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Site Waste Management Plans

Consultation Workshops

Miranda Lewis, Waste Regulation Policy, Welsh Government

Workshop overview

- 4-5 themes, a number of questions
- Workshop duration - only 2 hours
- Consultation – 22 questions in total, closing date 25th April 2013. To make a formal response, 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

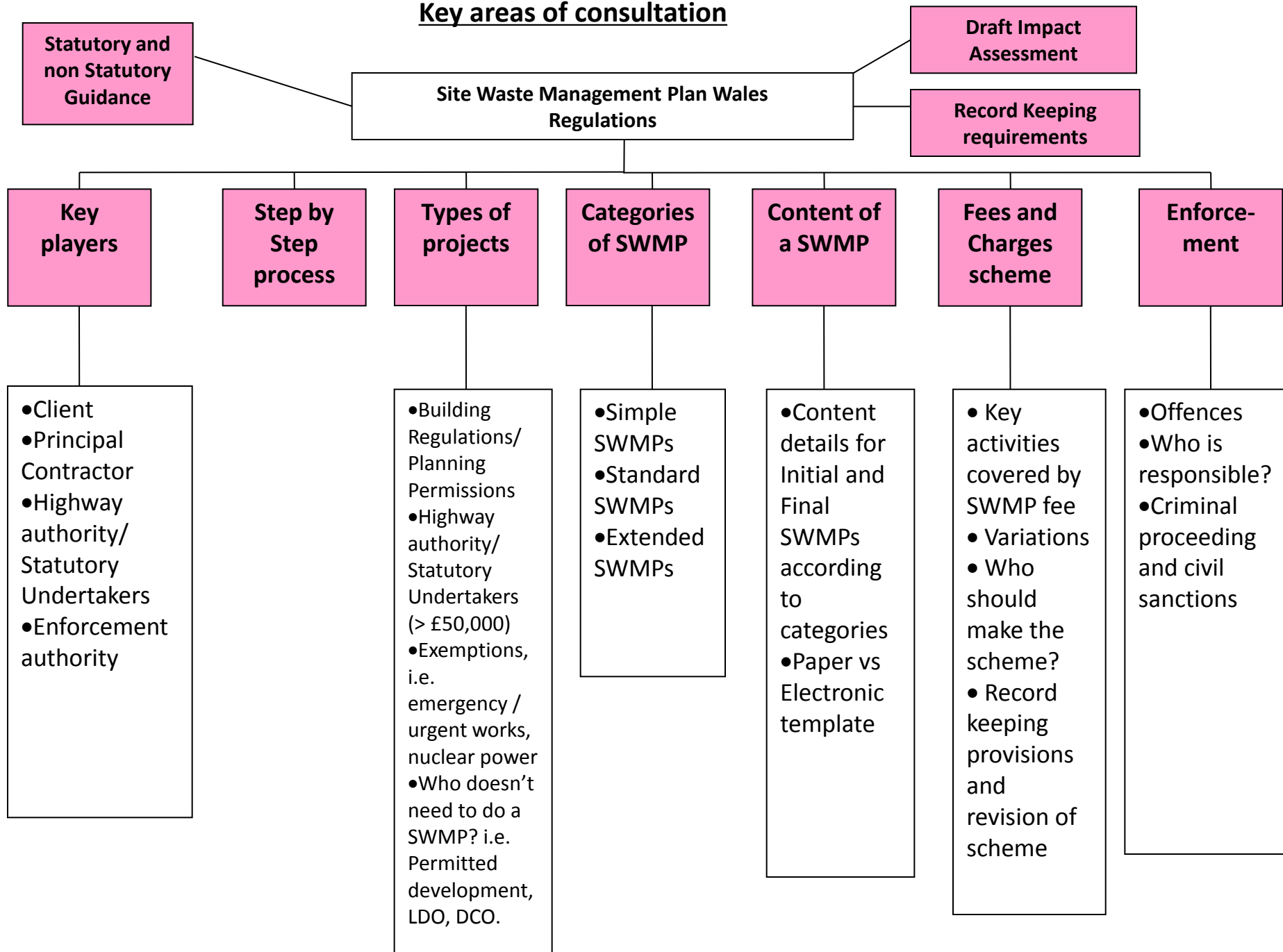
Site Waste Management Plan – what & why?

- 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.**
 - **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.** Other data on C&D waste show that improved recycling and re-use will help to improve material efficiency and reduce the 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 areas of consultation



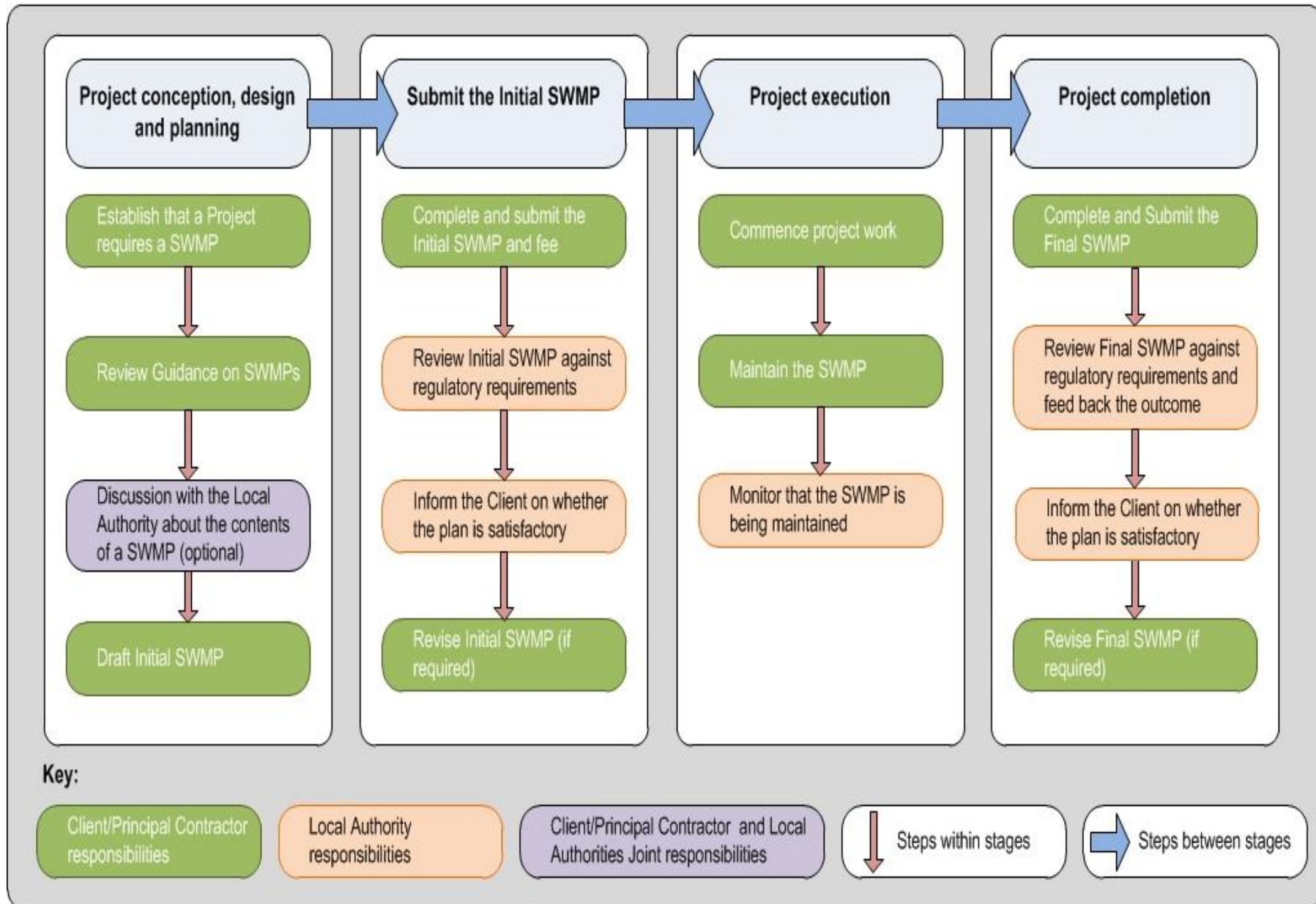
Overview of consultation proposals 1

- **Key definitions:** client, principal contractor, highway authority/statutory undertakers, enforcement authority (Local authority)
- **SWMP required** where building notice, deposit of plans, planning permissions needed. Also:
 - Projects carried out by Highway authority/statutory undertakers with estimated cost at or greater than £50,000
 - Projects under a Self-certification scheme (where work last longer than 2 calendar days or more, or 10 person days or more)
- **Exemptions:** nuclear power stations, emergency / urgent repair work. In addition, works under Local development order, development consent applications and permitted development don't require a SWMP.

Overview of consultation proposals 2

- **SWMP categories:** Simple, Standard, Extended – use of Project matrix to calculate project score and determine the category of SWMP for the project
- **Content of a SWMP** – different requirements according to categories
- **Fees and Charges scheme** – fees to be varied
- **Enforcement** – proposed offences, use of criminal proceedings/civil sanctions
- **Other sections of consultation** – record keeping, guidance.
- **Transitional arrangements and next steps** – 12-18 months. Regulations laid in 2014, coming into force 2015

Proposed Step by Step process



Workshop structure

Workshop divided into topics from key areas of the consultation document.....

Theme 1-4 to follow.....

Theme 1: Key definitions and players in SWMP regulations

- “Project” - similar to the Site Waste Management Plans Regulations 2008 (England). *Project” means a project that includes or is intended to include construction work and includes all planning, design, management or other work involved in a project until the end of the construction phase.*
- A definition for “works involving construction or demolition”. Currently, same definition as Construction (Design and Management Regulations 2007. Need to consider:-
 - *definition is best left undefined for the industry and the enforcement authority to interpret;*
 - *to define the term in guidance, but not the regulations themselves;*
 - *to define the term generally within the regulations; or*
 - *to define the term as "all work involving construction or demolition which is development for the purposes of the Town and Country Planning Act 1990 or which is building work for the purposes of the Building Regulations 2010".*
- **Key players:**
 - **Client** - responsibility for ensuring that a SWMP is produced in accordance with the requirements in the regulations. Client could be householder, organisation, i.e. company, highway authority, public sector body etc.
 - **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.**
 - **Highway authorities and statutory undertakers.**
- **Enforcement authority** – Local authorities
- **Natural Resources Wales (formerly Environment Agency)** -- supporting role ONLY (not defined in proposed draft regulations) i.e. providing advice on waste practices on request from LAs, training.

Questions

- The draft regulations:-
 - Are the definitions clear?
 - Are roles and responsibilities clear including when an offence has been committed?
 - Is anything else needed for the draft regulations?

Theme 1 (cont.) - Client – ultimate responsibility?

- Currently, some offences place responsibility on the client and principal contractor jointly, others on the principal contractor. The enforcement authority will have regard to the regulations on where responsibility lies.
- We have considered placing responsibility for producing and complying with a SWMP fully on the Client. Any breaches committed by the Principal Contractor during the course of a SWMP would result in the Client taking full responsibility.
- Benefit - ensures one person takes ownership of the SWMP and for ensuring compliance. Enables the Client to keep an eye on the Project and ensure that waste is minimised, costs are kept down therefore empowering householders and organisations to take a more holistic and sustainable approach to their Project.
- **BUT.....**
- Approach may be seem unfair on clients who are not normally involved with managing construction work.
- **Question 2: Do you think we should place responsibility for producing and complying with a SWMP fully on the Client?**

Theme 2: 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

- **Exemptions:** Emergency repairs and urgent works to make building safe
- Nuclear power stations
- **Not needed :** Other projects where SWMP not required:-
 - 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.

Questions

- What do you think of the proposals to align the requirements of SWMP with existing building regulations and planning controls?
- Do you agree on proposals of bringing Highway authorities and statutory undertakers and those carried out by Competent Persons Scheme into the SWMP regulations?
- Are these thresholds suitable, i.e. £50,000 for highway authorities and statutory undertakers? If not, why not?
- Do you think our proposals on exemptions are suitable because of their nature?

Theme 3: SWMP categories

- Project Score matrix to calculate whether SWMPs of the following categories needed:
 - **Simple**
 - **Standard**
- Client/Principal contractor calculates projects score based on a Project Score Matrix – scores calculated using Anticipated duration of project, cost, area, expected volume of waste
- A third category – **Extended SWMP** for special long term projects subject to certain criteria

Questions

- Question: What do you think about the three categories and the use of a project matrix to determine the bands and scores and its scoring thresholds?

(Office use - Refer to Consultation Questions 10)

- Question: What do you think about proposals for an Extended SWMP, including the criteria laid out for Extended SWMP projects?

(Office use - Refer to Consultation Questions 11)

Theme 4: Fees and Charges scheme

- Introducing a Fees and Charges scheme, set to proposed 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
- Vary fees by four levels of SWMP: Most simple SWMPs, remaining Simple SWMPs, Standard SWMPs and remaining Standard SWMPs.
- Single flat fee for Extended SWMPs.
- Discount should be offered by LA if SWMP template sent by electronic means, and early payment of fees.
- Review the Fees & Charges scheme within two years of the regulations coming into force in order.
- After the initial two years, to review and update the scheme on an annual (financial) basis.
- Who should make the scheme? Views sought on either Welsh Minister or the enforcement authorities in line with guidance provided by the Welsh Minister.

F&C relating to SWMP tasks

Stage	Description of task	Additional information
Pre-Application Stage	Pre-app discussion	Discussion between Client and enforcement authority about the contents of a SWMP. Bespoke advice to be chargeable.
Processing Stage	Process paper copy of SWMP	Enforcement authority reviews the SWMP against regulatory requirements, records information and processes fee. Inform Client of whether the plan meets the requirements. If any issues with initial SWMP, then time spent with Client will be incorporated within fee.
	Process electronic copy of SWMP	
	Verify content of SWMP	
	Process SWMP fee – paper copies	
	Process SWMP fee – electronic copies	
Inspections Stage	Conduct inspection	Assumed that this will be done in conjunction with other inspection such as building control/planning compliance. Additional inspections may be chargeable.
	Conduct additional inspection if required.	
Enforcement Stage	Issue Penalty	--
	Issue Notices	--
Verification of Final SWMP	Verify final SWMP	Review SWMP against regulatory requirements, record information submitted – this is covered within the SWMP fee.

Questions

- Question
 - What do you think of the proposals to make a fees and charges scheme for SWMP regulations?

– Office use – refer to Q13 of condoc.

If we have time for one more question.....

- The Welsh Government is working on the Environment Bill now.....
- We may seek an opportunity through the Environment Bill to seek additional powers on SWMP and any legislation which may impact on waste management practices in the C&D sector. Do we need more powers on SWMP, or management of construction waste?

Thank you all for coming

- The closing date for replies is 25 April 2013.
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