

**DEFRA Consultation on Site Waste Management Plans for the
Construction Industry
(April 2007)****Summary**

The Department for Environment, Food and Rural Affairs is consulting on proposals to make Site Waste Management Plans (SWMP) a legal requirement for construction and demolition projects in England.

The regulations would require the preparation and implementation of a SWMP for works involving construction, demolition or excavation above £250,000 in value.

This paper provides you with a summary of the proposals and requests your feedback on the need for, and the potential costs and benefits of, a mandatory system.

If you consider regulation to be a good idea, we would also like your comments on the £250,000 threshold, the proposed content of SWMPs and level of detail that should be included in a plan.

To read the consultation document and the Regulatory Risk Assessment in full go to: <http://www.defra.gov.uk/corporate/consult/construction-sitewaste/index.htm>

Feedback Requested by Wednesday 20th June 2007

Please use the feedback form provided and send your comments to:

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What are SWMPs?

Site Waste Management Plans (SWMPs) are a tool for construction companies and their clients, of all sizes, to improve their environmental performance, meet regulatory controls and reduce rising costs of disposing of waste.

They were originally developed as a DTI Voluntary Code of Practice but, if regulations are approved, will become a legal requirement for all construction projects over £250,000 in April 2008.

Why are SWMPs necessary?

Resource Efficiency

In England and Wales, the construction sector uses some 400 million tonnes of materials each year and generates an estimated 109 million tonnes of waste.

Around 13% of all materials delivered to site go into skips without ever being used so there is a potential for greater resource efficiency.

This impacts both on the profitability of the sector and its reputation in terms of sustainability.

Waste Crime

Construction and demolition waste accounts for about one fifth of all reported fly-tipping incidents and about a third of the more serious incidents dealt with by the Environment Agency. As the rewards involved in illegal activity become more lucrative, there is growing evidence of greater involvement by organised criminals. This undermines and undercuts legitimate business.

Offenders typically fall into two categories:

- Subcontractors – working for a principal contractor on significant projects
- Smaller self-employed builders

SWMPs will mean that responsibility for ensuring compliance will be placed at the top of the chain i.e. with the client and the principal contractor. They will have to ensure all sub-contractors are aware of and comply with waste management controls. Smaller builders responsible for projects under £250,000 in value will not be subject to these new regulations but they will continue to be subject to the waste duty of care (which is also under review by DEFRA).

Preventing fly-tipping from happening in the first place, rather than spending public money on enforcement and clean-up, is preferable, and in line with the Government's waste crime strategy.

Lack of Awareness

Independent research has shown that lack of awareness of environmental legal requirements is one of the key issues that lead to a lack of compliance.

Advantages of Mandatory SWMPs

- Help the sector demonstrate (e.g. to Local Authorities) that they are complying with the principles of sustainable construction.
- Provides a structured approach to management and recycling on site
- Help the sector meet the Code for Sustainable Homes Standard.
- Help the sector improve construction resource efficiency.
- Help combat the problem of fly-tipping and other waste crime incidents by closing the market for illegal waste operatives.
- Help reduce the level of accidents in the construction industry, through waste segregation and safer storage of materials on site.
- The environment will benefit, as better resource use efficiency will mean materials being used more sparingly and effectively, less waste being sent to landfill, and fewer incidences of construction and demolition waste being fly-tipped.
- Preparing and delegating responsibility for SWMPs could provide an opportunity for increasing the skills of the construction workforce, and a shared understanding of the principles of responsible waste management.

Disadvantages of Mandatory SWMPs

- Potential for the costs to outweigh the benefits. Costs would fall on construction companies (additional paperwork and record-keeping) and Local Authorities.
- Potential to be ineffective at engaging industry on one hand or too onerous on the other - depending on the level of detail required. For example, a simple tick box recognition system is unlikely to engender serious engagement from industry, but specific performance targets might place too of a burden on the industry and result in limited success.

The Proposed Site Waste Management Plan Procedure

The regulations would make the proposed SWMP procedure part of the routine planning and execution of projects.

SWMPs will target two key issues:

1. the level of resource efficiency within the construction industry
2. the responsible management of any waste that is produced

At the design conception and planning stage, companies will be encouraged to consider the waste that their project is expected to produce and to adapt the design and material specifications to address this.

They will then need to determine which type of waste will be produced on site and for each waste type, whether, how and how much of the total quantity might be reused or recycled (including demolition and excavation waste).

Determining the Minimum Value

SWMPs need to apply to projects that produce waste that might otherwise be recovered. They should also be proportionate to the size of a project to ensure that they do not overburden the construction industry.

The DTI voluntary code of practice adopted a minimum value of £200,000. Although this only captures 30% of all projects carried out in a year, it affects 90% of all projects by value. It covers the majority of major waste producers without imposing a significant regulatory burden on smaller projects but it does not account of the cost of compliance relative to the benefits.

DEFRA has undertaken a review of the relative costs and benefits of writing and implementing SWMPs for a number of different companies. This concluded that the breakeven point where benefits begin to exceed costs is an average project value of £250,000.

To cater for higher value projects for which a greater level of waste planning and recording requirements might apply, a second minimum of £500,000 project value is proposed. Above this value a project would need to produce and implement a more detailed SWMP.

Level of Detail

The amount of detail required in a SWMP should reflect the value of the project and the amount of waste and opportunities to reuse that resource.

Options for the level of detail can vary between a simple tick-box recognition of waste minimisation principles, through to a detailed proforma with site-specific waste reduction targets.

DEFRA proposes a level of detail that makes the principal contractor consider all waste types, the options for recovering them and a clear audit trail that demonstrates where all waste taken off site is recovered or disposed of (see box text).

Proposed SWMP Content for All Projects Over £250,000

– Before work begins on site the person in charge or the contractor would need to record:

- the identity of:
 - the person who drafted the Plan;
 - the person in charge of the project; and
 - the contractor used (if there is more than one contractor, the principal contractor);
- a description of the works proposed including the:
 - location of the site; and
 - the estimated value of the project;
- a description of the waste type that will be produced in the course of the project;
- an estimate of the volume of each different waste produced;
- the waste management action proposed for each waste type i.e. reuse, recycling, recovery or disposal; and
- a declaration that the person in charge of the project and the principal contractor will take all reasonable steps to ensure that waste management controls e.g. the duty of care, will be observed.

- Recording and monitoring required during the project

The person in charge or the contractor would need to record:

- the identity of the waste management contractor removing the waste;
 - the types of waste removed; and
 - the site that the contractor is taking the waste to.
- Within one month of the work being completed he must add to the plan—
 - confirmation that the site waste management plan has been monitored on a regular basis to ensure that work is progressing according to the plan and that the plan was updated in accordance with this regulation; and
 - a description of any lessons learnt from any differences in circumstances between the first draft of the site waste management plan and actual performance.

Proposed SWMP Content for Projects Over £500,000

- Before work begins on site the person in charge or the contractor would need to record:

- When any waste is removed from the construction site—
 - the identity of the waste management contractor removing the waste;
 - a copy of, or reference to, the waste carrier registration of the carrier; and
 - a copy of, or reference to, the waste transfer note.
- As often as necessary to ensure that the plan accurately reflects the progress of the project, and in any event not less than every six months, he must—
 - assess the plan;
 - record the types and quantities of waste produced;
 - record the types and quantities of waste that have been—
 - re-used on-site,
 - re-used off-site;
 - recycled for use on-site;
 - recycled for use off-site;
 - sent to recycling facility;
 - sent to waste management licence exempt site; or
 - sent to landfill site for disposal; and
 - produce a further plan, if it is necessary to do so, making changes necessary to reflect the progress of the project.
- Within one month of the work being completed he must add to the plan—
 - confirmation that the site waste management plan has been monitored on a regular basis to ensure that work is progressing according to the plan and that the plan was updated in accordance with this regulation;
 - a description of any lessons learnt from any differences in circumstances between the first draft of the site waste management plan and actual performance.
 - a comparison of the estimated quantities of each waste type against the actual quantities of each waste type;
 - where relevant, drawing on any lessons learnt, an action plan to address these for the next project; and
 - an estimate of the cost savings that have been achieved by completing and implementing a site waste management plan.

Responsibility for Writing and Implementing a SWMP

The principal contractor will be responsible for preparing and implementing the SWMP once work has begun on site and after it has been completed. It will be the responsibility of the principal contractor to delegate individual responsibilities for waste management tasks to contractors/sub-contractors within the terms of their contract.

The person who drafts and implements a SWMP will be ultimately responsible for ensuring compliance with its content – so they should ensure that any contracts and subcontracts make explicit reference to relevant waste management duties described in the SWMP.

In cases where the client and the principal contractor are different people or organisations, DEFRA propose to make them equally responsible for compliance.

CIOB General Comment

The need for the construction industry to become more sustainable is supported by the CIOB. Waste management is a critical component of achieving this, and the Institute supports the use of site waste management plans.

It is important that a change from a voluntary to a mandatory system is driven by a clear definition of the problem that needs to be addressed. It is therefore important to have an accurate picture of the current use of SWMPs and how effective they are in achieving the desired results. If barriers exist, we need to identify them and address them.

It is important that mandatory SWMPs provide a one-stop shop for compliance with all relevant legislation including the duty of care, hazardous waste, waste carrier and waste broker controls. The CIOB would like to see SWMPs streamline the rules rather than complicate them further.

There is a concern that the £250,000 threshold for requiring a SWMP could result in projects being broken down into smaller value projects.

The threshold of £250,000 would also exempt smaller contracts who may be the bigger culprits in terms of waste crime.

The threshold that is used must address the main problem areas – that is demolition, excavation and waste crime - and the CIOB is looking for feedback on whether project value is the best way to do this.

Feedback Form**Send to Fiona Davies, F: 01344 630770, E: fdavies@ciob.org.uk****By Wednesday 20th June 2007**

Q1: *Do you think we need regulations for SWMPs or should the existing voluntary approach continue, perhaps with greater promotion?*

Need regulation

Voluntary

Comment:

Q2: *Do SWMPs help encourage better resource-use efficiency and reduce waste crime?*

Yes

No

Comment:

Q3: *If you think that regulation is necessary or desirable, what do you think should be the threshold after which a SWMP is required.*

All projects should require a SWMP

Less than £250,000

£250,000

More than £250,000

No projects should require a SWMP

Project value is the wrong criteria. A better threshold would be (e.g. volume of groundwork, demolition, excavation).....

.....

Q4: *Is there a risk that a construction project might be broken into smaller projects to avoid the SWMP requirement? If so, how might this be addressed?*

Yes

No

Comment:

Q5: *What level of detail should be required in a SWMP?*

- Proposed level of detail ok*
- More detail needed (please comment)*
- Less detail needed (please comment)*

Comment:

Q6: *Will SWMPs significantly increase paperwork?*

- Yes (please comment)*
- No – they could streamline multiple requirements*

Comment:

Q7: *It is estimated that 13% of materials delivered to construction sites are disposed of as waste. What is the likely composition of this waste, why is it produced, what is its value, and to what extent is it recoverable?*

Comment:

Q8: *What are the barriers, if any, to the success of the existing voluntary scheme?*

Comment:

Q9: *Do you see any problems with the responsibility falling to the Principal Contractor?*

- Yes*
- No*

Comment: