steven.Bell@tie.ltd.uk>
Subject: RE: Princes Street Update - Sent on behalf of Richard Jeffrey

Legally privileged

Gents

I do not regard any of this as a client instruction to install 0.65km of defective works and grounds for leaving it until the Client has issue an RTN before providing a plan to remedy the defects.

It should not be forgotten that BSC refused to go onto Princes Street in February '09 for paper thin and confused reasons : Health & Safety, non-exclusive access and were given an instruction to get on with it. The standoff that result cost the project the time that would have been available to complete the works long before the hundred year rain. Bus traffic on Princes Street is hardly unforeseeable for the designer.

kind regards

Andrew S. Fitchie
Partner, Location Head Finance & Projects
DLA Piper Scotland LLP
T: [REDACTED]
M: [REDACTED]
F: [REDACTED]

 Please consider the environment before printing my email

From: Anthony Rush [mailto:rush_aj@██████████]
Sent: 22 September 2010 08:09
To: Richard Jeffrey; Fitchie, Andrew; Steven Bell
Subject: Re: Princes Street Update - Sent on behalf of Richard Jeffrey

Richard

I know that sinking feeling.

But your email taken as a whole tells a different story and our response should make that point

Tony

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BoW Tel ██████████
Mobile ██████████
email rush_aj@██████████

From: Richard Jeffrey <Richard.Jeffrey@tie.ltd.uk>
Date: Tue, 21 Sep 2010 14:01:38 +0100
To: Anthony Rush<rush_aj@██████████>; Fitchie, Andrew<Andrew.Fitchie@dlapiper.com>; Steven Bell<Steven.Bell@tie.ltd.uk>
Subject: FW: Princes Street Update - Sent on behalf of Richard Jeffrey

Please see attached the full e-mail to which BSC refer in their response to the RTN

Regards

Richard

From: Richard Jeffrey
Sent: 26 November 2009 11:11
To: 'David Darcy'; Martin.Foerder@civil.bilfinger.co.uk; 'Richard.Walker@civil.bilfinger.co.uk'
Subject: FW: Princes Street Update - Sent on behalf of Richard Jeffrey

David, Martin, Richard,

Please see below a progress report issued today to our shareholders and board.

A huge personal thanks from me for the efforts that you and your sub-contractors have gone to get us to this stage, despite the horrid weather.

Martin, I did pop into the office this morning to say thanks personally but you were not around.

Thanks again and I am looking forward to lots more opportunities to celebrate achievement of milestones.

Regards

Richard

From: Julie Thompson
Sent: 26 November 2009 11:05
To: Tom Aitchison; Dave Anderson; Marshall Poulton; Jenny Dawe; Andrew Burns; Iain Whyte; steve.cardownie@edinburgh.gov.uk; gordon.f.mackenzie@edinburgh.gov.uk; Tom Buchanan; david_mackay@██████████ Phil Wheeler; Donald McGougan; Stewart McGarrity; Bill Campbell; allan.jackson@edinburgh.gov.uk; Steven Bell; Graeme Bissett (external contact); Kenneth.Hogg@scotland.gsi.gov.uk; Brian Cox; Strachan, Peter; Scales, Neil; ian.perry@edinburgh.gov.uk
Cc: Alasdair Sim
Subject: Princes Street Update - Sent on behalf of Richard Jeffrey

Princes Street update 11.00 Thursday

We remain on track to reopen Princes Street at 05.00 Sunday morning.

This is despite a very difficult 24 hrs since my last report where the shocking weather significantly hampered progress on issues such as laying of the final road surfaces, white lining and mastic jointing, all of which are activities which cannot be carried out in severe weather. (it has been an exceptionally wet November which has not helped progress generally). The forecast for the next few days is much better and we have already caught up some of the lost time from yesterday and last night over the course of this morning. I would emphasis to you the one family approach that the consortium has fully embraced in order to complete this, all contractors carried on working through the night in this weather. They have also readily offered supportive press comment.

Despite the weather we did complete some traffic signals installation and testing as planned.

Today's priority is to catch up on the time lost yesterday, which, given the weather forecast we are confident we will be able to do. (there will be a lot of tar wagons in the city today)

We have identified one further area (the pavement at the south-west corner of The Mound/Princes Street Junction) which will be a temporary black-top finish rather than the final setts/slabs, which will be done at a later date. None of the work identified for later will require the closure of Princes Street.

'Sparkles' events gained access as planned and the fountains are now in place and working, and the snow-globe is also in place. As I send this Radio Forth are broadcasting live from Princes Street.

Further update similar time tomorrow

Regards

Richard
Richard Jeffrey
Chief Executive

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