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Site Waste Management Plans


Overview of consultation proposals

Miranda Lewis, Waste Regulation Policy, Welsh Government

Overview

- What is a Site Waste Management Plan and why are we doing this?
- Key definitions & players
- Step by step process
- When is a SWMP required and exemptions
- SWMP categories & content
- Fees & Charges scheme
- Enforcement
- Transitional arrangements
- Workshops

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Consultation Document

Waste (Wales) Measure 2010
Site Waste Management Plans



Date of issue: 31 January 2013
Responses by 25 April 2013

Steering Group

- The Welsh Government would like to thank members of the steering group for their input and support.
- **John Kirkham - Welsh Government**
- **Liz Franks - Welsh Government**
- **Joanne Smith - Welsh Government**
- **Francois Samuels - Welsh Government**
- **Chris Jones - LABC / Powys County Borough Council – Building Control**
- **Steve Boole - Bridgend CBC**
- **Paul Jennings / Emma Thomas - Constructing Excellence in Wales**
- **Rhodri Jones - Civil Engineering Contractors Association (CECA) Wales**
- **Mark Whitby - Construction Skills**
- **Gareth Lewis - Environment Agency**
- **Richard Jenkins - Federation of Master Builders Wales**
- **Federation of Small Business**
- **Eunomia consultants - Sam Taylor, Peter Jones, Dominic Hogg**
- **Len Wyatt – Welsh Government (Transport)**
- Former members of the group
- Karin Black - Welsh Government
- Paul Wintle - Welsh Government
- Hugh Jones - WRAP
- David Elsmere - Construction Skills
- Huw Davies - Environment Agency
- Jeff Perren - Welsh Government

What is a SWMP?

- A Site Waste Management Plan (SWMP) is a plan to help clients/ developers/ contractors in the C&D sector to:-
 - **Think about the waste that will be produced before a Project starts**, how to minimise the waste and how to plan to deal sustainably with the waste that does arise.
 - **Record the amount and type of waste** that has been produced during the course of their work activities and how it has been managed.

Why are we doing SWMPs - 1?

- Key reasons why we want to do SWMPs:
 - **Reduce Landfill** - More than 750,000 tonnes of C&D waste went to landfill, half of which consisted of soil & stones.
 - **Help improve recycling and re-use**
 - **Deal with the number of illegal waste sites in Wales.** With 164 illegal waste sites (end of March 2012) 39% was C&D waste
 - **Help tackle the number of fly-tipping incidents.** 2nd most commonly fly-tipped waste (after household waste) with 2,978 incidents.
 - **Improve management of hazardous waste.** 23,088 tonnes of hazardous C&D and asbestos waste arose in Wales in 2011 and 90% of this waste was deposited outside Wales.

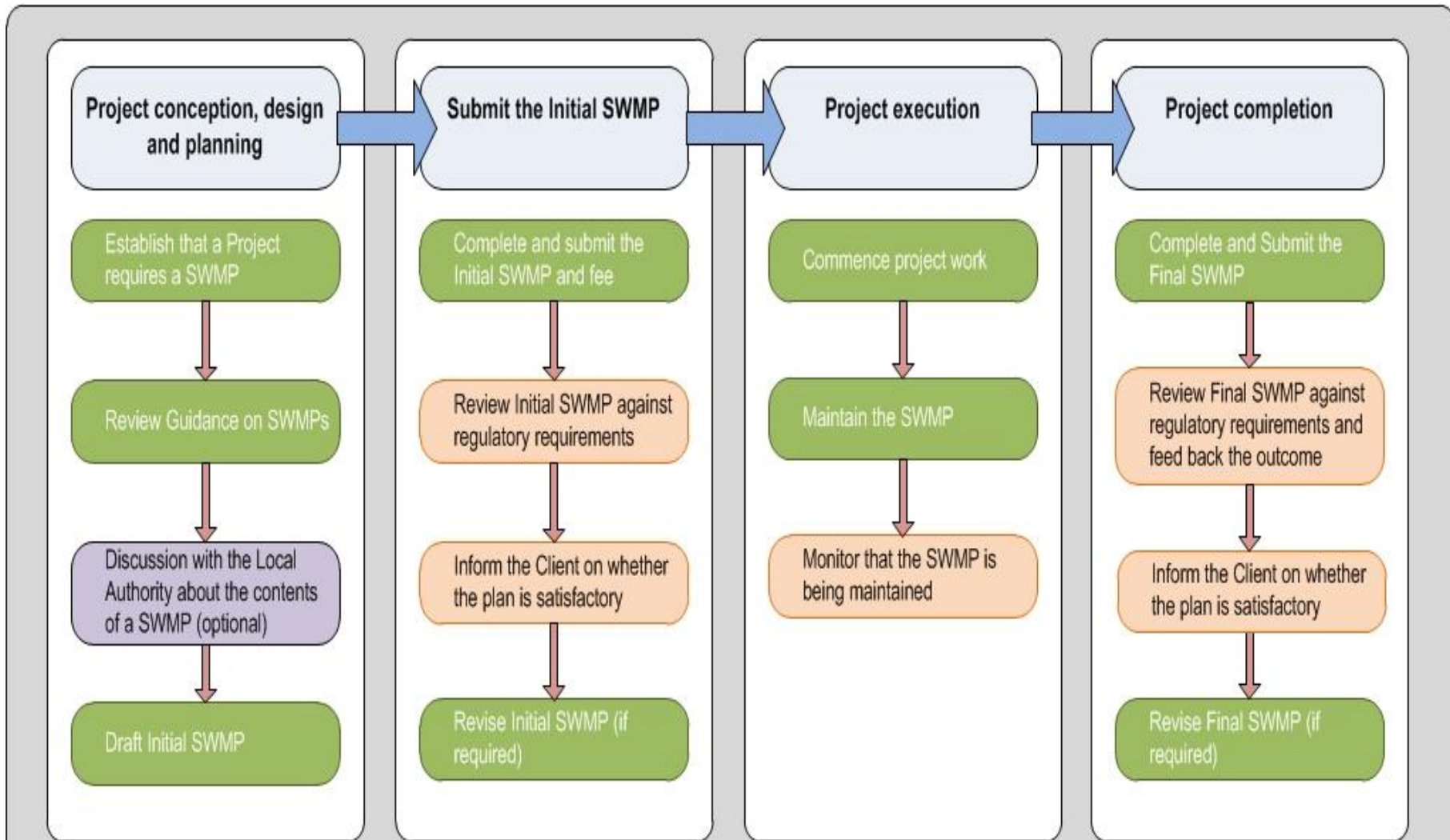
Why are we doing SWMPs cont.?

- **Reduce pollution incidents involving C&D waste.** In 2010, 2,624 incidents involving C&D premises or waste were recorded.
 - **Promoting the development of new ways of working with waste.** In 2012, there were 10,845 construction and demolition businesses, of which 99% were small and medium enterprises.
 - **Improve material efficiency and reduce the C&D sector's carbon footprint.**
 - **Help the C&D sector meet European waste requirements on waste prevention and hierarchy.**
-
- **Building on pre-consultation work with the Industry in 2008 and 2009.**
 - **Strengthened Wales specific SWMP powers in the Waste (Waste) Measure 2010**

Key definitions and players in SWMP regulations

- “Project” - similar to the Site Waste Management Plans Regulations 2008 (England).
- A definition for “works involving construction or demolition”.
- **Key players:**
 - **Client** - responsibility for ensuring that a SWMP is produced in accordance with the requirements in the regulations.
 - Principal Contractor - Where a single contractor is used, they will be the **Principal Contractor**. Where multiple contractors are used, the Client is responsible for appointing one as the Principal Contractor. If no contractor is used, the Client undertakes the tasks of this role.
- Enforcement authority – Local authorities
- Environment Agency to have a supporting role (not defined in proposed draft regulations) such as providing advice on waste practices to LAs

Step by step process



Key:

Client/Principal Contractor responsibilities

Local Authority responsibilities

Client/Principal Contractor and Local Authorities Joint responsibilities

↓ Steps within stages

➡ Steps between stages

When is a SWMP required?

- A SWMP is required :
 - Building Regulations regime either through the **giving of a building notice** or **deposit of plans**
 - Planning Permission system (other than for change of use)
 - Projects carried out by Highway Authorities and Statutory Undertakers with an estimated cost at or greater than £50,000 (excluding Value Added Tax (VAT)).
 - Projects undertaken by a person under a Self-certification Scheme where anticipated duration of construction days is 2 calendar days or more, or involving more than 10 person days or more in total.
- LA to have power to enter sites if necessary to determine compliance with the regulations. This will include projects covered by Approved Inspectors.

Cases where a SWMP is not needed

- Emergency repairs and urgent works to make building safe
- Nuclear power stations
- Other projects where SWMP not needed:-
 - Permitted Development works
 - Local Development Orders (LDOs)
 - Development Consent applications
- The Welsh Government strongly encourages the principles and use of SWMP to be utilised for any new 'development consent' applications in Wales, LDOs and nuclear power stations.

SWMP categories

- Project Score matrix to calculate which SWMPs category is relevant to Project:
 - **Simple**
 - **Standard**
 - **Extended**
- Client/Principal contractor calculates projects score based using Anticipated duration of project, cost, area, expected volume of waste

Fees and Charges scheme

- Introducing a Fees and Charges scheme – fees set to bands of Simple, Standard + Extended SWMPs.
- SWMP fee is provided with the initial SWMP submission to the enforcement authority.
- Enforcement authority to provide initial pre-application advice at no charge. If additional advice is required, then the enforcement authority may charge
- Review the Fees & Charges scheme within two years and review and update the scheme on an annual (financial) basis.

Enforcement

- Regulations state who is responsible - the Client and Principal Contractor or both for offences created by the regulations.
- Criminal sanctions may include a fixed penalty and fines on summary conviction not exceeding £50,000.
- Civil sanctions tools: Fixed Monetary Penalty (FMP), Variable Monetary Penalty (VMP), Compliance Notice (CN), Enforcement Undertaking.
- Prescribed range of a Fixed Monetary Penalty - minimum £300 to a maximum of £1000.
- Appeals – First Tier tribunal
- Statutory guidance to the enforcement authority in carrying out its duties under the SWMP Regulations.

Other sections of consultation

- Options for introducing a record keeping system to support SWMPs to contain all the necessary information to enable the SWMP scheme to be monitored effectively.
- Draft Guidance covers sections for :-
 - Statutory guidance – this sets clear guidance for the enforcement authority.
 - Non-statutory guidance to help support Clients and Principal Contractors in preparing and complying with the requirements of the SWMP regulations.
- Draft Impact Assessment – outlines options, costs and benefits of each

Transitional arrangements and next steps

- Subject to outcomes of consultation responses, SWMP regulations come into force following a transitional period of around 12-18 months after the regulations are laid.
- We propose enforcement authority to take into account of the unfamiliarity of Clients and Principal Contractors with the regulations when considering their approach to enforcement in the early months after implementation.
- Next steps :
 - Summary of responses report – end of summer 2013.
 - Regulations laid 2014, coming into force 2015 (subject to consultation responses).

Consultation Workshops

- Details of consultation workshops are as follows:
- 26 February, 6-8pm, Swansea
- 27 February, 9-11am, Swansea
- 5 March, 9-11am, Cardiff
- 7 March, 6-8pm, Cardiff
- 13 March, 6-8pm, Llandudno
- 14 March, 9-11am, Llandudno
- 20 March, 6-8pm, Wrexham
- 21 March, 9-11am, Wrexham

- To register your attendance please contact cewalesevents@cewales.org.uk at Constructing Excellence in Wales.

Thank you for listening

- The closing date for replies is 25 April 2013.
- You can respond to the consultation by sending your written response to the address below or by email to the email address provided.
 - Waste Regulation Policy Branch
 - Waste and Resource Efficiency Division,
 - Sustainable Futures,
 - Welsh Government,
 - Cathays Park
 - Cardiff CF10 3NQ
- **Email:** waste@wales.gsi.gov.uk

Web-link to consultations page:

- www.wales.gov.uk/consultations