

Waste topic paper 4: Site waste management report

Somerset County Council

Minerals and Waste Development Framework











This document has been prepared by Somerset County Council, working in partnership with the Environment Agency, Envirowise and the Chartered Institute of Building.

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www.somerset.gov.uk/mineralsandwaste

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1. Introduction

1.1. The Site Waste Management Plans Regulations 2008

The Site Waste Management Plans Regulations 2008 came into force in England in April 2008. These regulations require any client who intends to carry out a project on any one construction site with an estimated cost of greater than £300,000 excluding VAT to prepare a site waste management plan (SWMP) conforming to the SWMP regulations before construction work begins. Additional requirements are imposed on projects where the estimated cost is over £500,000 (excluding VAT). Failure to comply with the regulations is an offence.

1.2. Who enforces SWMP regulations?

The SWMP Regulations state that the following may enforce the Regulations:

- a) the Environment Agency
- b) in any local government area with a principal authority, that authority;
- c) any district or county council; and
- d) in the city of London, the common council.

A question and answer note issued by Defra in June 2008 states that formal approval of SWMPs is not required, but some local authorities require SWMPs through their supplementary planning documents. This same Defra note also states that the enforcing authority is usually the local authority.

Defra non-statutory guidance published in April 2008 states that it is for the enforcing authorities to determine those officers they consider most appropriate to undertake this work [enforcement]. It is expected that in most cases local environmental quality, environmental health or trading standards enforcement teams will be best placed to do so within local authorities, as they will have the necessary knowledge and training to carry out checks of waste documentation and to undertake further investigative work, pursuing prosecutions if necessary.

"SWMPS should be added to existing local enforcement strategies as an additional tool for dealing with fly-tipping"

Defra non-statutory guidance, April 2008

According to the non-statutory guidance, the allocation of enforcement powers to both the Environment Agency and local authorities is designed to enable them to be exercised in accordance with the national fly-tipping protocol, with the Environment Agency generally focusing on larger, more serious incidents (perhaps those involving hazardous waste).

It should be noted that a soft approach to enforcement has been taken nationally during early implementation of the SWMP Regulations 2008, enabling stakeholders to understand what the Regulations entail and how best to implement them.

1.3. The Duty of Care

Duty of Care is a requirement under law to take responsibility for waste. It applies to everyone handling waste, from the person who produces it to the person who finally disposes of it or recovers it. It also applies if you act as a registered waste broker when arranging waste disposal.

The first requirement is to ensure that the waste is stored securely. This means storing the waste in suitable containers or places which will prevent unauthorised access and prevent if from escaping your control.

When transporting waste you must be sure that the person carrying the waste has a Waste Carriers Licence registered with the Environment Agency and is transporting the waste to a suitably Permitted Site. If you transport your own waste then you do not require a Waste Carriers Licence, **unless** you are carrying building and demolition waste.

All movements of waste must be recorded in Waste Transfer Notes. These must be kept for a minimum of two years. If hazardous waste is involved, then Consignment Notes must be used and these must be kept for a minimum of three years.

A waste producer's responsibility for their waste does not end when the waste carrier removes it from their site. The responsibility lasts until the waste has either been finally and properly disposed of or fully recovered. A producer must ensure that the waste is disposed of at a suitable Permitted or exempt facility.

1.4. Linking SWMPs with sustainable development

Support frameworks for sustainable urban development include the Code for Sustainable Homes and BREEAM (for non-residential development). Both frameworks cover site waste management.

The Code for Sustainable Homes includes a mandatory element on site waste management plans (though this may be removed in favour of enhanced voluntary credits). BREEAM also offers credits for construction site waste management. To achieve any of the BREEAM construction site waste management credits, regardless of value or locality, the developer must have a SWMP compliant with best practice (as defined in the BREEAM notes).

1.5. A response in Somerset

Early in 2009, Somerset County Council and the Environment Agency agreed that active measures were needed to understand more about SWMPs and support their use in Somerset. Steps were needed to promote a shared vision for all local authorities in Somerset and the Environment Agency, and to engage with the county's construction and demolition sectors on this topic. In mid-2009 the south west branch of Envirowise and the Wessex branch of the Chartered Institute of Building (CIOB) joined this discussion.

As a result, an informal action plan was formed, whereby Somerset County Council and the Environment Agency would focus on engaging with the local authorities in Somerset. And all four partners – Somerset County Council, the Environment Agency, Envirowise and the CIOB – would support engagement with the county's construction and demolition sectors.

1.6. The purpose of this report

This report summarises the evidence gathered on SWMPs during 2009, helping to embed the use of SWMPs in construction and demolition in Somerset and inform local policy on waste management in new development. The report summarises a SWMP events programme delivered in autumn 2009 and brings together conclusions arising from this work.

The report is not intended to offer a comprehensive review of the SWMP Regulations 2008, nor detail all the ramifications of these Regulations. However, the Appendices do point toward guidance that should help any reader requiring more information.

2. What is a site waste management plan?

2.1. The origins of SWMPs

In 2004, the DTi published a voluntary code of practice on site waste management plans. In 2005 SWMPs were incorporated into the Clean Neighbourhoods & Environment Act 2005 (part 5, chapter 3, section 54). In 2007 central Government issued a formal consultation on draft SWMP regulations, prior to the regulations coming into force in April 2008.

2.2. The aims for SWMPs

According to Defra's non-statutory guidance, SWMPs aim to address two key issues:

- improving resource efficiency; and
- reducing fly-tipping.

The nucleus of the SWMP is the forecast – how much waste will be generated, of what type and how will it be managed? It is envisaged that the widespread adoption of SWMPs will help the construction and demolition (C&D) industry to save money through better resource efficiency and reduced waste disposal costs. Thus it should be in the industry's interests to implement SWMPs in as much detail as possible. The uptake of SWMPs should also improve understanding of what is happening to waste in the C&D sectors, which historically have proved difficult to survey.

A SWMP should be viewed as a live document. This is not to say that a SWMP needs to be 'corrected' if targets are not met. But additional levels of detail can be added to a SWMP during the life of the construction or demolition project, monitoring waste arisings and waste management expenditure and identifying any new targets that could support improved resource efficiency. Targets are not mandatory – though they are good practice. The concept is to move from standard SWMPs to good practice and eventually best practice.

There are various templates and tools available for developing SWMPs. Arguably the most dominant in the current market is available from the Waste & Resources Action Programme (WRAP): http://www.wrap.org.uk/swmp. However, there is no formal requirement to use a specific template, providing the project adheres to the SWMP Regulations 2008.

3. A response from local planning authorities

3.1. National guidance for planning authorities

WRAP outlined the potential role that planning authorities can play in supporting the implementation of SWMP regulations in a briefing note issued in March 2009. This note states that the issue of site waste management throughout the life of the project can be highlighted by planning authorities during pre-application discussions.

Defra's non-statutory guidance supports embedding SWMPs in the planning process, since it states that SWMPs are now included on the supplementary list of information that may be required by the local planning authority before they validate a planning application.

3.2. How might this work in practice?

As mentioned in section 2 a SWMP is a live document, which evolves over time. Such evolution might conceptually be divided into two main stages.

Stage 1: Preparing a SWMP statement

First a basic SWMP may be prepared by the client and principal contractor during an early stage in the project. Potentially this might take the form of a statement that covers the project essentials and outlines selected aims to manage resources as efficiently as possible during the life of the project. A sample document is shown on the next page. Potentially this could be a useful tool during pre-application discussions with the planning authority, highlighting the applicant's intentions to abide by the Regulations and manage resources sustainably during the construction phase of the project.

Stage 2: Preparing a more detailed SWMP

Thereafter, the client and principal contractor could work together in expanding the SWMP to be more detailed and far-reaching. The full SWMP is unlikely to be finalised by the time a full application is made to the planning authority; however, it is reasonable, particularly for larger projects, to expect that a more detailed version of the initial statement is achievable prior to planning consent.

A sample SWMP statement – a first step on the road to writing a full SWMP - to be signed by both the client and the principal contractor

Responsibility

Name of client	
Name of principal contractor	
Name of person who drafted plan	
Notes, amendments	

Construction project

Site location (full address)	
Estimated project cost	
Notes, amendments	

Materials resource efficiency

Describe here any methods adopted during the conception, design and specification phase to reduce the amount of waste arising,			
Method Resource saving (quantify if possibl			

Waste management

Declaration

The client and principal contractor will take all reasonable steps to ensure that:

a) all waste from the site is dealt with in accordance with the waste duty of care in section 34 of the Environmental Protection Act 1990 and the Environmental Protection (Duty of Care) regulations 1991; and

b) materials will be handled efficiently and waste management appropriately.

Signatures

3.3. Quality control

The SWMP Regulations 2008 are, in essence, designed under a self-regulatory system and do not require formal approval of SWMPs by any third party. Applying this in a planning context, it is unlikely that planning permission will be refused on the grounds of a poor SWMP submission alone; however, it is in the applicant's interests to manage their resources as efficiently as possible – which the SWMP facilitates – and planning authorities are well-placed to encourage good waste management practice in new development.

Case study 1 below shows how Sefton Metropolitan Borough Council proposed to approach this issue from a planning perspective. Clearly this approach assumes that there is capacity in the local authority to approve each SWMP that is prepared. This may not be possible for all local authorities and is not mandated by the Regulations.

Case study 1: Sefton Metropolitan Borough Council

The following italicized section is taken from a report to Sefton Council's Environmental Planning Committee, written by the Council's Environmental Protection Director, dated 22 October 2008:

Sefton's approach

12. The need for SWMPs is now included on the list of information required by the planning department before a planning application is validated. The planning director would forward the SWMP to the environmental protection department who in liaison with Merseyside Environmental Advisory Service will determine whether the SWMP is adequate.

13. It is considered that, at this stage, it is unlikely that any comprehensive SWMPs will be submitted with a Planning Application and that a standard condition will need to be applied requiring the information prior to commencement on site.

14. The following draft condition is being considered: -

- S1 Site Waste Management Plan
- No development shall take place until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full.
- Reason: To ensure that the proposed development would include the reuse of limited resources, and to ensure that the amount of waste for landfill is reduced in accordance with policy EMW1 in the Sefton Unitary Development Plan 2006.

3.4. What threshold to set?

The SWMP Regulations 2008 refer to two thresholds, both linked with the project value (as defined in the Regulations: \pounds 300,000 and \pounds 500,000). Planning authorities may not be ideally placed to consider projects in those terms and may opt for a different approach. Examples are shown in case studies 2 – 5 below. These highlight that there is currently no standard, national approach to implementation of SWMPs in the planning system, even though it is reasonable to assume that applicants who are working across county boundaries may appreciate a more level playing field.

summary of the thresh	olds for waste audits	
Category	Type of development	Waste audit required
Minor developments	Less than 9 dwellings or less than 1000m ² of 0.5 ha of other development	Waste audits are voluntary
Major developments	10 or more than 10 dwellings or more than 1000m ² or 0.5 ha of other development	Waste audit statement required as part of design statement prepared with planning application
EIA developments	Developments requiring an environmental impact assessment	Waste audit should be a component of the environmental statement and should include an overall strategy for waste management for the development

Case study 3: Bath & North East Somerset (BANES)

http://www.bathnes.gov.uk/BathNES/environmentandplanning/planning/planningapplications/Site+Waste+Management+Plan.htm

Quoting from the BANES website on local requirement details for planning consent (reproduced on 23 February 2010):

Site Waste Management Plans

Required for all applications proposing developments in excess of 100 dwellings of 10,000m² new floor space (or an equivalent combination). Proposed new development should be supported by site waste management plans of the type encouraged by the code of practice published in 2004 by the Department of Trade and Industry now the Department for Business Enterprise and Regulatory Reform – *Site Waste Management Plans: guidance for construction companies and clients* – detailing the identification of the volume and type of material to be demolished and/or excavated, opportunities for the reuse and recovery of materials and to demonstrate how off-site disposal of waste will be minimised and managed.

Case study 4: Eastbourne Borough Council

http://www.eastbourne.gov.uk/environment/planning/apply/waste/

Quoting from the Eastbourne Borough Council website (reproduced on 23 February 2010):

From the 1st June 2007 all planning applications will require supporting information that covers the waste minimisation strategy for the development. These will be in the form of a Site Waste Management Plan or Site Waste Management Statement.

Site Waste Management Plan

These are required for all developments over five units (housing) or 500sq m built development area.

Site Waste Management Statements

These are for smaller development not covered by a Site Waste Management Plan and should demonstrate how the elements of sustainable waste management have been incorporated into the scheme.

Case study 5 on the next page sets its threshold according to the Town and Country Planning (General Development Procedure) Order 1995 (GDPO). According to the GDPO, major development involves any one or more of the following:

(a) the winning and working of minerals or the use of land for mineral-working deposits;

- (b) waste development;
- (c) the provision of dwelling houses where -

(i) the number of dwelling houses to be provided is 10 or more; or (ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c)(i);

(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or

(e) development carried out on a site having an area of 1 hectare or more.

Case study 5: Shropshire's Minerals and Waste Development Framework

This includes a Consultation Statement on 'Managing Waste in New Development: supplementary planning document' which states that: *Consultees indicated a clear* preference for the use of thresholds derived from the General Development Procedure Order (GDPO) rather than using cost based thresholds as proposed in DEFRA / DTi proposals for 'Site Waste Management Plans'.

Shropshire's consultation statement further states that 'Validation Checklists: Waste statements or waste audits (as appropriate to the scale of development) should still be included for qualifying development as part of informal validation checklists developed by Local Planning Authorities in Shropshire' and it indicates its preferred options for setting the threshold as set out in the table below.

Issue	Preferred Option	Support for Preferred Option	Support for Other Options	
General Approach	Support	93%	7%	
Issue 1: Should we prepare an SPD?	Prepare an SPD	93%	7%	
Issue 2: What should the thresholds for a tiered approach be based on?	Relate thresholds to those currently recognised within the planning system as part of the General Development Procedure Order 1995	69%	31%	
Issue 3: Are the requirements of the SPD for each threshold category appropriate?	Provide information and advice to householders. Require completion of a simple checklist by applicants for minor development and require more detailed information from applicants for major development	70%	30%	
Issue 4: How can we ensure that the guidance in the SPD is applied and implemented?	Require completion of the relevant waste assessment as part of the validation procedure for both major and minor planning applications and, where appropriate, use planning conditions and legal agreements to ensure that the requirements of waste assessments are fully implemented	62%	38%	

4. Engaging with local planning authorities in Somerset

4.1. Developing a common position

During 2009 Somerset County Council and the Environment Agency began to discuss with the other planning authorities in Somerset the idea of working toward a common position that:

a) identifies respective responsibilities under the SWMP Regulations 2008; andb) offers a standard platform for developers to implement SWMPs across Somerset.

Questions raised by local authority officers include:

- a) How can Development Management officers ask for SWMPs when they are in a weak position to enforce SWMPs and do not necessarily have the capacity or expertise to check SWMPs?
- b) Is this a matter for Somerset County Council, the Waste Planning Authority and Waste Disposal Authority in Somerset?
- c) Is this a matter for Building Regulations?

These questions reflect the fact that the SWMP Regulations 2008 did not evolve through the Planning system or through Building Regulations and thus there is a need for clarity. A common position as suggested above has yet to be realised.

Mendip District Council has adopted a pro-active position on the implementation of SWMPs in its planning system. This is summarised below.

4.2. Mendip District Council

Mendip District Council's adopted its own local list of planning application validation requirements in April 2008 although adoption by the council's Planning Board was subject to reviewing these requirements after six months. A comprehensive review of these requirements was undertaken and changes to its local list have been proposed which reflect officers' experience and customers' feedback since they were first implemented. Coverage of SWMPs in Mendip's proposed new local validation list runs as follows:

Site Waste Management Plan

Description: A Site Waste Management Plan (SWMP) is an important tool for developers to improve their environmental performance, meet regulatory controls and reduce rising costs of disposing of waste. A SWMP must forecast the volume and type of waste arising from development, such as material to be demolished and/or excavated, and examine all opportunities for the re-use and recovery of any such materials and details of any off-site disposal of waste and how this will be minimised and managed. Further guidance is contained in the **Site Waste Management Plans: Guidance for Construction Contractors and Clients** Code of Practice, or contact Somerset County Council's Waste Infrastructure Officer on 01823 357140.

Threshold: Required for all major applications (see definition below) or for proposals involving the demolition of existing buildings and/or significant excavations which are not related to a proposal for works within the curtilage of a dwellinghouse.

Reason: To consider the proposals in accordance with Saved Policy ER6 of the adopted Mendip District Local Plan, advice contained in Planning Policy Statement 23 and requirements of the Site Waste Management Regulations 2008.

A major application is defined as:

- An application for 10 or more dwellings (or for any dwellings on a site measuring 0.5 or more hectares)
- An application for any other type of development proposing 1,000 or more square metres new floorspace (or for any development of a site measuring 1.0 or more hectares)

Furthermore Mendip District Council's Environmental Protection team leader agreed to adopt a reactive approach to the issue, using the SWMP as a reference tool when following up on reported incidents of fly-tipping of construction or demolition waste.

5. Engaging with the construction and demolition sectors in Somerset

5.1. SWMP workshops

In mid-2009, the Environment Agency, Somerset County Council, Envirowise and the Chartered Institute of Building (CIOB) combined their shared interests in supporting implementation of the SWMP Regulations 2008 by arranging a series of three workshops in Somerset. This was done with significant support from NetRegs and WRAP. The workshop dates and venues ran as follows:

6 October 2009: Genesis Centre, Somerset College, Taunton4 November 2009 Yeovil Innovation Centre, Yeovil3 December 2009 Sedgemoor Auction Centre, Bridgwater

5.2. Marketing and promotion

Envirowise lead the preparation of an A4 double-sided flyer to promote these three events. The flyer was then disseminated by a large number of partners to promote the events as widely as possible:

- Somerset County Council developed a construction and demolition waste survey to stimulate interest in the issue. This went out in a mailshot that included the event flyer to 112 companies.
- CIOB promoted the events via mail and email to its members: http://www.ciob.org.uk/regions/wessex
- Envirowise promoted the events via an e-alert and its BrickSandMortar enewsletter: http://www.envirowise.gov.uk/england/Our-Services/Eventsand-workshops.html
- The Environment Agency attracted local interest with a press release.
- NetRegs promoted the events via an e-alert. Its database includes 24,000 individuals of which about 20% are in construction: http://www.netregs-swmp.co.uk/
- Business Link promoted the events in its email news to 36,000 businesses in South West England.
- WRAP promoted the events via their website: http://www.wrap.org.uk/construction/events_training/index.html

• Other organisations also featured the events in their newsletter: this included CIWM on 9 October; SW Councils on 7 October and the SWRDA website during October. Also flyers were emailed by the Avon Construction Training Centre and the Building Safety Group to their contacts.

The project partnership had sufficient contacts to enable this mass marketing approach, which proved most successful in results and helped in its own right to promote the importance of SWMPs in Somerset's C&D sectors.

5.3. Bookings and attendance

Bookings were taken online at the Envirowise website, by fax to Envirowise and by emails and phone calls to Rob Graham at Envirowise. Bookings were also taken by Sarah Holborn at CIOB, with additional support from Guy Robinson at Somerset County Council and Alister Wintle at the Environment Agency. This flexibility meant that the partners captured as many bookings as possible in a short time.

Attendance at each event was respectively 26, 48 and 46 companies, comprising 120 in total. For 3 events in one county, on one subject and in one season, this is viewed by the event organisers as a remarkable level of attendance.

5.4. Format

The format for the events included an introduction by the CIOB – Wessex Center chairman, Nick Acheson, an overview of proceedings by the Envirowise SW regional manager, Rob Graham, followed by an introduction to SWMPs and the legislation by Envirowise's Roger Wilson.

A case study was then delivered by a firm preparing and using a SWMP in Somerset. The local case studies were presented by:

- 1. Steven Power, Senior Project Manager, Taunton & Somerset NHS Foundation Trust.
- 2. John Chapman, Project Manager, Midas Group.
- 3. Martin Blake, Director, Henry W Pollard & Sons.

Roger Wilson then took delegates through the NetRegs Guide's 9 steps to a successful SWMP, and after a coffee break, the delegates worked in teams to practice the first five steps of writing a SWMP.

After a lively feedback session, Somerset County Council explained elements of Somerset's planning policy and emerging approaches to enforcement of the SWMP Regulations 2008.

A show of hands at the end on a variety of questions of further needs demonstrated strong support for further help with waste solutions.



Nick Acheson, Chairman, Chartered Institute of Building Wessex Branch, introduces SWMP training to 26 construction professionals at Taunton Genesis Centre



Steven Power, Senior Project Manager, Taunton & Somerset NHS Foundation Trust explains his SWMP to 26 construction professionals at Taunton Genesis Centre



Envirowise's Roger Wilson (pictured) delivers SWMP training to 48 construction professionals at the Yeovil Innovation Centre



Delegates practice writing a SWMP at the Yeovil Innovation Centre

Delegate analysis and Envirowise measurable outcomes

Venue	Bookings	Attended	Est. no. sites represented	Est. no. SMEs	Enquiry Forms returned	Advice Line Enquiries	Newsletter signups	Businesses receiving literature
Genesis Centre,								
Somerset College,								
Taunton	33	26	14	9	26	0	33	26
Yeovil Innovation								
Centre, Yeovil	58	48	26	16	15	0	58	48
Sedgemoor Auction								
Centre, Bridgwater	70	46	33	24	6	3	64	46
TOTAL	161	120	73	49	47	3	155	120

Company bookings across the three SWMP seminars

Company name	No. bookings
Acheson Construction Ltd	6
Agusta Westland	1
Atkins	1
Babcock	1
Bam Construction	1
Baqus Denley King	3
Bardon Contracting	1
Bernard G Perry Ltd	1
Boon Brown	1
builderscrap.com	1
Capita	1
Chilcombe Asbestos Surveying & Consulting	1
Construction Total Solutions Ltd.	2
Crewkerne Town Council	1
Croudace Homes Ltd	1
CW Duke	1
Dawnus Contrsuction Ltd.	19
Dean & Dyball Civil Engineering Ltd.	1
Devonshire Homes Ltd.	1
Duchy of Cornwall	2
Dyer and Butler	1
Ford Bros Ltd.	1
G White building services	1
Gadd Construct	1
Gary Newman	1
Goldhall Electrical Ltd	1
GREEN BRAIN	1
Henry W Pollard & Sons Ltd	1
Hicks Property Services Limited	1
Humphries Kirk	1
Ian Williams Limited	1
ISG Pearce	1
JJ Consulting	1
JNE Construction Ltd	1
Keran Mellor Services Ltd	1
Kingcombe Aquaculture Ltd.	2
LHS Construction Ltd	1
Midas Group	2
Morgan Ashurst Plc	4
Network Waste Solutions	1
Nixey Powell Partnership Limited	1
NM Builders	1

Company	y bookings	across the three	SWMP	seminars	(cont.)	
oompany	, 200 migo		0	0011111a10	(00111)	

Parsons and Joyce Contractors Ltd.	1
Phillip Page Consultants	1
Projec-Technique Limited	2
R G Spiller Ltd.	2
Raglan Housing Association	1
Raymond Brown Construction Ltd.	1
Sedgemoor District Council	3
Shaun Piper	1
Sibelco	3
Sibley Brothers LLP	3
Siemens traffic controls	2
Sir Robert McAlpine Itd.	2
ST8 Ltd	1
Stancold	1
Strongvox Ltd	7
Sustainable Direction	1
Taylor Woodrow	2
Tercon Limited	2
THE BUILDING SAFETY GROUP	2
The HSE Department	1
Tivoli Consulting Ltd	1
Waterman Health and Safety	1
Waterstreet Construction	1
Wessex Water	11
Yeovil Vision	1
Total	128

Public sector bookings across the three SWMP seminars

Public sector	No. bookings
Environment Agency	5
Gloucester county council	1
NetRegs	1
NHS	1
North Somerset Council	3
SCAT	4
Somerset College	4
Somerset County Council	3
Somerset Waste Partnership	2
South Somerset District Council	2
Stroud District Council	2
Torbay Council	4
Wiltshire County Council	1
Total	33

Publications / resources distributed at the events

CS752 - Construction company benefits from site waste management plan
http://www.envirowise.gov.uk/uk/Our-Services/Publications/CS752-Construction-
company-benefits-from-site-waste-management-plan.html
EN937 bricklayer, EN938 carpenter, EN939 decorator, EN940 electrician, EN941 labourer,
EN942 plasterer, EN943 plumber trade sheets
http://www.envirowise.gov.uk/uk/Sectors/Construction/Construction-Fact-
Sheets.html
GG606 - Managing packaging waste on your construction site
http://www.envirowise.gov.uk/uk/Our-Services/Publications/GG606-Managing-
packaging-waste-on-your-construction-site.html
GG899 - Site Waste Management Plan (SWMP) Regulations Guide
http://www.envirowise.gov.uk/uk/Our-Services/Publications/GG899-Site-Waste-
Management-Plan-SWMP-Regulations-Guidehtml
WRAP SWMP Tool Guide
Flyer for Netregs SWMP Guide
Site mug

5.5. Lessons learned & recommendations from the case studies

The presenters of local case studies during the three events reflected on the lessons they had learned when preparing and using SWMPs, including recommendations for consideration. These lessons included:

- Allow enough time.
- What do you want to achieve from your project.
- Know your waste!
- Keep the SWMP to hand.
- Keep on top of the paperwork.
- Have a clear company waste policy linked to economic performance.
- Return packaging to suppliers wherever possible.
- Include the SWMP in site subcontractor meetings.
- Record waste data regularly.
- A recommendation to change the thresholds to £300,000 and £3 million.
- Clients and designers should be more involved through a pre-construction SWMP using a nationally-approved template.
- Data needs refining through experience, but things are improving.

5.6. Selected questions during the events

Do the SWMP Regulations 2008 cover demolition as well as construction? Yes. The definition of construction work makes clear that demolition is one of the activities covered by the regulations. For those requiring more information, Clause 2 of the Regulations defines what is meant by the terms client; construction site; construction work; principal contractor; and project.

What about multi-site projects?

The Defra Q&A note from June 2008 states that there is no legal requirement for a project of contract value greater than £300,000 but undertaken over multiple sites (clearly geographically separate) to undertake a SWMP. However, it states that a client/contractor may decide that it is in their interests to do so, because a SWMP should help to save costs on materials, disposal costs, and labour.

When answering this question, it should also be noted that the SWMP Regulations tie the preparation of a SWMP to one construction site. And the Regulations require the principal contractor to keep the SWMP at the site office (or if there is no site office at the site). By implication therefore, if a building project is taking place over a number of different sites, it will need a SWMP for each site. The conditions and waste management opportunities at each site may vary. And a client or contractor may decide that it is in their interests to prepare a separate plan for each site for the reasons outlined above.

Is it sufficient to send everything to a transfer station for sorting?

There is nothing in the SWMP Regulations 2008 that would prevent a contractor from sending all waste materials to a transfer station for someone else to sort and recycle as appropriate, particularly when there is little space available on a construction site; however, it may not be best practice. An estimate must still be made of the arisings; the contractors must still abide by the Duty of Care; and this may prove a costly strategy in the long-run.

When is a waste not a waste?

The main point of discussion on Duty of Care during the events was the definition of waste. Many companies were not aware of the definition of waste, with some not linking SWMP Regulations with other waste legislation. Examples include:

- Surplus materials: are unused materials waste?
- Re-using materials: when are materials a waste? E.g. old doors, fireplaces.

There is guidance available from DEFRA, the Environment Agency and Case law which demonstrate when objects are waste and what procedures to take, however it appears that some of this guidance has not reached areas of the construction sector. This suggests that further work can be done with the construction and demolition sectors to provide them with sector guidance on waste legislation. Exemplifying this point, it should be noted that, following the recent exemption review, current exemptions will be changing in April 2010.

5.7. Follow-up and feedback

All 160 bookings were emailed the post-event thank you email and the link to the post-event webpage. The event follow-up web page is accessible here:

http://www.envirowise.gov.uk/uk/Envirowise-in-England/South-West/Events/Site-Waste-Management-Plan-South-West-events-October-2009.html

The page content is reproduced in Appendix 1 of this report.

117 page views of the post-event web page (88 of which were unique) took place between 01 Oct 2009 and 13 Jan 2010. During the same period there were 11 downloads, e.g. of the presentation slides.

Regrettably, feedback forms were not circulated to attendees until several months after the final event. At the time of writing this report, only one feedback form had been received. This form offered the following ratings (5 being the highest score and 1 the lowest):

Did you find this event informative	5
Did this event meet your professional needs?	5
How would rate the speaker?	5
How would you rate the venue and facilities	4
What time of day would suit you best for CPD events?	Breakfast
CIOB member	No

Clearly it would be wrong to infer that all attendees agree with this viewpoint. That said, organisers were happy that all three SWMP seminars were well received.

Results from Somerset County Council's C+D survey (mentioned in section 5.2)		
Survey form sent to:	217	
Form partially or wholly completed:	47	
Written or used an SWMP before:		
YES	19	
NO	25	
Aware of SWMP regs		
YES	31	
NO	15	
Would like more information on site waste management		
YES	36	
NO	10	

5.8. Future activity

Somerset County Council, Envirowise, CIOB and the Environment Agency met in January 2010 to review the following:

- The marketing for and measurable outcomes from the events.
- The feedback from events & pick-up of 'our' approach outside Somerset.
- Next steps building on what we've achieved so far. For example, a press release on events; linking with the waste industry; issues around enforcement; engagement with the districts; future training requirements; ways to reach small businesses; and policy lessons from these events.

5.9. Approach outside Somerset

Envirowise, the Environment Agency and CIOB, this time working with Dorset County Council and Dorset Construction and Training Centre, ran the same event in Poundbury, Dorset to a full house of 38 delegates. The same model worked just as well as before, with feedback commenting on the practicality of the session and how helpful it was.

A similar event has also been delivered by Envirowise with Hampshire County Council, but this was to 17 construction managers who work for the authority.

Furthermore, a similar approach is thought to be in development in Cornwall, and Envirowise has passed the project materials to a Business Link funded Construction Resource Efficiency Club there, hosted by Joanne Upton.

Environment Agency partner Alister Wintle is also developing something similar in Bristol with Groundwork.

Some thought was given to how the approach piloted in Somerset could be communicated to different counties in the South West, in particular to help them make progress with understanding the emerging enforcement process.

6. Waste policy implications

6.1. The waste policy context

Somerset County Council support for SWMP implementation was in part driven by a need to learn more about the issues faced by the local C&D sector and draw together research that could inform waste policy development in Somerset.

6.2. Somerset County Council's Waste Local Plan

The Somerset County Council's Waste Local Plan includes the following policy on waste arising from new development:

Policy W9: waste arising from new development

It is the policy of Somerset County Council to encourage practices which:

- Minimise waste production;
- Maximise the re-use of waste; and
- Manage any residual waste material in accordance with the principles of sustainable development.

When considering planning applications for any form of development which will generate significant quantities of waste, planning permission should not be granted unless the proposals include details of the means which will be used to manage that waste, those details are acceptable to the determining authority.

6.3. Informing Somerset County Council's Waste Core Strategy

Somerset County Council is currently writing its Minerals and Waste Development Framework (MWDF), which will succeed the Minerals Local Plan and Waste Local Plan. The Waste Core Strategy will form a central part of the MWDF.

The work undertaken in 2009 on SWMPs was viewed by Somerset County Council as an important part of the evidence base for writing a new policy in the Waste Core Strategy on waste management in new development.

The following pages in this section reproduce waste policy on new development from two adopted Core Strategies (both unitary) and one draft Core Strategy (two-tier) from other local authorities in England. These extracts exemplify the breadth of coverage that is possible under a policy on waste management in new development and should inform the discussion on waste policy for new development in Somerset.

Wiltshire and Swindon Waste Core Strategy (adopted July 2009)

WCS6: Waste Reduction and Auditing

Proposals for developments that meet the criteria below will be required to design and provide facilities for occupiers of the development to recycle / compost waste (bring systems) and / or facilities within individual or groups of properties or premises for the source separation and storage of different types of waste for recycling and / or composting.

- any development providing 10 or more dwelling units;
- any new development of shopping centres or facilities where the total gross floorspace amounts to 500 square metres or more;
- any development of business, industrial, distribution or storage development where the gross floorspace / increase in gross floorspace amounts to 300 square metres or more;
- transport, leisure, recreation, tourist, community, or educational facilities including public car parks and park and ride facilities.

Such provision will be expected to have regard to the existing capacity of facilities already available and to the existing Recycling Plan or Municipal Waste Management Strategy relevant to the area.

Proposals for the developments identified above must also be accompanied by a waste audit, which must include:

- a) the type and volume of waste that the development process will generate (the development process comprises the construction process and any other operations necessary to bring the development into being);
- b) the steps to be taken to reduce, re-use and recycle any waste that is produced through the development process;
- c) the steps to be taken to reduce the production of hazardous wastes in the development process;
- the steps to be taken to minimise the use of raw materials in the development process;
- e) the steps to be taken to reduce the use of hazardous materials in the development process;
- f) the steps to be taken to minimise the pollution potential of unavoidable waste;
- g) the steps to be taken to dispose of unavoidable waste in an environmentally acceptable manner;
- h) the steps to be taken to ensure maximum waste recovery (e.g. recycling and composting) once the development is completed/occupied; and
- i) proposals for the transport of waste created during the development process and subsequent use of the site.

Development proposals outside of the thresholds above will be required to demonstrate that they have had sufficient regard to minimising waste produced as part of the development process and to the waste hierarchy in identifying a chosen management method for wastes that are produced as part of the development process.

Leicestershire & Leicester Waste Development Framework: core strategy and development control policies up to 2021 (adopted in October 2009)

Policy WDC1: Sustainable Design

Proposals for waste management development will be required to demonstrate that they have been designed to ensure impact on the environment is minimised by appropriate measures to:

- (i) reduce greenhouse gas emissions and other forms of pollution;
- (ii) minimise levels of energy and water consumption;
- (iii) minimise production of waste during construction and operation;
- (iv) maximise the re-use or recycling of materials; and
- (v) protect and contribute positively to the character and quality of an area.

Suffolk County Council. Waste Core Strategy submission draft (issued in December 2009)

Policy WCS22 Sustainable construction and demolition

New development, including waste management facilities, should facilitate the efficient use of resources by addressing the principles of sustainable construction and demolition outlined in regional policy. Proposals for new development should incorporate the following:

- a) Construction and demolition methods that minimise waste generation and reuse/recycle materials, as far as practicable on site.
- a) Design principles and construction methods that minimise the use of primary aggregates and encourage the use of high quality building materials made from recycled and secondary sources.
- b) Design and layout principles that reduce the amount of waste produced and allow for the effective sorting, recycling and composting of waste where appropriate.

6.4. Returning to Somerset's Waste Local Plan

Policy W9 in Somerset County Council's Waste Local Plan focuses on waste arising from new development.

When considering waste planning policy for new development, it is also appropriate to consider the design of waste management storage facilities and how the waste industry will access such facilities. This is because:

a) The application of Duty of Care principles (which are a fundamental part of the SWMP Regulations 2008) includes secure waste storage and waste management until the material is properly disposed of or fully recovered. Thus it is logical to consider waste storage in its broadest context as it relates to new development.

b) Considering both elements concurrently will encourage designers to consider waste issues in an holistic manner, inputting into the site waste management plan and inputting into the design of appropriate storage facilities.

c) The issues of waste storage and construction waste management are both covered within The Code for Sustainable Homes (CSH). It is logical that Somerset County Council waste policy should support designers to consider both of these issues near the outset of a project, thus offering developers and local planning authorities support for achieving relevant CSH targets.

d) Design considerations also came to the fore during the SWMP seminars reviewed in section 5, acknowledging the important role of designers in resource efficiency.

Consequently, when reviewing Somerset County Council's Waste Local Plan, it also appropriate to consider policy W18 – community recycling facilities.

W18 – Community Recycling Facilities

Planning permission for dwellings should only be granted where the planning authority is satisfied that the applicant has made provision for:

In the case of proposals for ten or more dwellings, a facility for the assembly of materials for recycling within the boundary of the development proposal or the storage of boxes for recyclables at each dwelling, or

In any other case, the storage of boxes for recyclables at each dwelling.

6.5. Guidance for developers issued by the Somerset Waste Partnership (SWP)

In parallel with this work on SWMPs, the Somerset Waste Partnership has been developing guidance on the recycling and waste management design requirements for residential properties. At the time of writing this report, the guidance has yet to be formally signed off. However, a draft copy of the guidance for developers asks the developer to consider the following questions prior to the submission of a formal planning application:

- Has space been allocated for refuse and recycling storage as directed by Somerset Waste Partnership Guidance?
- Have I provided enough refuse and recycling capacity for the number of planned households?
- Have I checked collection points with Somerset Waste Partnership and located bin storage areas accordingly?
- Have I ensured that bins can be moved/accessed easily by the householder and the refuse and recycling collectors?
- Has appropriate access been provided for the most recent specification of collection vehicles? (You should check you have the latest version enclosed with this document).
- Has space been allocated for recycling containers and food waste caddies inside the dwelling to facilitate waste segregation?
- Have special considerations stated for specific types of redevelopments been applied as appropriate?

The guidance states that: 'The advice noted in the [above] checklist should be considered prior to the formal submission of a planning application' and that 'If the answer to any of these questions is 'no' then your proposal is unlikely to be acceptable for a new development.' SWP advises developers to contact the SWP prior to submitting an application to ensure that the developers are using the latest version of the guidance, including any changes to the service provision.

In addition to the above checklist, the SWP draft guidance for developers highlights the opportunity for embedding good practice within the planning stages on several occasions. For example:

Guidance in Document H, states "Containers should be within 25m of the waste collection point specified by the waste collection authority" (section 1.8). Residents should not be required to carry waste more than 30m (excluding any vertical distance). SWP considers this a minimum requirement for planning permission...

Furthermore, the guidance offers examples that help the developer to identify when communal options might be considered. The example scenarios given in the draft guidance are as follows:

Example 1) Households with curtiledge adjacent to the public highway or other suitable means of access - Individual containers for each dwelling preferred for refuse and recycling services.

Example 2) Small developments of dwellings of multiple occupancy or dwellings with particular storage/access constraints, e.g. (multiple occupancy) dwellings around a central courtyard or shared housing square with restricted vehicle access. (under 6 properties).

Example 3) Larger developments of dwellings of multiple occupancy or dwellings with particular storage/access constraints, e.g. blocks of multiple occupancy dwellings, large residential homes, dwellings around a central courtyard or shared housing square with restricted vehicle access (where this cannot be avoided). (over 6 properties)

6.6. Concluding remarks on waste policy

- 1. Somerset County Council's existing waste policy W9 refers to managing any residual waste material in accordance with 'the principles of sustainable development'. Potentially a more focused reference point would be the principles of the waste hierarchy (assuming that the waste hierarchy is explained either in this policy or elsewhere in the Waste Core Strategy).
- 2. The existing waste policy refers to 'significant quantities of waste'. This is subjective and open to abuse. A clearer threshold is needed, most likely linked with major development, accompanied by a definition of what constitutes major development. For example, one potential approach is listed below:
 - A site waste management statement for minor development not covered by a site waste management plan.
 - A site waste management plan for 10 or more dwellings or where the floor space to be created by the development is 1000m² or more.
 - A site waste management strategy for large-scale major projects, including more than 200 dwellings or where the development covers more than 10,000 m², or for multi-site projects within the same application. A site waste management strategy should set the criteria to which detailed site waste management plans for the development should adhere. This enables more than one site waste management plan to be written for the project according to a standard model, thus supporting a phased approach to delivery of the development.

- 3. Advice on what is acceptable in the three types of SWMP document listed above could be supplied by Somerset County Council and/or the Environment Agency, alongside existing and emerging national guidance.
- 4. Potentially Somerset County Council may wish to consider combining Policies W9 and W18 into the same policy.
- 5. Recommendations for waste storage should reflect the latest position from the Somerset Waste Partnership.

7. Areas of further work

A range of topics exist that merit further attention. These are listed below for reference only, prepared to help shape future action programmes. They do not represent an action plan for any one stakeholder and the resources needed for pursuing each topic have yet to be identified.

7.1. Develop a common position on SWMPs in Somerset

As outlined in section 4.1, a common position between the local authorities in Somerset and the Environment Agency could be developed, identifying respective responsibilities and providing a platform for developers to implement SWMPs across Somerset. This may require an officer training programme in Somerset, in particular focusing on SWMP enforcement, coupled with further guidance from central government on the implementation of the SWMP Regulations 2008.

7.2. Additional guidance for planning officers

If local authorities request SWMPs, SWMP statements or SWMP strategies with planning applications, they will need a mechanism for verifying the quality of submissions. In general terms, relevant planning officers are not well placed to assess the quality of SWMPs. This is because:

a) the SWMP Regulations 2008 are designed to be self-regulatory;

b) the main SWMP for a development evolves over time and is unlikely to be complete at the time of a planning decision is made;

c) there is insufficient capacity within Somerset's local authorities to check every piece of SWMP paperwork that is prepared; and

d) there is a lack of clarity nationally on the role of planning in the implementation of SWMPs.

One way forward could be for relevant parties to develop a checklist for SWMP submissions to be reviewed against by the determining authority. Potentially this could be facilitated by the common position referred to above.

7.3. Improve support to the very small builders

The construction sector is dominated by SMEs and anecdotal feedback from the SWMP seminars suggests those who fly-tip were not represented in the room i.e. the events were not reaching those who need most support.

7.4. Improve support to clients and designers

It is important to secure 'buy-in' from clients and designers to sustainable waste management in new development, yet relatively few clients and designers attended the three SWMP seminars.

7.5. Strengthen links between the C&D and waste sectors

The most common concern raised by delegates during the SWMPs events was access to waste solutions. Hence, support may be welcome that links construction and demolition companies with the waste industry.

7.6. Promote the European Waste Catalogue where appropriate

The European Waste Catalogue seemed to be 'new' to many of the delegates at the SWMP seminars.

Appendix 1 : the post event webpage with links

Site Waste Management Plan - South West events - October 2009

Thank you for attending the construction sector Site Waste Management Plan (SWMP) events in the South West. You can use the materials below to understand, develop, implement and communicate a practical, cost-saving Site Waste Management Plan process in your business. There are also links to other helpful SWMP resources.

Download the presentations here: Link to presentations

All of our key construction sector publications are available to download or order hard-copy here: http://www.envirowise.gov.uk/uk/Sectors/Construction/Sector-Services/Key-Publications.html

Unsure of where to start?

Download our introductory guide on SWMP's here: http://www.envirowise.gov.uk/uk/Our-Services/Publications/GG642-An-Introduction-to-Site-Waste-Management-Plans.html

This Site Waste Management Plan (SWMP) Regulations Guide provides a summary of SWMPs to help you prepare and implement effective and efficient SWMPs that are inclusive, practicable and deliverable. This Guide includes quick tips, guidance, information and initial ideas for delivering SWMPs.

http://www.envirowise.gov.uk/uk/Our-Services/Publications/GG899-Site-Waste-Management-Plan-SWMP-Regulations-Guide-.html

For training your tradespeople, order a selection of Resource Efficiency info sheets here:

http://www.envirowise.gov.uk/uk/Sectors/Construction/Trade-Sheets.html (Includes bricklayer, carpenter, decorator, electrician, labourer, plasterer and plumber) Carry out your own site walkrounds using our "EN922 DIY resource efficiency review: build cost savings into your construction projects" tool here: http://www.envirowise.gov.uk/uk/Our-Services/Publications/EN922-DIYresource-efficiency-review-build-cost-savings-into-your-constructionprojects.html

Sign up for our quarterly e-newsletter for the construction sector here: http://www.envirowise.gov.uk/uk/Sectors/Construction/Bricksandmortar-E-Bulletin.html

Find guidance, tools and case studies on WRAP's website here: http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html

Plan and implement waste reduction and recovery using the new WRAP SWMP Template v2.0 here:

http://www.wrap.org.uk/construction/tools_and_guidance/swmp_form.html

Read on NetRegs an overview of the SWMP Regulations: http://www.environmentagency.gov.uk/netregs/businesses/construction/62359.aspx

Download Guidance from NetRegs "Site Waste - It's Criminal - a simple guide to SWMPs" here:

http://www.netregs-swmp.co.uk/

BRE has designed a free software tool for preparing, implementing and reviewing a SWMP called SMARTWaste Plan. Find out more here: http://www.smartwaste.co.uk/swmp.jsp.

Chartered Institute of Building

The Chartered Institute of Building (CIOB) represents on behalf of the public the most diverse set of professionals in the construction industry, setting the pace globally for high standards of professionalism in the built environment. http://www.ciob.org.uk/home

Appendix 2: Contaminated Land: Applications In Real Environment (CL:AIRE) Definition of Waste: Development Industry Code of Practice

When delivering the SWMP events, discussions touched on the potential relevance of the Contaminated Land: Applications in Real Environment (CL:AIRE) to site waste management and CL:AIRE's voluntary Code of Practice (CoP).

This voluntary CoP provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste. The CoP applies to the use of excavated materials that are reused on the site of production; or used in a cluster project. A cluster project is where two or more sites use a shared treatment facility (a hub site) to help recover and re-use waste soils.

The CoP sets out the lines of evidence that are needed to demonstrate that the excavated materials are not or have ceased to be waste - these are based on:

- suitability for use (no further processing and/or treatment required);
- certainty of use (outlined in the remedial strategy (RS) and material management plan (MMP));
- quantity of use (outlined in the RS and MMP), and
- verification (as documented in a verification report).

It does not negate the fact that excavated material taken off-site is a waste.

Any material that has to be treated to render it suitable for its intended use (for example to be used as an alternative to virgin aggregate) is a waste and waste controls apply.

The materials management plan can form part of a site waste management plan. It does not replace the need for a site waste management plan but should ideally be integrated into the document.

There are limitations and the CoP and the Environment Agency's Position Statement must be read carefully before making any operational decision. The Environment Agency's position does not cover materials leaving a site for direct use elsewhere.

For more information, visit:

http://www.environment-agency.gov.uk/static/documents/Leisure/PS006.pdf

Appendix 3: additional resources

- ICE, Demolition Protocol
- Future Foundations, *Towards Zero Waste for Civil Engineering*.
- SW regional checklist: http://www.checklistsouthwest.co.uk/
- http://www.chas.gov.uk
- http://www.wasteawareconstruction.org.uk/index.asp
- Communities and Local Government: Code for Sustainable Homes
- Construction resources and waste platform (CRWP): site waste management plan tool
- NHBC/WRAP SWMP housing templates
- DTI: site waste management plans Code of Practice and Guidance, 2004
- The association for public service excellence: advisory groups on waste management
- The British urban regeneration association (BURA): waste management in urban regeneration report and SWMP related activities
- CIRIA, Environmental Good practice on site: site guide and construction waste training
- Constructing excellence, including Local Government Task Force Forum (LGTF): training
- The Environmental Association for Universities and Colleges (EAUC): SWMP training and other initiatives
- National Industrial Symbiosis Programme
- South East Centre for the Build Environment (SECBE)
- National LA Coalition of Regulatory Services (linking with trading standards). Also consider South West Coalition of Regulatory Services.

Accessibility

This document is also available in Braille, large print, on tape and on disc and we can translate it into different languages. We can provide a member of staff to discuss the details.

Arabic

يتوفر هذا المستند أيضا بطريقة بريل، بالطباعة الكبيرة، على شرائط أو على أقراص كما يمكن نرجمته إلى اللغة العربية.

Bengali

এই দলিলটি ব্রেইলে, মোটা হরফে, টেইপ-ক্যাসেটে এবং ডিস্কে পাওয়া যায় এবং **ersji** (Bengali) ভাষায়ও এটি অনুবাদ করে দেয়া যাবে।

Cantonese

這份資料另有盲文版、大字體版、錄音磁帶或光碟,並且可以翻譯成繁體中文。

Portuguse

Estes documentos também se encontram disponíveis em Braille, letras grandes, fita ou disco e podem ser traduzidos para Português.

Polish

Ten dokument jest także dostępny w wersji Braille'a, pisany dużym drukiem, na kasecie lub dysku kompaktowym i może być przetłumaczony na język polski.

Spanish

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Tagalog

Ang dokumentong ito ay may bersiyong naka-Braille, malalaki ang mga letra, naka tape o disk. Maaari kaming magbigay ng ibang pagsasalin kung kailangan.

Turkish

Bu döküman körlerin alfabesinde, büyük yazılarla, teypte ve disklerde de mevcuttur. Ayrıca **Türkçe**'ye de tercüme edilebilinir.



'Working together for equalities'

This document has been prepared by Somerset County Council, working in partnership with the Environment Agency, Envirowise and the Chartered Institute of Building.

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Cover photograph copyright: Photograph shows: The Chartered Institute of Building A waste skip

Copies of this document are available from:

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Text is available in large format on request

For further details of the Somerset Minerals and Waste Development Framework, and to view and download this and other documents, please visit our website.

www.somerset.gov.uk/mineralsandwaste

