



"Working for our members to be the voice of government on waste minimisation and recycling issues"

LOCAL AUTHORITY RECYCLING
ADVISORY COMMITTEE

Janice Harvey
Environmental Policy Division
Goodwood House
44-48 May Street
Belfast
BT1 4NN

11 March 2011

Dear Ms Harvey

DOE NI CONSULTATION ON THE DRAFT SITE WASTE MANAGEMENT PLANS REGULATIONS (NORTHERN IRELAND)

I am writing to present the LARAC response to the above Consultation, which is contained below, and may I thank you for the opportunity to respond.

The responses below are sent on behalf of the Local Authority Recycling Advisory Committee (LARAC). LARAC is an association of around 85% of the local authorities across England, Scotland, Wales and Northern Ireland whose waste management and recycling professionals co-ordinate and operate waste management services. Membership is drawn from all types of authority including statutory Waste Collection (WCA), Waste Disposal (WDA) and Unitary.

Our response has been peer reviewed by members of LARAC's policy team and executive committee. LARAC members have also been invited to comment on the consultation through the members' discussion forum on our website. All contributions received have been taken into account in drafting the response below.

In general, LARAC members welcome the Department of the Environments proposals to make site waste management plans a legal requirement for construction, demolition and excavation projects within Northern Ireland. Members support the Departments aim to simplify the administrative burden on the construction industry by enabling all aspects of both project management and regulatory requirements to be incorporated into one plan, shifting the focus of all work toward improving resource efficiency within the construction industry.

However, members would urge caution in developing regulation without first clearly establishing both who will be responsible for implementing, monitoring and enforcing such legislation and what resources will be available for this purpose. Our full comments are detailed below.

If you have any queries on this response then please contact me at 028 37529624, mobile 07703594971, or e-mail: larac@armagh.gov.uk

Yours faithfully,



"Working for our members to be the voice of
government on waste minimisation and recycling issues"

LOCAL AUTHORITY RECYCLING
ADVISORY COMMITTEE

Ms Liz Drew
Policy Support Officer
LARAC Policy Team

cc. Mark McAdoo, LARAC Representative NI, mark.mcadoo@cookstown.gov.uk



"Working for our members to be the voice of government on waste minimisation and recycling issues"

LOCAL AUTHORITY RECYCLING
ADVISORY COMMITTEE

GREEN GLASS

SUMMARY OF CONSULTATION QUESTIONS

DOE NI CONSULTATION ON THE DRAFT SITE WASTE MANAGEMENT PLANS REGULATIONS (NORTHERN IRELAND)

Q1. Do we need regulations for SWMP?

Yes.

LARAC members feel minimising waste at source on construction sites to be integral in both improving resource efficiency and diverting wastes from landfill. Through the use of Site Waste Management Plans (SWMP) companies and organisations can both accurately assess their use of materials and the potential for their reuse and recycling both on and off site.

As detailed in Section 1.6 of the consultation document, whilst 23 Northern Ireland based companies and organisations have committed to "Halving Waste to Landfill" via signing up to the Waste and Resources Action Programme (WRAP) UK-wide construction industry commitment, many smaller sized organisations have not engaged in this voluntary agreement.

Similarly, with an estimated 25% of construction and demolition wastes being landfilled and a further 42.5% illegally dumped each year, and sub-contractors and smaller, self-employed builders suggested as the main culprits of this type of waste crime (Section 1.5), we suggest that current Duty of Care requirements and Voluntary SWMP agreements have generally failed to bring about the changes needed within the Construction and Demolition and Excavation (C & D) industry to meet NI Waste Management Strategy targets for reuse and recycling. LARAC would support the introduction of regulations for SWMP in order to support these existing measures.

However, as stated earlier, members would urge caution in developing regulation without first very clearly establishing both who will be responsible for implementing, monitoring and enforcing such legislation and what resources will be available for this purpose.

Q2. If you agree that regulation is necessary or desirable, what should be the minimum criteria above which a construction project will require a SWMP?

Currently, a SWPM is required for public sector construction projects valued at more than £200,000 in Northern Ireland. Members would support applying a similar criterion to the C & D industry (C & D).

Q3. What level of detail should be required in a SWMP?

LARAC would support the level of detail as proposed in Section 3.3 of the Consultation document.



"Working for our members to be the voice of government on waste minimisation and recycling issues"

LOCAL AUTHORITY RECYCLING
ADVISORY COMMITTEE

Quantifying the types and quantities of wastes produced, reused and/or recycled on and off-site would improve the quality and robustness of data and facilitate better future analysis of the composition of C & D sector waste.

Q4. How should the requirements in a SWMP further improve the level of resource efficiency in the construction industry?

As for Q3 above

By clarifying and highlighting waste streams within the construction industry, the requirements in a SWMP should also contribute to developing waste exchange schemes such as the National Industrial Symbiosis Programme (NISP), encouraging sustainable project design, encouraging sustainable procurement and stimulating markets for construction and demolition wastes.

Q5. Will SWMP reduce the administrative burden or increase it? What might the cost of implementing SWMP be and how would this affect your existing levels of paperwork?

In the short term, the new requirements may increase the administrative burden slightly but in the longer term both the client and lead contractor would have greater control over their resources/data enabling them to meet, for example, Duty of Care and Waste Carrier registration requirements much more readily.

The additional costs of implementing SWMP should, at least in part, be offset by the savings made as a result of greater resource efficiency and reduced landfill costs.

Q6. The Department would be interested to receive views how smaller companies could be engaged with to raise awareness of the forthcoming SWMP legislation.

LARAC agrees with the means of publicising SWMP as outlined in Section 4.2 of the document.

However, as a further means of raising awareness of the forthcoming SWMP legislation, LARAC members would also welcome consideration by planning authorities of the preparation of SWMPs as a condition of planning permission in order to manage waste on site. In this way, the information would be received at what is generally the first point of contact.

The Department should consider working alongside key industry bodies such as the Construction Industry Group or Construction Employers Federation in order to disseminate this information, as well as local authority Building Control and Waste Management teams.

It would be beneficial to consider how regulations could be streamlined to avoid duplication, for example by organisations only being required to provide one set of documentation that includes requirements for Duty of Care and Waste Carrier Registration as well as SWMP. The same documentation could also be used to improve the quality of information about waste flows from construction sites.



"Working for our members to be the voice of government on waste minimisation and recycling issues"

LOCAL AUTHORITY RECYCLING
ADVISORY COMMITTEE

Q7. How can we be sure that SWMP meet the joint objectives of encouraging better resource efficiency and reducing waste crime? Have we got the level of intervention right, or should we do more or less?

LARAC members feel that in order to be sure that SWMPs meet the joint objectives of encouraging better resource efficiency and reducing waste crime, the Department must continue to commit sufficient resources to both education and communication regarding what is required and to the monitoring and enforcement of the regulations once in place.

As for Question 1, members would urge caution in developing regulation without first very clearly establishing both who will be responsible for implementing, monitoring and enforcing such legislation and what resources will be available for this purpose. Members would welcome clarification of how the level of resources allocated to the inspection of SWMP will be determined by the Department (Section 3.5)?

New regulations could also provide for the provision of accurate waste flow information from building sites, which would be invaluable at improving the quality of data about construction and demolition waste at minimum additional overall cost.

Q8. It is estimated that each year some 13 percent of materials delivered to construction sites are disposed of as waste. Comments are welcome on the likely composition of this waste, why it is produced, its value and the extent to which it is recoverable.

LARAC members are not in a position to comment on the specific make up of this waste, however would assume that at least some of the material arises from over-ordering and unforeseen changes in design plans as a project progresses. Consideration of waste minimisation measures in SWMPs should help improve the management of materials on site and reduce over-ordering.

Q9. Does the proposed definition of construction (to which SWMP would apply) capture the full range of construction work to which site waste management plans should apply? Should any of these activities be excluded or new ones included and, if so, why?

N/A

Q10. Do you agree that this is the most practicable criteria for deciding whether a construction project requires a SWMP? What alternatives are there?

N/A

Q11. In your view, what is the minimum value above which a Site Waste Management Plan should apply? Should further information be required for higher value projects, and if so from what value?

As for Q2, above



"Working for our members to be the voice of government on waste minimisation and recycling issues"

LOCAL AUTHORITY RECYCLING
ADVISORY COMMITTEE

Q12. 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?

LARAC is not in a position to comment. However, in principle it should be possible to require projects being carried out at the same location to be considered as a single application. The deciding factor could be whether the project is the subject of a single planning application or many.

Q13. Comments are invited on the level of detail we are proposing is included and recorded on the SWMP.

As for Q3, above

Q14. What other information would it be helpful to record? Is any of the information unnecessary?

As for Q3, above

Q15. Do you agree that the cost-benefit analysis for writing and implementing a SWMP in the partial Regulatory Assessment is accurate, or do you have any further information or suggestions that might compliment or challenge the analysis?

As for Q5, above

Q16. Who is best placed to write and implement a SWMP? Would this identify an appropriate person in the management structure of all construction projects?

LARAC is not qualified to comment on this, save that many projects likely to require a SWMP will also be subject to the Construction (Design and Management) Regulations (NI) 2007 (CDM). Under Part 3 of the Regulations, a client may be obligated to appoint a CDM Coordinator. Members would suggest that there could be merit in linking the requirement for a SWMP to these regulations, with the CDM Coordinator then being the most appropriate person to write/implement the SWMP.

Where a CDM Coordinator is not required, we feel that responsibility for writing and implementing a SWMP should be with the 'client' through his/her "site manager".

Q17. Is it reasonable to hold the person drafting and implementing the SWMP responsible for someone else's actions?

Yes. They should clearly communicate these requirements of all sub contractors, and clients should include a clause to meet the SWMP requirements into any contract they enter into with their lead contractor.

Q18. Should SWMP be formally regulated and, if so, on what basis and by whom?



"Working for our members to be the voice of government on waste minimisation and recycling issues"

LOCAL AUTHORITY RECYCLING
ADVISORY COMMITTEE

Yes. If regulations are to be put in place, they must be formally regulated in order for them to be more than merely a "tick-box" exercise.

However, as stated earlier, members would urge caution in developing regulation without first very clearly establishing both who will be responsible for implementing, monitoring and enforcing such legislation and what resources will be available for this purpose. With Site Waste Management Plans potentially touching on the functions of a range of local authority departments, for example Planners, Building Control, Waste Management, we feel that clarity on these issues is vital in order for regulation to stand any chance of working.

19. What level of checks is reasonable in order to improve compliance?

The checks outlined in point 51: Annex C seem OK, but we are not convinced that setting performance targets would increase compliance for smaller projects.

Q20. Is the proposed range of offences appropriate for encouraging maximum compliance with SWMP, or should other offences be considered?

Members feel the range of offences to be appropriate. LARAC supports the proportionate approach to enforcement as proposed in point 108: Annex C. LARAC members welcome continued emphasis being placed on the resource efficiencies and financial savings that construction companies and organisations can make by introducing SWMP rather than on the penalties for non-compliance, but do recognise the need for a more regulatory approach that would support Duty of Care and reduce waste crime.

Q21. Comments are welcome on the penalties suggested for these offences.

LARAC is not qualified to comment on this, save that penalties should be commensurate with other penalties for failure to comply with regulations intended to protect the environment