Developing a Strategic Approach to Construction Waste

Task 5 – Evidence Gap Analysis, Review of Legislation and Strategy

Report to Defra, Business Resource Efficiency and Waste (BREW) Programme

Feb 2007
**Executive summary**

This overarching project has arisen through the need to align BREW activities with the needs of the construction sector in achieving resource efficiency. In the short term, a review of current support and guidance will be cross referenced against industry views on what they feel will help them most. Any immediate gaps in optimum service provision will be identified and relayed back to the most appropriate BREW delivery partner for inclusion in this/next year’s programme of work.

A longer term goal is to identify activities and drivers that will dictate the future direction of the construction sector. The threats and opportunities presented by changing practices will be mapped out in relation to resource efficiency. The final outcome of this work will be a 20 year road-map that will model the way to achieving reductions in waste, environmental impact and primary resource use.

Current and proposed EU and UK waste legislation affecting the UKs construction industry have been identified in this project and their implications, overlaps and opportunities discussed. These highlighted the fact that there were some overlaps in legislation, which came out in the feedback from the industries environmental managers.

The main concerns the developers and construction companies; consulted during this project, had are the fact that they would like more legislative compliance guidance, consistency from the EA enforcement teams, and stronger enforcement on SMEs.

This review of legislation and strategy highlights the fact that current and proposed UK and EU legislation have covered the current requirements within the construction waste. It is now imperative that this legislation is strictly enforced and where possible, legislations condensed.
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1 Introduction

AEA Energy & Environment, in partnership with the Building Research Establishment (BRE), has secured funding from Defra’s Business Resource Efficiency and Waste (BREW) Programme to carry out a pilot project to develop a strategic approach to construction waste.

The key aim of this pilot project is to better align the role of BREW with the business needs of the construction industry by developing an effective road-map to be implemented over the next 20 years. This will be achieved through extensive industry consultation (including the formation of an industry-backed steering group), a gap analysis of existing support initiatives, and the commissioning of a series of short research projects to review current understandings of issues relating to construction waste. The research programme will reflect all areas of the construction industry and all relevant types of waste. It will be used to set clear targets and timescales for construction resource efficiency and to identify opportunities and actions for increasing resource efficiency.

This report is the outcome of a research project, which aims to provide a forward look at UK and EU legislation and strategy to identify future drivers for construction (including products), procurement and resource efficiency.

1.1 Methodology

The project team carried out a thorough examination of waste legislation to identify the existing UK and EU legislations that impact on the construction industry. We then consulted with the senior environmental policy advisor at the CBI to understand the future legislation that may come into force over the next few years.

Armed with this information, we carried out an extensive consultation with industry to assess the potential implications, overlaps and opportunities that may arise as a result of the legislation.

The responses received from this fed into the overlaps and opportunities for resource efficiency in the form of a SWOT analysis (Strengths, Weaknesses, Opportunities, Targets) for the construction industry sector.

All of the construction organisations contacted are listed in Appendix 1
2 Legislation Review
2 Legislation Review

2.1 Existing Legislation

There are currently a wide variety of pieces of EU and UK legislation that impact on the construction industry. These are:

- Aggregates Levy
- Anti Social Behaviour Act 2003
- Clean Neighbourhoods and Environment Act 2005
- Code for Sustainable Homes
- Construction Products Directive
- Controlled Waste (Registration of Carriers and Seizure of Vehicles) (Amendment) Regulations 1998
- Environmental Protection Act 1990
- Environmental Protection (Duty of Care) Regulations 1991
- EU Waste Framework
- Landfill Tax Regulations 1996
- Landfill (England & Wales) Regulations 2002
- Planning Policy Statement 10: Planning for Sustainable Waste Management
- Producer Responsibility Obligations (Packaging Waste) Regulations 2005
- The European Landfill Directive
- The Waste Electrical and Electronic Equipment (WEEE) Directive
- The Waste Management Licensing Regulations 1994
- Waste and Emissions Trading Act

The following section considers each piece of legislation in more detail and applies a SWOT to the legislation with comments from industry received as part of the consultation.

2.1.1 EU Legislation

EU Waste Framework Directive

Summary
This Directive provides the overarching legislative framework for the collection, transport, recovery and disposal of waste, and includes a common definition of waste. It encourages the prevention and reduction of harmful waste by requiring that Member States put waste control regimes into place. These waste management authorities and plans should ensure that necessary measures exist to recover or dispose of waste without endangering human health or causing harm to the environment. The requirements include permitting, registration and inspection requirements and should also encourage the development of clean technologies and disposal techniques. The directive also puts an end to codisposal of waste streams.

The European Waste Catalogue was transposed in UK as List of Wastes (England) Regulations 2005 and List of Wastes (Wales) Regulations 2005. It is part of the waste management regs and falls under the EU waste framework directive where it classifies hazardous and non-hazardous wastes with six-digit codes. These codes must be used on Duty of Care documentation, such as transfer notes and influence where contractors recycle/ dispose of their waste. The EWC overlaps with the Duty of Care Act as it specifies waste codes which must be used on transfer notes. It also overlaps with The Hazardous Waste Regulations, which further establish criteria for the classification of hazardous and non-hazardous wastes.

Implications
This Directive will force the construction industry to separate waste onsite and ensure codisposal does not occur. The Directive will force waste collectors to separate waste and this will knock on to industry. It may encourage more specialist waste collection and disposal contractors to be formed, which will have cost implications to the construction contractors and may force the construction industry to look at ways to minimise waste.

**Overlaps**
Duty of Care as the waste producer has to correctly classify the waste.

**Opportunities**
The need to minimise and separate waste that results from this directive creates the opportunity for cost savings to be made during purchasing. Increased costs of disposing of unused materials will force building contractors to review their purchasing policies and look for areas where waste can be reduced. The need to recycle products will also raise awareness of recycling and may lead to more contractors purchasing materials made from recycled products.

The European Landfill Directive

**Summary**
The European Landfill Directive is in place to reduce the negative effects of land filling on the environment and health. It aims to encourage waste minimisation and increased levels of recycling and recovery; the increased costs of land filling associated with compliance with the Directive will also encourage alternative waste management methods.

The first requirement of the regulations was a ban on the co-disposal of hazardous waste with non-hazardous waste in landfills. The Directive has also imposed a ban on whole tyres going to landfill since 2003, with this ban extending to shredded tyres from July 2006, while liquid wastes will be banned from landfill from October 2007.

The Directive also brings with it tighter site monitoring and engineering standards. This is supplemented by the European Waste Catalogue, which has extended the range of materials classified as 'hazardous', and the Waste Acceptance Criteria, which has introduced potential pre-treatment requirements.

**Implications**
If using waste contractors you must ensure they are disposing of waste in accordance with the Duty of Care, and using authorised landfill sites for disposal options.

The ban on the co-disposal of hazardous and non-hazardous waste means the industry will have to segregate all wastes. This could mean an increase in staff time, and could lead to multiple skips being hired to allow for the separate storage of waste.

**Overlaps**
This overlaps with Duty of Care, as it stipulates that only authorised landfill sites can be used for the disposal of waste. The European Waste Catalogue also overlaps with this, as it extends the range of materials which can be hazardous or non-hazardous.

**Opportunities**
Thinking more about what is being sent to landfill will force the industry to review their purchasing strategies, and could also encourage them to use more recycled products. This will lead to savings for the industry.

The Waste Electrical and Electronic Equipment (WEEE) Directive – Existing within the EU, due to be transposed into UK law on 1 January 2007

**Summary**
This was published on 13th February 2003 and has significant implications for importers, producers and retailers of electrical and electronic equipment. It aims to reduce the amount of electrical waste, increase recovery and recycling, and improve the environmental performance of all operators involved in the lifecycle of electrical and electronic equipment. Examples of equipment that will be covered by
the Directive are household appliances, IT and telecommunications equipment, audiovisual equipment (TV, video, hi-fi), lighting, electrical and electronic tools, toys, leisure and sports equipment.

The Directive requires that lamps (e.g. fluorescent tubes and low energy bulbs) be stored in their original packaging and taken to a designated recycling facility, as crushing lamps requires a waste management permit.

**Implications**
There is likely to be a lot of electronic equipment, wires and light bulbs on building sites. In line with WEEE the construction industry are now responsible for dealing with this waste, its collection and recycling.

The regulations will impact on the manufacturers of the affected products as it requires that they design their products in such a way that they can be reused. A further part of the WEEE Directive requirements are that these manufacturers must finance the collection, treatment and recovery of goods at the end of their lifetime.

**Overlaps**
There are some overlaps with waste management licensing regulations and general recycling regulations such as the landfill tax regulations.

**Opportunities**
The overlaps with these other legislations condensed into one specific regulation to increase recycling as much as possible.

### 2.1.2 UK Legislation

**Aggregates Levy**

**Summary**
Introduced in 2002, the Aggregates Levy aims to reduce demand for primary aggregates by increasing their cost, which in turn makes the use of recycled and secondary materials more viable.

The Aggregates Levy Sustainability Fund aims to reduce the environmental impacts per tonne of aggregates extraction and encouraging the use of alternative materials such as recycled materials and certain waste products.

**Implications**
As the levy is applied to all new aggregate products, it is in industries best interest to think about using recycled aggregates instead. However, they must ensure that these products are of the same quality as primary aggregates. With increasing tax levis, organisations may have to source new suppliers for recycled materials. This will therefore have an effect on suppliers to the construction industry, with some losing out to those who are able to offer recycled products.

**Overlaps**
The levy system is similar to Landfill tax, as both use a system of charges to encourage more sustainable use of products.

**Opportunities**
Using recycled aggregates means they will avoid paying the levy. This could also lead to a greater awareness of recycled products. Suppliers offering recycled aggregates are likely to have an increase in business.

**Anti Social Behaviour Act 2003**

**Summary**
The purpose of the Anti-social Behaviour Act 2003 is to provide the tools for practitioners and agencies to effectively tackle anti-social behaviour. It builds on existing legislation to clarify, streamline and reinforce the powers that are available to practitioners. Measures have been designed to combat:

- Local troublemakers and intimidating groups
- Nuisance neighbours
- Crack houses
- Air weapons and imitation firearms
- Graffiti and vandalism
- Fly-tipping and litter
- Beggars
- Abandoned cars
- Trespassers

**Implications**

The key element of this legislation that affects the construction industry is the development of Flycapture. This is the national database of fly-tipping incidents that has been set up by Defra, the Environment Agency and the Local Government Association to get a better picture of the problem of illegally dumped waste. The information provided will help users develop local enforcement strategies in partnership with key stakeholders. It will report on the nature and scale of fly-tipping, and the vehicles believed to be involved.

This new system has now brought fly-tipping more into the public domain, therefore local authorities have to be seen to be doing more to combat it. They also have to report and record all instances. Managers of construction sites will need to ensure their waste is being disposed of properly by their own company, and by any contractors they give waste to, or they risk being fined. This could involve souring new waste contractors etc.

**Overlaps**

This will overlap with other legislations which deal with fly-tipping, such as the Waste Management Act, Clean Neighbourhoods and Environment Act 2005 and Site Waste Management Systems when the legislation comes into force later this year.

**Opportunities**

Companies can be prosecuted on a local level for unlawful tipping as well as through national courts. The industry is therefore under closer scrutiny through local laws.

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**Clean Neighbourhoods And Environment Act 2005**

**Summary**

The Clean Neighbourhoods and Environment Act 2005 contains a variety of environmental measures, including changes to the system of recycling credits.

This legislation also deals with fly-tipping, and introduces tougher penalties for this. Under this, employees are no longer able to use the excuse of working under their employers’ instructions if caught fly tipping. The court may also order the accused to pay for the costs of cleaning the land, and also the Environment Agency’s and waste collection authority’s costs. Any vehicles suspected of being involved in fly tipping may be seized.

**Implications**

It is now the responsibility of everyone working in the construction industry to ensure all waste is disposed of properly. All employees will need to be made aware that if they are tasked with waste disposal this must be carried out in accordance with the law, or they risk being fined and having their vehicles seized.

This could involve staff training to make sure everyone is aware of the implications of this piece of legislation.
Overlaps
This overlaps with the Anti Social Behaviour Act 2003, as both put procedures in place to handle fly-tipping. Fly-tipping also overlaps Waste Management Regulations. All waste streams have to be documented accordingly to landfill or recovery.

Opportunities
Waste contractors will benefit from this, as the construction industry is now obligated to dispose of all waste lawfully.

Code for Sustainable Homes

Summary
The Code for Sustainable Homes will establish new voluntary standards for resource efficiency on issues such as energy, water, waste and materials, which could collectively deliver significant carbon savings. The Code encourages builders to minimise resource use from the start, and will be updated as technology develops.

At the moment, this is only mandatory for government housing, and it voluntary for private housing. However, the Code is currently being developed to apply to all new homes in England. In due course the Government’s aim is to apply the Code also to major refurbishments of existing housing stock.

Implications
Minimum standards will be set for each essential element and all of these must be achieved if a home is to meet Code standards. The minimum standard for site waste management is to adopt and implement Site Waste Management Plans (SWMP) - so this will have the same implications as listed above.

The use of materials may also have an impact on waste resource efficiency during construction since it will encourage use of more “environmentally friendly” products. This will lead industry to buy more recycled supplies, which are likely to be more expensive, and they may also have to find new suppliers.

Suppliers offering more sustainable products will be more in demand than those who don’t.

Opportunities
This will present more business opportunities for suppliers who can offer more environmentally friendly products.

Environmental Protection Act 1990

Summary
Section 33 of the EPA deals with the treatment, storage and disposal of waste. It makes it an offence to:

1. deposit controlled waste, or knowingly cause or knowingly permit controlled waste to be deposited on land unless it is done in accordance with the provisions of the waste management licence.
2. treat, keep or dispose of controlled waste (or knowingly cause or knowingly permit controlled waste to be treated, kept or disposed of) in a manner likely to cause pollution of the environment or harm to human health.

The Act requires that, while on site, waste must be stored in such a way as to prevent it from causing damage to the environment or posing a risk to human health, i.e. it must be stored in appropriate containers or as a defined compound, such as stone (monolithic waste). The licence/permit also requires that the containers be labelled with an accurate and detailed description of their contents to ensure future waste handlers treat them correctly.

Further to this the EPA requires that those organisations treating, storing or disposing of waste on behalf of third parties must obtain a permit from the competent authority. This permit should be
specific to the types and quantities of waste to be treated and would specify the general technical requirements and the precautions to be taken by the permit holder. The competent authorities may periodically check that the conditions of the permit are being met.

Implications
There is an additional cost for gaining appropriate permits. Builders must ensure that they only pass waste onto landfill sites/recycling facilities with the appropriate certification to handle the waste stream.

Builders disposing of waste should ask to see a copy of the operating licence/permit and conditions for the site to which they are taking their waste. It is also their responsibility to ensure that the waste is appropriately labelled to ensure that licence/permit conditions are met.

Breaches of this legislation could result in successful prosecution in criminal courts, followed by civil action for damages caused by the crime. Statutory nuisance could apply if the waste on the building site is prejudicial to health or is a nuisance, e.g. smell. This later rule is only applicable in England.

Builders disposing of their own waste would require a permit. Builders are not allowed to burn waste.

Overlaps
Environmental Protection Act (EPA) introduced control of pollution and Waste Management regulations. Part 2a of the EPA links contaminated land with planning policy statement 23. Development of and contaminated land requires adherence to EPA. Section 34 of the EPA 90 establishes the Duty of Care for all those involved in the waste management chain. The Duty of Care provides guidance on the storage of waste in line with the EPA.

Landfill Directive - monolithic waste will require certificates to process it - builders should ensure these exist before passing on waste.

Landfill Regulations – Waste Acceptance Procedures (WAPs)
Control of Pollution Act (COPA) 1989 and EPA 1990 make it an offence to allow any solid waste matter or any poisonous, noxious or polluting matter to enter any controlled waters. This ties in with the EPA requirement to store the waste in such a way as to prevent damage to the environment.

Opportunities
Organisations that comply with the EPA will cover ISO14001 and be able to advertise this fact in their CSR reports.

Environmental Protection (Duty of Care) Regulations 1991

Summary
All those who produce or handle wastes from demolition, earthworks and construction activities are now legally obligated to ensure its safe keeping, best practice management, transport and subsequent recovery or disposal. Failure to comply with this can result in a fine.

This means that for those who are producing or transporting waste, the following applies:

- To ensure that all waste you produce is handled, recovered and disposed of responsibly. Even if you are a subcontractor and the contractor arranges for your waste disposal, you remain responsible under the Duty of Care.
- Only registered waste brokers and carriers can be used for dealing with and transporting waste. You will also need to register as waste carrier if you are taking care of transporting your own waste.
- To keep a record of all waste received or transferred using Waste Transfer Notes.

One of the aims of the Duty of Care is to stop waste producers from simply handing waste over, without considering where it will be going. On a construction site, the waste producer is the person carrying out the work which gives rise to the waste, not the person who issues instructions or establishes contracts which give rise to waste. Where a haulier is brought by the main contractor to
remove a sub-contractors waste, the main contractor is acting as a broker and all three parties are therefore subject to the duty.

Wherever waste is being stored, it must not be allowed to escape. This means that all containers/skips must be safe and secure, and they should also be labelled accurately. Waste should also be segregated to prevent mixing. It is the employer’s responsibility to make sure that all employees are aware of the location of the containers, and what can go in each.

There is currently a consultation on this legislation, with the view to tackle fly-tipping more effectively.

“Duty of Care has gone to consultation to and come up with a solution to dealing with fly tipping”
Laing O'Rourke, Paul Cockaday

**Implications**
May encourage more specialist waste collection and disposal contractors to be formed which will have cost implications to the construction contractors, this in turn may force contractor to look at ways to minimise wastage. Waste must be stored of securely under this legislation, so as to prevent it causing pollution or harm. This means it will have to be stored in skips, which will also have associated costs. The segregation of waste may take more staff time, which will have costs.

Duty of care allows local authorities to control developments to stop nuisance and bad practice.

**Overlaps**
Under The European Landfill Directive, the construction industry must ensure any waste contractors they use comply fully with the Duty of Care.

**Opportunities**
May force contractor to look at ways to minimise wastage. The need to properly store waste can lead to the industry requiring more skips which would increase business for those who hire them out. However, this also has a logistical knock on affect, as smaller sites with little room for multiple skips will struggle, and it will increase transport requirements for delivery of these skips.

The efficient storage of waste, and thus the greater control of it, can lead to an improvement in relations with neighbouring sites/residents. This could present some positive PR opportunities for businesses.

**Landfill Tax Regulations 1996**

**Summary**
The landfill tax, which is levied on the disposal of waste in landfill sites throughout the UK, was introduced on 1 October 1996. This aims to encourage waste producers to produce less waste, recover more value from waste (for example through recycling or composting), and to use more environmentally friendly methods of waste disposal.

There are three disposal rates, £2 per tonne for inert waste, £18 for non-hazardous and £21 per tonne for hazardous wastes. These change regularly and are expected to rise by £3/year until hazardous waste reaches £35 per tonne in 2010.

**Implications**
The Landfill Tax is currently low when compared to Europe but it is having an effect on construction waste and will increasingly make it more economically favourable to minimise and recycle waste rather than landfill it. Coupled with this is the reduction in the number of landfill sites and capacity in the UK, forcing gate fees upwards and making the transportation of waste materials uneconomical.

This has resulted in extra paperwork for the industry, which may require additional staff hours.

“But, it has also made life harder because there is more paperwork associated with it.” Simons Construction Environmental manager, Barry Smith
One of the main aims of the Landfill Tax is to encourage more recycling by making it more economically favourable over sending waste to landfill. However, this is not always the case, particularly in rural areas, as the costs of transporting waste to recycling can often make landfilling the cheaper option.

“The legislations mean they have a lot more work to do and costs of recycling frequently mean that it is cheaper to send waste to landfill than it is to recycle e.g. in rural areas. This is due to the costs associated with transporting the waste to the recycling point. With transport making up 70% of waste disposal costs, recycling depots need to be made as accessible as landfill access”
Alfred McAlpine, Lucinda Farrington (Environmental manager)

Overlaps
This legislation has a similar concept to the Aggregates Levy, as both use a system of charges to encourage more sustainable use of products. EPA Part 2a, remediation of contaminated land, is exempt from this tax.

Opportunities
By reducing the amount of waste that is sent to landfill, the construction industry stands to save money. This legislation forces the industry to consider how much waste they are generating, which in turn could make them think about reviewing their purchasing strategies to look for areas where waste can be minimised.

This encourages the industry to look at more sustainable waste management options, such as recycling and composting. This is because under this legislation, if waste is processed in a way which fundamentally changes its properties, (e.g. by composting), it will no longer be liable for the tax.

Some of this landfill tax goes to charity.

Planning Policy Statement 10: Planning for Sustainable Waste Management

Summary
Planning Policy Statement 10 (PPS10) is Government policy on how waste should be managed using the land-use planning system. It sets out policy for all waste planning bodies, at both regional and local level, in England.

PPS10 affects:

• Plan makers at all levels, and the stakeholders they consult and work with when formulating waste management strategies and plans.
• Waste management companies who need to apply for planning permission for waste management facilities.
• Authorities responsible for pollution control.
• Everyone in the community, as producers of waste in their own right, and as consumers of goods and services that rely on processes which themselves generate waste.

Implications
PPS10 promotes the principle of “driving waste management up the hierarchy” which means that waste planning authorities should always try to ensure that waste is managed by the best possible environmental means, represented by the highest levels of the hierarchy i.e. waste reduction, re-use and recycling. Therefore this puts further emphasis on the need for the construction industry to be reusing and recycling as much as possible.

This will also impact on waste management companies, who need to apply for planning permission for waste management facilities. This could mean it takes longer for them to get up and running.

Overlaps
There were no specific overlaps identified.
Opportunities
This presents further opportunities to reduce and recycle waste. Employers will think more about how they can reuse supplies, and may also look at the percentage waste content of products.

The Waste Management Licensing Regulations 1994

Summary
The Waste Management Licensing Regulations (1994 and amendments) is the legislative document setting out the procedure for obtaining a licence. It also identifies a number of activities that are excluded from requiring a licence or that are exempt from licensing.

Anyone dealing with waste on site (i.e. storing it, sorting it, recycling it) will either need to obtain a waste management licence, or to register the activities being undertaken there as exempt from the requirements of waste management regulations.

Implications
Need to obtain waste management licence. This can often end up being costly, and the application process can take some time.

“waste management licensing - exemptions are hard to understand, get put off trying to apply for one, application period takes a while and its costly”
North Midland Construction, Naomi, Environmental Manager

Overlaps
The Waste Management Licensing (Water Environment) (Scotland) Regulations 2006 combine the permitting regimes for waste and water. This means that if anyone is charged with a water pollution offence they will not be allowed to apply for a waste management license.

Opportunities
This presents great opportunities for using recycled products, as the legislation makes allowances for a certain amount of recyclable material which can be stored and treated without a licence. This list specifically identifies ‘Articles to be used for construction work’, and allows over 100 tonnes of recycled construction products to be stored without licence, providing this is done so in a safe container, and for no longer than one year.

This legislation is beneficial for manufacturers using recycled products, as they will also not require a license.

Waste and Emissions Trading Act

Summary
Part 1 of the Act provides the framework for the Landfill Allowance Trading Scheme (LATS), which diverts biodegradable municipal waste from landfill.

Part 2 identifies the legal penalties for direct participants in the UK Greenhouse Gas Emissions Trading Scheme, who fail to comply with their emissions reduction targets. It also amends the Pollution Prevention and Control (PPC) Act to provide for the application of penalties within future emissions trading schemes.

Implications
The Act refers to biodegradable waste diversion from landfill therefore it does not directly affect the construction industry. The Act did, however, lead to the introduction of Joint Municipal Waste Management Strategies and these do impact on construction waste.

Overlaps
This is similar to the Landfill Tax, as both have the aim of encouraging industry to reduce the amount of waste being sent to landfill.
The Environmental Permitting Programme will overlap with Part 2 of this legislation, as it aims to streamline and simplify the PPC Act.

**Opportunities**
None identified as it does not directly affect the construction industry.

### 2.1.3 Amended Legislation

**Controlled Waste (Registration of Carriers and Seizure of Vehicles) (Amendment) Regulations 1998**

**Summary**
Following on from the Control of Pollution (Amendment) Act 1989, this regulation makes it an offence to transport controlled waste for business purposes and with the aim of making a profit, without being registered as a waste carrier with SEPA or the Environment Agency.

**Implications**
Waste producers are generally exempt from carrying their own waste unless they are carrying building or demolition waste or have a waste carrier’s license. Building contractors are therefore not exempt and must register and pay the registration fee.

**Overlaps**
This overlaps with the Environmental Protection (Duty of Care) Regulations 1991, as both set in place the legal requirement that only registered waste carriers may transport waste.

**Opportunities**
Registered carriers could charge non-registered contractors to transfer their waste.

**Landfill (England & Wales) Regulations 2002**

**Summary**
Amendments to the regulations reclassified landfill sites as ‘hazardous’, ‘non-hazardous’ and ‘inert’ and initiated a ban on the landfill of certain types of waste. These included: non sludge liquid waste (as off 30 October 2007), waste that is explosive, corrosive, oxidising, flammable, highly flammable or infectious (immediate effect) and whole or shredded tyres (as of July 2006).

As of July 2005 waste has had to meet certain chemical parameters known as waste acceptance criteria (WAC) or it cannot be land filled. The WAC includes pH and organic content criteria as well as leaching criteria for hazardous substances, for example for toxic metals.

The regulations also set out Waste Acceptance Procedures (WAPs). These outline the information that waste producers must provide to landfill operators on the characterisation of the waste. Details that must be provided include the origin of the waste, its consistency, e.g. smell, shape, colour, treatments that have been applied to it, the European Waste Catalogue code and whether it can be recovered or recycled.

**Implications**
A relaxation to the WAC could affect construction sites if they have their own on-site landfills. In this case, if the landfill operator is assessed covering leachate and emissions, and proved not to have an adverse effect on the environment, the operator may be allowed to set a strict leaching criteria (with concentrations three times weaker than the regulations) for that site.

The reclassification of landfills means that fewer sites are available for the disposal of plasterboard. Although gypsum (plasterboard) is not classified as hazardous, it does contain more than 10% sulphate, therefore it must be disposed of to a mono-cell. This will increase the costs of land filling plasterboard wastes.

Waste producing businesses within the construction industry must ensure that waste produced meets the WAC of the site that it is to be land filled in, and the statutory waste disposal breakdown/information provided in order to comply with the WAPs.
Overlaps
This legislation overlaps with the European Waste Catalogue as it puts into place further definitions of non-hazardous and hazardous waste.

There is also an overlap with the European Landfill Directive as both cover criteria waste must reach in order for it to be land filled.

Opportunities
Businesses manufacturing alternatives to plasterboard, that can be disposed of more easily, will benefit from this legislation. The increased cost of disposing certain products will also encourage more efficient purchasing so that builders only buy the required amount of materials and therefore do not have to landfill large quantities of plasterboard.

This legislation will encourage contractors to find more sustainable and cheaper ways of disposing of waste, as opposed to simply sending it to landfill. It can lead to greater emphasis being placed on reusing all supplies, and may lead to more innovative thinking on how all materials can be used on a site.

“In building and redeveloping there is a move away from 'dig and dump' contractors are realising that there are other more sustainable and cheaper ways of dealing with waste. Landfill Directive is affecting contractors in an environmentally positive way. Folk in contaminated land are having to be more innovative to try and use material on site”
Halcrow Ltd. Alex Statton

Producer Responsibility Obligations (Packaging Waste) Regulations 2005

Summary
The 1997 Regulations aimed to increase the recycling of packaging waste by making UK businesses that perform an activity on packaging (e.g. manufacturing raw materials for packaging; converting materials into packaging; filling packaging; selling packaging to the final user, leasing out packaging or importing packaging/ packaging materials into the UK), have a turnover greater than £2million and who handle more than 50 tonnes of packaging per year (excluding that which is exported) responsible for the cost of recycling within the UK.

The 1999 Regulations amendment required that sellers provide their customers with information on methods of re-use, recovery and recycling of packaging and packaging waste.

The 2005 Regulations set new packaging recovery and recycling targets for Member States to meet by 31 December 2008. The requirements of the Directive will have been transposed once the 2005 Regulations are in force. The 2005 Regulations extend to Great Britain. Minimum recovery is set at 60%.

Implications
There are no direct implications on building contractors; however businesses selling construction goods will be affected if they meet the above criteria. These companies will be assigned an amount of waste to recycle each year (either by directly recycling goods or by purchasing Packaging Recycling Notes – PRNs) based on the amount of packaging that they handled the previous year.

Building contractors will be indirectly affected by the Regulations if the cost of construction goods changes to reflect the seller’s need to purchase PRNs. Ultimately the Regulations should encourage sellers to push for, and manufacturers to manufacture, reduced levels of packaging. This will then impact on the amount of waste that contractors have to dispose of and therefore their disposal costs.

The 1999 amendment means that builders should have the information necessary to deal with packaging waste.

Overlaps
There were no specific overlaps identified.
Opportunities
By supporting reductions in packaging builders can influence a reduction in their disposal costs in the long term.

The Hazardous Waste (England and Wales) Regulations 2005

Summary

Regulation 19 within the legislation prohibits the mixing of hazardous waste with other classes of hazardous waste, and with non-hazardous waste.

Producers of hazardous waste have are obliged to notify their premises to the Environment Agency every 12 months, and a fee is payable. It is an offence to remove waste from premises which are neither notified nor exempt. Exempt premises are still required to ensure that only an authorised person, e.g. a registered carrier, removes waste.

When hazardous waste is moved between premises, the producer is responsible giving each consignment of hazardous waste a consignment code. The producer must also keep a record of all hazardous waste that leaves their site, which should include the type, quantity, destination, carrier, origin and the treatment method.

The Special Waste Amendment (Scotland) Regulations 2004 is the Scottish equivalent. Under this, the producer of special waste must keep records of the quantity, nature, origin and where appropriate, the destination, frequency of collection, mode of transport of the special waste, and information on the carrier. The records must be retained for a minimum for three years, along with copies of consignment notes and carrier's schedules. This legislation also makes it compulsory for special wastes to be separated.

Implications
These Regulations made dramatic changes to the system used for managing and tracking the movement of hazardous waste. Any site dealing with hazardous waste will now need to have an effective management system in place. The segregation of different wastes streams at source is now essential, which could increase staff time and lead to the need for skips. Businesses will also have to pay to register as a Hazardous Waste Producer –

“All projects pay £18 per year via the Environment Agency Website to register as a Hazardous Waste Producer”
Bovis Lend Lease, Andrew Kinsey, Environmental Manager

Employers will need to be sure that any site producing hazardous waste, no matter how small the quantity needs to be registered, as does the waste consignment. This waste needs to be sent to a landfill licensed to take hazardous waste separately and may lead them to sourcing new waste contractor for some hazardous waste streams.

“The hazardous waste legislations - a bit irritating at times, due to no of sites and on each of site they will produce a little hazardous waste - this is impractical to register every site for a small quantity of this type of waste - this has been difficult.”
North Midland Construction, Naomi, Environmental Manager

Overlaps
There are several overlaps with the Hazardous Waste regulations through dealing with waste disposal i.e. EU Directive, Landfill directive, Duty of Care, Landfill regulations and Landfill taxes.

Opportunities
Developing a management system will lead to more effective control of all waste on a site. This could in turn lead to financial savings. Waste contractors who are able to accept hazardous waste are likely to see an increase in business.

2.2 Proposed legislation

We have also identified two further pieces of proposed legislation:

- Environmental Permitting Programme – currently in consultation
- Site Waste Management Programmes (part of Clean Neighbourhoods & Environmental act 2005 - proposed

The following also considers each in terms of SWOT and includes comments from industry.

Environmental Permitting Programme

**Summary**
The EPP aims to streamline and simplify environmental permitting and compliance systems by replacing the Pollution Prevention and Control (PPC) and Waste Management Licensing systems. The system is currently undergoing a second public consultation and is set to be brought into force in 2008.

Once the EPP system has proven itself to be an efficient permitting platform the Government may expand it to include other systems, such as water discharges.

**Implications**
It is thought this new system will reduce administrative costs to businesses, as they will only have to apply for and process the paperwork for one permit. This would save resources and in turn allow them to offer more competitive prices to customers or increase their profit margins.

**Overlap**
As this legislation aims to streamline the existing Pollution Prevention and Control Regulations and Waste Management Licensing Regulations (Environmental Protection Act 1990), there is an element of overlap with the two.

**Opportunities**
Reducing the complication and red tape associated with applying for WMLs and PPC permits may encourage more companies within the construction industry to submit applications.

Site Waste Management Plans – part of the Clean Neighbourhoods & Environment Act 2005

**Summary**
The DTI are considering the introduction of mandatory Site Waste Management Plans (SWMPs) as part of the Clean Neighbourhoods & Environment Act 2005 and Planning regulations. A voluntary code has already been issued. It is not entirely clear yet the extent to which the SWMPs will affect the construction industry - as a minimum, construction sites over a certain value or area threshold will be required to write and implement a SWMP, which addresses the issues of resource efficiency.

This legislation is also likely to tackle fly tipping. There will be an emphasis on the segregation and control of different types of waste.

**Implications**
The extent to which SWMPs will affect the construction industry will be dependant upon the final content of the legislation. As well as staff training, it could also mean the appointment of a specific waste champion to collate and review waste issues. The set up of a waste management system could involve the purchasing of specific software.
As the SWMPs will also focus on fly tipping, employers will need to be sure that all waste that is leaving their site is being disposed of legally.

“Proposed legislation on Site Waste Management Plans is ill conceived. It should be targeted at designers rather than contractors to design out waste.”
Bovis Lend Lease, Andrew Kinsey, Environmental Manager

Overlaps
As this legislation will be tackling fly tipping, it will overlap with others that tackle this such as the Anti Social Behaviour Act 2003.

There is also a degree of similarity with the EU Waste Framework, which requires Member States to put waste control regimes into place.

SWMPs will overlap with the Code for Sustainable Homes, as the Code sets minimum standards for all elements of house construction, which include site waste management.
3 Consultation Review
3 Consultation Review

As part of Task 5, a consultation exercise was undertaken, exploring the construction industries attitudes towards new and existing legislation. 56 large developers, construction companies and planning organizations within the UK's construction industry were approached and 19 respondents answered a short questionnaire. See Appendix 1 and 2 for company contacts and responses.

The following section is a SWOT analysis of the questionnaires responses, providing a summary of the general feedback, and feedback on current legislation by two councils who have developed Supplementary Planning Documents in order to relieve their waste disposal problems and aid waste minimization at a sub-regional level.

3.1 Questionnaire responses

3.1.1 Question 1. What waste legislations do you feel affect the construction industry?

The majority of the respondents were senior environmental management within these large development and construction companies. They have largely been employed to keep up to date with construction waste legislation in order for the company to comply with EU and UK legislation.

All of the reported legislations (section 2 of the report) affect the respondents depending on the sites and waste they are working on or with. However, respondents felt the following legislations have the biggest affect on their day-to-day running:

- Environmental Protection (Duty of Care) Regulations 1991
- Landfill regulations
- Hazardous Waste Regulations 2005
- Clean Neighborhoods Act
- Environmental Liability Directive
- Waste Management Licensing Regulations 1994
- Environmental Protection Act 1990

A point of interest from the majority of the respondents was their view on the proposed Site Waste Management Plans due for implementation later this year, which they believe will affect them greatly.

3.1.2 Question 1a. How do these affect your company i.e. have you had to employ an environmental manager; does it require more man days; paperwork; increase costs; landfill gate charges?

The majority of development and construction companies have employed specific staff i.e. environmental managers, advisors or support officers. They are generally permanent, but some employ temporary staff to keep the company up-to-date with legislative changes. The level of interaction ranges from basic legislative updates through to writing standard processes and procedures, developing waste management policies and strategies for all sites, supported by on-site training and guidance notes.

There are some large companies that have still not got specific environmental staff and make do by delegating legislative research to general staff or are only now sending staff off for training. However, as stated above, the majority have designated staff and some companies have gone so far as to
having specific environmental staff, but have spent a lot of time and funding training middle management as well.

3.1.3 **Question 2. Please indicate what sources of information you use to find out about new waste legislations/charges to current waste legislations?**

Environmental managers use numerous sources to keep up-to-date with current/upcoming legislations. Some of the larger companies attend quarterly construction forums with the CBI to share knowledge/experiences of dealing with legislations. The EA are also invited to these and managers often seek their advice/guidance when designing specific ways of complying with legislations.

Otherwise companies keep up-to-date with UK and EU legislation using one, or several of the following sources;

- EA and SEPA websites
- Natregs
- ENDS Report
- IEMA magazine
- CIRIA
- Brownfields briefing
- CIWM
- House Builders Federation
- Barbour
- CEDRIC (Environmental Legislation Database)
- Greenpeace Business
- FedBreak
- Thomson Environmental Compliance Manual
- Environmental Information Bulletin

All of these sources are valuable; however numerous respondents felt the EA website was not as up-to-date as they would like it to be.

3.1.4 **Question 2a. Is this info lacking in any way? Is there any other info you need/would like to see more available? Are you aware of any legislation coming into force over the next 5-10 years?**

*Strengths/weaknesses*

The majority of respondents felt there was more than enough legislative information available to them, and if possible, too much. Many find it hard to keep up with the rapid changes in legislation and a few found websites hard to navigate for detailed information. Some respondents felt there was a lack in consistency between Defra, WRAP and EA information, sometimes insofar as to being inconsistent within enforcement organizations at a regional basis. Below are some examples of these discrepancies;

- Some areas of the country are allowed to use their old topsoil on site whilst others have to treat it as a waste and have it removed.
- “A project had some waste wood that was no longer needed on site. The Environmental manager contacted the LF regarding giving it to a local farmer to use in his wood burning stove. LF told them about Exemption 5, allowing the burning of waste as a fuel in an appliance."
Opportunities
One major point that came across was that the industry wants to see more “easy guides” written. Environmental managers are looking for guides, similar to site Health and Safety manuals. The Construction Publications arm of the Industry Training Board (ITB) are apparently designing such manuals. The industry is looking for more guidance on how to interpret and comply with the legislations. One company suggested the EA follow the HSE approach and published ACOPs, and appoint a liaison office to each major company where they could discuss problems and come to an acceptable solution.

None of the respondents were aware of any new legislations bar the two proposed in section 2 of this report.

3.1.5 Question 3. Do any waste legislations have an advantage for the running of your company?

Strengths
Some legislation e.g. Landfill tax, have put a value on waste, hence making it a commodity and promoting recycling by providing an infrastructure. The enforcement of legislation has meant sites have to comply and some are finding it has brought an improvement in site practices and strategies.

Weaknesses
Increasing legislations mean there has been a significant increase in company’s paperwork.

Opportunities
One respondent believes construction hasn’t really seen a legislative push to waste minimization and management, and hopes SWMPs will go some way to dealing with this problem.

3.1.6 Question 3a. Have any legislations made working easier?

Strengths
Numerous respondents feel it has been a struggle adapting to complying with current legislations, however they are starting to make working easier for the following reasons:

- Companies are now able to justify rising costs to customers with legislative reasoning
- They help to focus minds on cost to reduce waste and therefore reduce costs
- Compliance has forced companies to implement their EMS much faster and driven improvements in performance
- Duty of care is easy to implement and ensures waste goes where it should
- Improved environmental practices strengthen CSR and PR in annual reports
- One company feels the Hazardous Waste regulations are a huge help as it makes their customers segregate waste as they have been shown, making everyone’s job a lot easier, preventing potential cross contamination of waste. They also often quote Duty of Care regulations to clients to force compliance as these are frequently used to prosecute people.

Weaknesses
Increasing legislations mean companies have a lot more work to do in order to comply and they are finding high costs of recycling frequently mean that it is cheaper to send waste to landfill than it is to recycle e.g. in rural areas. This is due to the costs associated with transporting the waste to the recycling point, with transport making up 70% of waste disposal costs. Landfill tax exemptions/credits are seen as a benefit, however companies do find them very difficult to obtain.

Opportunities
One company believe that industry needs to go beyond compliance with current legislation and believe one option is to bring in site waste management plans (as is currently being done), supported
by an increased industry awareness to minimise waste in general. Following on from the recycling point in the weaknesses above, there is a need to make recycling depots as accessible as current landfill sites to make them economical.

3.1.7 Question 4. Is current waste legislation sufficient?

The general views are that all construction waste angles are covered, but industry needs more specific guidance to help them comply. Below are some of the questionnaire responses providing an insight into the strengths and weaknesses of current legislation.

**Strengths**
- Within the building and redevelopment industry, there is a move away from ‘dig and dump’ and contractors are realising that there are other more sustainable and cheaper ways of dealing with waste i.e. “the Landfill Directive is affecting contractors in an environmentally positive way. Folk in contaminated land are having to be more innovative to try and use material on site”
- Some believe “all businesses should be made to show, by doing a return to the EA, where it is going and how their waste is being managed. There are far too many cowboys, of varying business sizes that are getting away with murder whilst we have to invest heavily to have qualified staff. We get can be prosecuted for having items in our facilities that are outside our license conditions, whilst others can pile up waste”
- Others believe industry needs to go beyond compliance with current legislation. An option is to bring in site waste management plans. Increased industry awareness is needed to minimise waste in general.

**Weaknesses**
- Construction Legislation is a “complete mess, confusing and contradictory”, however they believe this could be overcome with a model similar to H&S legislation, with a primary legislation and a descending pyramid of complementary, coherent and co-ordinated regulations.
- Some feel further legislations may increase the attractiveness of illegal practices and fly-tipping

**Opportunities**
Some sectoral responses suggesting how these weaknesses can be overcome are as follows;

- Provision of specific skip types
- Training sub-contractors so they have a better understanding of the legislations and can work towards improving waste management
- Less emphasis on the principal contractor to provide info which is often very technical. Site staff need better educations, in line with COSHH and CHIP to enable an easier understanding at a site level.
- Consolidation of several years worth of legislation written by different sources to improve clarity and ease compliance
- Simplification and streamlining of legislation with less amendments
- Waste disposal reporting needs to be shown to be more practical and cost effective to consultants
- An overall culture change is needed
3.1.8 Question 4b. Is construction waste legislation efficiently enforced?

The majority of the respondents felt waste legislation was not sufficiently enforced. Respondents believe; there are too many waste carriers carrying incorrect DoC and licensing requirements/renewals for exempt sites and there needs to be more of a proactive approach, as opposed to the current reactive approach.

**Weaknesses**
Numerous large contractors and developers have issues with smaller construction companies i.e. SMEs. They feel there are the following issues with enforcement;

- Legislation is only enforced if you try adhering to legislations correctly whilst SMEs not adhering to the legislations are thought not to be regulated at all.
- Some companies feel they make every effort to comply with the letter and spirit of legislation but see widespread abuse amongst SMEs. Legislation is not consistently applied across the country as a whole, with differing interpretations and “rules” being applied (see Appendix for listed anomalies).
- Too much emphasis on P.C. on large contracts and not enough on smaller contracts that often lead to the fly tipping. More time should be spent in engaging, training and educating these contracts to prevent breaches in legislation (sometimes due to misunderstanding, but more often due to cost cutting and likely hood of being caught and sufficient punishment. (Its often cheaper to break the law and pay a fine)
- Larger companies feel they are doing all they can to comply, although they would like more guidance from the EA. They believe the development of a syllabus, generic training etc would be a huge help. Larger companies feel they are targeted because catching a large company working illegally gives them more clout in terms of public relations. There needs to be more focus on the smaller/medium range players who don't know about the legislations and do not complete forms because they don't have the understanding or manpower to do so. One respondent asked the question; why a large developer would fly tip when they aren't really worried about the waste disposal costs because they hand on the costs to the client?

**Opportunities**
The respondents believe the following comments could aid enforcement;

- Increased enforcement through ground staff visits
- Better education of SMEs, changing the culture and reducing fly tipping etc
- Use of rfid tags to track waste materials
- Education of sub-contractors as they are often unaware of what is required of them due to the costs of finding out through subscription to legislative information sites
- Some sites would like to see benefits for those that comply with legislations
- An integrated approach to local planning and permitting is needed. All controls on construction sites could be through local planning consent. A possible barrier to this could be the capability of local authorities to implement. The advantage would be that one body is overseeing the process as a whole and that cross control impacts are taken into account at a single stage.

3.1.9 Question 5. Other comments, and do current legislations encourage you to buy supplies any differently or encourage/force your suppliers to sell "sustainable"/recyclable products?

**Strengths**
Several respondents have found construction legislations have lead to an increase in procurement and strategies. Some examples are as follows;

- Environmental managers are starting to work with suppliers to encourage them to sell sustainable products and it is expected that more pressure is likely to be put on the architects in the near future to make their thinking more sustainable.
Some companies are going through big Waste management schemes, with the hope that their KPIs will improve the company’s sustainability and possibly reduce costs (orders and waste removal through better design, supply and storage). Environmental managers are trying to improve the performance of their supply chain through accreditation and improvement of sustainability through design. This is being done by working with the design part of the business. Eco-Homes have also helped planners to enforce more sustainable practices.

( Opportunity for improvement) There are some Waste Protocols in place, but more best-practice/waste protocols could be developed i.e. EA and WRAPs Composting needs to be developed quicker. Protocols are needed for PFA and tyre bundling, which is used by the EA in some of their development, but rejected in other company applications.

Weaknesses
Some respondents raised the issue that there are difficulties getting helpful, consistent advice and even finding changes in advice at an authority level i.e.

- Sometimes difficult to get sensible advice from the EA, response is often "each case is dealt with on it’s merits followed by a disinclination to discuss details of a particular situation", sometimes apparently contradictory advice is being offered by different government bodies such as Envirowise, EA and Wrap"
- "Inconsistent application/enforcement in different EA regions makes interpretation difficult. EA officers not always helpful in their attitude towards our industry. Duty of Care paperwork should be produced in a standard format, and if we are made to register for hazardous waste anyway, why not use the site code for all waste. Make more use of electronic rather than paper systems (could also be used for data analysis, setting targets). Proposed legislation on Site Waste Management Plans is ill conceived. It should be targeted at designers rather than contractors to design out waste. As construed it is likely to be a paper chase, which in all likelihood will not be well enforced (if other legislation is anything to go by)."
- "Area where folk struggle is the interface between cont land and waste mgt. May have material you want to reuse on site but falls within haz wst leg - can you reuse it. When does something become controlled waste. Dif people from SEPA/Envt Agency give dif views. Getting through waste mgt licensing regime and exemptions. Very narrow area. Issue keeps cropping up. Envl Indus Commission (EIC) talking to Defra about these issues."

3.1.10 Final comments

The following sub-section provides some comments from respondents describing ways current legislation can be improve;

- The need to have more education and training on the legislation and how to comply with it i.e. possibly an Enterprise type organisation could fund this so SMEs can afford to go
- Best practice development to aid legislation adherence
- Consolidation of legislations is needed to bring all different parts of the legislation together
- Cost as a deterrent isn’t the right method, e.g. making landfill expensive not the answer. If you tighten up on monitoring and make it less expensive to comply with it would be more successful.
- "They would like to see a more forward-looking approach. UK needs to show initiative with creating legislation rather than just implementing legislation that is dictated by the EU. They believe that we tend to allow the EU to lead the agenda. Other countries that are proactive tend to get their legislation implemented at an EU level which then filters down to other member states. They said that if we were to take a lead it could give us a competitive edge as we could have the legislation and mechanisms in place before other member states started implementing. An example of which is Denmark as they have an industry with the focus of designing for deconstruction and reuse. Therefore reducing the amount of waste going to landfill. They also have industry on board and it is seen as part of the culture of the country rather than being seen as they have to comply. They believe site waste management plans need to be pushed within UK industry."
3.2 Supplementary Planning Documents

The following sub-section provides feedback from two councils who have developed Supplementary Planning Documents in order to relieve their waste disposal problems and aid waste minimization at a sub-regional level.

3.2.1 Bristol City SPD

Bristol introduced their Supplementary Planning Documents (SPD) in order to expand the definitions of policy. However they are not enforced through legislation so are often ignored, but they do encourage developer and construction companies to plan ways of aiding waste minimisation in the future. North West Somerset Construction plan (C.2002) was brought in to encourage waste audits to be prepared and submitted before planning was granted. These would state how and where waste would be disposed.

Bristol Council Planning dept feel there needs to be a Waste Minimisation Act that brings all legislation and regulations under one umbrella, tying in joint waste management plans and linking development planning with construction operational aspects.

3.2.2 Brighton and Hove SPD

Brighton and Hove (B&H) set up a Construction Waste Supplementary planning document because they have run out of landfill space and other potential sites are in an Area of Outstanding Natural Beauty (AONB) or are being slowed down by legal objections and judicial reviews.

These documents were important because B&H council landfill 54% of their waste, so they now have to pay other landfill owners to take their waste. (the incineration plant is still making very slow progress). B&H are also being forced to take a percentage of London’s waste as it a surrounding council, however it is outside the 90max travel to site time set in the agreement (as it has no motorways to the current disposal sites).

B&H have implemented policies/conditions early in their planning stages in order to be able to penalise those not adhering to their policies. i.e. every construction site needs to produce a SWMP for sites over 6 houses or 500m2 in size as a way of thinking ahead to construction phases, hence reducing waste. Currently 13% of construction materials leave the building site as waste. Of these, numerous sites mix their waste in one skip, hence meaning it has to be treated as hazardous waste, increasing the problems of final disposal and increasing the costs to the site (C.£500 for hazardous skip disposal and C.£100 for separated inert waste).

B&H feel the EA need to have a public campaign raising awareness as to the benefits to the environment and C&D Company’s profit margins, but improving SWMPs and general planning of waste minimisation, separation of waste on site and disposal from construction sites. Likewise, better design, storage on site and ordering will reduce the amount of stock stolen from sites, wasted due to being left on wet ground or not covered from the elements, all leading to reduced waste and larger profit margins. Developers will also be able to pressurise architects to designing developments with waste minimisation in mind i.e. employ Quantity surveyors and using metric systems i.e. building designs incorporating standard lengths of building equipment (timber, plasterboard etc)

Most large sites B&H are aware of now employ Env. Manager on site, to ensure the site adheres to its ever tightening EU legislations. They “pay for themselves” by improving recycling, ensuring better storage of stock and waste separation (hazardous from inert) leading to the reduction of costs to developers. There is a possibility that staff can even be awarded by bonuses on a site by site basis if they adhere to these changes-hopefully leading to a change in culture.
B&H feel the EA need to make more info available more readily/quickly to ensure the councils can see who is not improving on their waste reduction so the council can support them/provide guidance, which will be beneficial to the construction company (less waste, means higher profits) and the council win by having less waste to deal with.
4 Conclusions
4 Conclusions

This gap analysis provided a forward look at UK and EU legislation and strategy to identify future drivers for construction (including products), procurement and resource efficiency.

This report highlighted that this is a broad and diverse industry with leaders and laggars, with the leaders striving to improve construction waste minimisation and recycling, and laggars seem to be lacking an understanding of current legislations due to fiscal and time constraints.

Findings in this report highlighted the fact that condensing current legislation should make compliance easier, as less time will need to be spent keeping up to date with legislative changes; education will mean standard operating procedures are designed, which in time will become second nature to site and environmental managers; and more active enforcement will mean laggars are forced to improve their operating procedures, setting a level playing field.

A pre consultancy meeting with the CBI raised an interesting point regarding the proposed legislation revision to “Duty of Care”. CBI are having considerable problems with this, as they feel the EA are trying to enforce things too heavily. There is also a current onus on paint and other specific wastes that will need to be dealt with by construction sites, but that builders won’t know much about.

Some respondents felt there was a lack in consistency between information provided by Defra, WRAP and EA. There were also several enforcement inconsistencies highlighted at a regional basis within enforcement organizations.

Therefore, there is currently sufficient legislation covering all relevant areas of construction waste, however this needs condensing, education within the sector needs to improve and enforcement needs to be much stronger.

Looking forwards, the project considered a 10-year scenario. Supportive information above and in the report prove that current, and proposed legislation sufficiently covers current construction waste requirements and it is now just the enforcement of these legislations that needs to be improved.
Appendices
Appendices

Appendix 1: Consultation Contacts
Appendix 2: Consultation Responses

Appendix 1

Consultation Contacts
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<tr>
<td>Alan Davies</td>
<td>Bristol City-construction waste 0117 903 6865</td>
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<tr>
<td>FirstName</td>
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<tr>
<td>John</td>
<td>Allen</td>
<td>Adenstar Developments Ltd</td>
<td>01273</td>
<td>439203</td>
<td><a href="mailto:enquiries@adenstar-group.co.uk">enquiries@adenstar-group.co.uk</a></td>
</tr>
<tr>
<td>JJ</td>
<td>Brogan</td>
<td>Adenstar Developments Ltd</td>
<td>01273</td>
<td>439203</td>
<td><a href="mailto:enquiries@adenstar-group.co.uk">enquiries@adenstar-group.co.uk</a></td>
</tr>
<tr>
<td>Adam</td>
<td>Brown</td>
<td>Amey Infrastructure Services</td>
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<td></td>
<td><a href="mailto:phil.atkinson@amey.co.uk">phil.atkinson@amey.co.uk</a></td>
</tr>
<tr>
<td>Lynn</td>
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<td>07921</td>
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</tr>
<tr>
<td>Mike</td>
<td>Woodburn</td>
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<td></td>
<td><a href="mailto:phil.atkinson@amey.co.uk">phil.atkinson@amey.co.uk</a></td>
</tr>
<tr>
<td>Richard</td>
<td>Spencer</td>
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<td></td>
<td><a href="mailto:oliver@armourydemolition.co.uk">oliver@armourydemolition.co.uk</a></td>
</tr>
<tr>
<td>Scott</td>
<td>Bartlett</td>
<td>Benfield Construction Ltd</td>
<td>228673</td>
<td>02476</td>
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<tr>
<td>Dawn</td>
<td>Pinto</td>
<td>Berkeley Homes Plc</td>
<td>4871</td>
<td></td>
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<tr>
<td>Ben</td>
<td>Lutyens</td>
<td>Black &amp; Veatch</td>
<td>01737 774 155</td>
<td>01443</td>
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<tr>
<td>Peter</td>
<td>McAnlay</td>
<td>Black &amp; Veatch Ltd</td>
<td>452812</td>
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<td><a href="mailto:porter@bv.com">porter@bv.com</a></td>
</tr>
<tr>
<td>Roy</td>
<td>Shepherd</td>
<td>Bovis Lend Lease</td>
<td>2752</td>
<td>993915</td>
<td><a href="mailto:roy.shepherd@eu.bovislendlease.com">roy.shepherd@eu.bovislendlease.com</a></td>
</tr>
<tr>
<td>Clare</td>
<td>Berkley</td>
<td>Bristol and Avon Waste Management Ltd</td>
<td>0117 982</td>
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<tr>
<td>Frank</td>
<td>Lawless</td>
<td>Browns Construction Group</td>
<td>522251</td>
<td></td>
<td><a href="mailto:franklawless@lbrowns.co.uk">franklawless@lbrowns.co.uk</a></td>
</tr>
<tr>
<td>Liz</td>
<td>Lambert</td>
<td>Cardiff Council Sustainable Development Unit</td>
<td>02920</td>
<td></td>
<td><a href="mailto:e.lambert@cardiff.gov.uk">e.lambert@cardiff.gov.uk</a></td>
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<td></td>
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<tr>
<td>G</td>
<td>Pack</td>
<td>Cemex UK Construction Services Ltd</td>
<td>0114 241</td>
<td><a href="mailto:lynn.taff@cemex.co.uk">lynn.taff@cemex.co.uk</a></td>
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<tr>
<td>K</td>
<td>Rillat</td>
<td>Cemex UK Construction Services Ltd</td>
<td>0114 241</td>
<td><a href="mailto:lynn.taff@cemex.co.uk">lynn.taff@cemex.co.uk</a></td>
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<tr>
<td></td>
<td>Debbie Watkins</td>
<td>Constructing Excellence</td>
<td>02890</td>
<td><a href="mailto:debbie.watkins@constructingexcellence.org.uk">debbie.watkins@constructingexcellence.org.uk</a></td>
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<tr>
<td></td>
<td>David Henderson</td>
<td>Department for Regional</td>
<td>02890</td>
<td><a href="mailto:david.henderson@drdni.gov.uk">david.henderson@drdni.gov.uk</a></td>
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<td></td>
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<td>02890</td>
<td><a href="mailto:wesley.davidson@dfpni.gov.uk">wesley.davidson@dfpni.gov.uk</a></td>
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<tr>
<td></td>
<td>Michael L'Esperance</td>
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<td>01245 399</td>
<td>m.l'<a href="mailto:esperance@ecoaggregates.co.uk">esperance@ecoaggregates.co.uk</a></td>
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<tr>
<td></td>
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<td>07736</td>
<td><a href="mailto:andrewswain@edmund-nuttall.co.uk">andrewswain@edmund-nuttall.co.uk</a></td>
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<tr>
<td></td>
<td>Geoff Bridgeman</td>
<td>Federation of Master Builders</td>
<td>07769</td>
<td><a href="mailto:geoffbridgeman@fmb.org.uk">geoffbridgeman@fmb.org.uk</a></td>
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<td></td>
<td>Harold Symonds</td>
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<td><a href="mailto:hsymonds@robert-hitchins.co.uk">hsymonds@robert-hitchins.co.uk</a></td>
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<tr>
<td></td>
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<td><a href="mailto:leandm@halcrow.com">leandm@halcrow.com</a></td>
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<tr>
<td></td>
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<tr>
<td></td>
<td>Elin Pettitt</td>
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<td>07939</td>
<td><a href="mailto:elin.pettitt@kier.co.uk">elin.pettitt@kier.co.uk</a></td>
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<tr>
<td></td>
<td>Noel Lahiffe</td>
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<td><a href="mailto:noel.lahiffe@miller.co.uk">noel.lahiffe@miller.co.uk</a></td>
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<td></td>
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**Developing A Strategic Approach to Construction Waste**

AEA Energy & Environment
<table>
<thead>
<tr>
<th>Name</th>
<th>Company</th>
<th>Phone 1</th>
<th>Phone 2</th>
<th>Email</th>
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<tbody>
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<td>Robertson Construction (Central) Ltd</td>
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<td>Luke Bridges</td>
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<tr>
<td>Robin Gibson</td>
<td>Amec</td>
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<td>5253525 01865 851968</td>
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<td>Matthew <a href="mailto:Janssen@skanska.co.uk">Janssen@skanska.co.uk</a></td>
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<td>Martin gallimore</td>
<td>Mowlem PLC</td>
<td>090575</td>
<td></td>
<td>Stuart Jessop Shepherd Construction Ltd</td>
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# Appendix 2

## Consultation Responses

<table>
<thead>
<tr>
<th>Company details</th>
<th>Question</th>
<th>Response</th>
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<tbody>
<tr>
<td>Simons Construction (Env manager), Barry Smith, 0808 202 3991 / 0777 1978 651</td>
<td>1. What waste legislations do you feel affect the construction industry? Simon is a construction representative on the CBI board (with another C.30 experts). He has worked as Simons constr for 8 years as their sole, full time Env. Manager and used to work for Bovis.</td>
<td>Duty of Care, Landfill Tax, Hazardous Waste, Landfill regs – exemptions and new PPC (particulary for inert LFs) TWC mainly during groundworks</td>
</tr>
<tr>
<td>Taylor Woodrow Victoria hill / Stephen Hunt Vic (01525) 859098 / Stephen- 01325 385 627</td>
<td>1a. How do these affect legislation is a symptom of a failed culture and the CBI board and construction</td>
<td>TWDev Yes – have an environmental resource and have developed a waste management</td>
</tr>
<tr>
<td>HBG Charlie Law 0208 200 7070</td>
<td></td>
<td>Environmental Manager and Advisor</td>
</tr>
<tr>
<td>your company i.e. have you had to employ an environmental manager; does it require more man days; paperwork; increase costs; landfill gate charges?</td>
<td>industry lead players feel there is too much EU forced legislation which does not help those most in need of help i.e. smaller construction companies because they are not able to employ environmental managers and are not generally of the skills base to understand exactly what is expected of them in the legislation, and hence often work illegally, not filling in all relevant waste forms or disposing of waste correctly. There are several overlaps/overkills in the industry, with the &quot;Duty of Care&quot; setting down a whole list of basic legislations/guidance, and other legislations going into more detail on each issue i.e. listing pages of waste codes expected to be used in legislative disposal forms. It is felt that there is no clarity as to what the construction industry and companies should do. As discussed above, the Govt. keep introducing legislations (majority within the last 10 years) but they do not understand the average builder has not got the technical knowledge or time to adhere to all of the legislations e.g. Barry works all day on these legislations, so how can small building firms be expected to do the same when they struggle with the time it takes to complete SWMPs. The EA has made things so complicated, average building site managers do not understand them or they are too complicated to fill in, so don't complete them and illegal workings increase. There needs to be standard training, a syllabus and qualifications for all members of the industry e.g. Hazardous waste needs to be sent to someone who knows exactly how to deal with it.</td>
<td>policy/strategy for recycling and segregation that is adopted on all sites</td>
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<td></td>
<td>Developing A Strategic Approach to Construction Waste</td>
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<tr>
<td>Companies wouldn't mind paying for the waste to be removed in 90L or 1100L and then sorted by skilled specialists that understand the waste.</td>
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### 2 Please indicate what sources of information you use to find out about new waste legislations/charges to current waste legislations?

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<tr>
<td>Would like to say NATREGs and EA website but in reality all legislations are discussed at the CBI meetings every 3 months, ENDS report, and Greenpeace Business to see what other countries may be doing.</td>
<td>ENDS, IEMA magazine, Nat Regs, House Builders Federation. CIRIA, CIWM, brownfield briefing</td>
</tr>
<tr>
<td>Larger Industry companies get together every three months (and invite the EA) and discuss all legislations and design specific ways to deal with the legislations, getting agreement that this will allow them to comply. EA website isn't used because only 1/5th of their 50,000 pages are up to date and their 2 year plan to improve this will mean the industries have missed 2 years of strategies, so they make their own.</td>
<td>Cameron McKenna, Environment Agency, Net Regs</td>
</tr>
</tbody>
</table>

### 2a Is this info lacking in any way? Is there any other info you need/would like to see more available? Are you aware of any legislations coming into force over the next 5-10 years?

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<tr>
<td>Industry wants to see more &quot;&quot;Easy guides&quot;&quot; for people. Minimal guides as these are currently written by at the CBI meetings by Industry leaders Env managers. Construction Federation Publications arm of the ITB (Industry Training Board) is designing Env. manuals for environmental courses to go alongside Health &amp; Safety guides/manuals.</td>
<td>It gives very little explanation of how to apply the legislation</td>
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### 3 Do any waste legislations have an advantage for the running of your industry?

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<tr>
<td>Landfill tax—as it has put a value on waste and made it a commodity, promoting recycling by providing an infrastructure. But, it has also made life harder because it all have to be adhered to and have allowed in some cases an improvement in site practices/strategy.</td>
<td>Yes they do help control the waste movements and help us choose waste management companies.</td>
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</table>
### Developing A Strategic Approach to Construction Waste

<table>
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<tr>
<th>Question</th>
<th>Answer</th>
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<tbody>
<tr>
<td>company?</td>
<td>there is more paperwork associated with it. Difficult to assess. Construction hasn’t really seen a legislative push to waste minimisation. Hopeful that SWMPs will go some way to dealing with waste mini and mgmt however the upfront design remains the issue and until this is a requirement site waste required disposal or R&amp;R.</td>
</tr>
<tr>
<td>3a Have any legislations made working easier?</td>
<td>Yes, all angles are tightly covered but the industry would like specific guidance to help them comply i.e. specific skip types. Yes, if understood correctly by Sub contractors!!</td>
</tr>
<tr>
<td>4 Do you think the current waste legislation is sufficient?</td>
<td>Yes, if understood correctly by Sub contractors!! There are some small gaps, but generally it is sufficient</td>
</tr>
<tr>
<td>4a Do you think the current waste legislation is efficiently enforced? If not, what more could be done?</td>
<td>No. Larger companies feel they are doing all they can to comply with no real guidance/help from the EA i.e. no development of a syllabus, generic training etc. Larger companies feel they are targetted as catching a large company working illegally gives them more pr. There needs to be more focus on the smaller/medium range players who don’t know about the legislations and do not complete forms because they don’t have the understanding or manpower to do so. Barry raised the issue as to why a large developer would fly tip when they aren’t really worried about the waste disposal costs because they hand on the costs to the client. Yes TWD Debatable. Often see waste carriers who do not hold correct DoC and licensing requirements/renewals for exempt sites. No. We have very few visits from the EA/SEPA looking at how we control our waste. We feel there needs to be a more proactive approach rather than the current reactive approach.</td>
</tr>
<tr>
<td>5 Do you have any other comments regarding waste legislations i.e. do current legislations</td>
<td>There needs to be a culture change and the govt. needs to work with people through education, training etc. so people understand how to adhere to the legislation. No. We have very few visits from the EA/SEPA looking at how we control our waste. We feel there needs to be a more proactive approach rather than the current reactive approach.</td>
</tr>
<tr>
<td><strong>encourage you to buy supplies any differently or encourage/force your suppliers to sell &quot;sustainable&quot;/recyclable products?</strong></td>
<td><strong>legislations and the damage to the environment if these issues are not dealt with. If it is made easy for them, they will help save the environment. No legislation as yet to persuade procurement changes but env managers are starting to work with suppliers to encourage them to sell sustainable products and it is expected that more pressure is likely to be put on the architects in the near future to make their thinking more sustainable.</strong></td>
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<tr>
<td>Company details</td>
<td>Question</td>
</tr>
<tr>
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</tr>
<tr>
<td><strong>1</strong> What waste legislations do you feel affect the construction industry?</td>
<td>Nearly all.</td>
</tr>
<tr>
<td><strong>1 a. How do these affect your company i.e. have you had to employ an environmental manager; does it require more man days; paperwork; increase costs; landfill gate charges?</strong></td>
<td>Employ regional Environmental Advisers and provide on site training to manage waste on a daily basis. Increased Costs, Focus projects on minimisation</td>
</tr>
<tr>
<td><strong>2 Please indicate what sources of information you use to find out about new waste legislations/charges to current waste legislations?</strong></td>
<td>CIWM, Ends, Barbour, EA and Sepa Web sites</td>
</tr>
</tbody>
</table>
### Developing A Strategic Approach to Construction Waste

**Restricted – Commercial**

**AEA/ED02414/Issue 1**

organised by WRAP and Environwise

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| 2 | a | - Is this info lacking in any way?  
    - Is there any other info you need/would like to see more available?  
    - Are you aware of any legislations coming into force over the next 5-10 years?  
 | Often difficult to navigate the Agency Websites | Duty of Care has gone to consultation to and come up with a solution to dealing with fly tipping | Sometimes difficult to interpret the legislation in terms of practical circumstances, would be useful if the EA followed the HSE approach and published ACOPs and appointed a liaison office to each major company where they could discuss problems and come to an acceptable solution |
| 3 |  | Do any waste legislations have an advantage for the running of your company?  
 | All help to focus minds on cost to reduce waste and therefore reduce costs | Companies can claim back Corporation tax at a rate of 150% on any waste they pay to have removed if they remove it from a site where they are carrying out remediation work (that was not caused by them) | Without the driver of complying with applicable legislation would not have progressed our EMS as fast and would not have driven improvements in performance as rapidly. |
| 3 | a | Have any legislations made working easier?  
 |   |   |   |
| 4 |  | Do you think the current waste legislation is sufficient?  
 | Too much emphasis on the Principal Contractor to provide information, often technical which can confuse people. I.E. Site staff understanding what waste is hazardous and what isn’t. It should be put in Line with COSHH and CHIP to enable an easier understanding at a site level | Yes but it needs consolidating as it has been written by several different sources over several years. | No complete and utter mess, confusing and contradictory. Ideal model is current Health and Safety legislation with a single piece of primary legislation with a descending pyramid of complementary, coherent and co-ordinated regulations |
| 4 | a | Do you think the current waste legislation is efficiently enforced? If not, what more could be done?  
 | No, too much emphasis on P.C. on large contracts and not enough on smaller contracts that often lead to the fly tipping. More time should be spent in engaging, training and educating these contracts to prevent breaches in legislation (sometimes due to misunderstanding, but more often due to cost cutting and likely hood of being | No. Under enforced hence 89,000 fly tipping incidents reported a month in the UK | No, as a company we make every effort to comply with the letter and spirit of legislation but see widespread abuse amongst SME’s. Legislation is not consistently applied across the country as a whole, with differing interpretations and “rules” being applied. |

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**AEA Energy & Environment**
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<tr>
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<th>caught and sufficient punishment. (it's often cheaper to break the law and pay a fine!</th>
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<tbody>
<tr>
<td>5</td>
<td><strong>Do you have any other comments regarding waste legislations i.e. do current legislations encourage you to buy supplies in a different way or encourage/force your suppliers to sell &quot;sustainable&quot;/recyclable products?</strong></td>
<td><strong>The company are going through a big Waste Management scheme and it hopes its KPIs will improve the companies sustainability and possibly reduce costs (orders and waste removal through better design, supply and storage).</strong> Trying to improve the performance of the supply chain through accreditation and improve sustainability through design. This is being done by working with the design part of the business. Eco-Homes have also helped planners to enforce more sustainable practices.</td>
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<td></td>
<td>We are trying to pressurise designers (internally) and have specified certain requirements in our Ts and Cs for sustainable procurement</td>
<td>Sometimes difficult to get sensible advice from the EA, response is often “each case is dealt with on it's merits followed by a disinclination to discuss details of a particular situation”, sometimes apparently contradictory advice is being offered by different government bodies such as Environwise, EA and Wrap.</td>
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### Question 1

**What waste legislations do you feel affect the construction industry?**

All waste legislation has a huge effect on the construction industry with several environmental managers and site managers required to cover issues and 70% of the environmental teams time goes on waste legislation. Waste Management licensing affects them the most.

- Environmental Protection Act 1990 Part 2
- Environmental Protection (Duty of Care) Regulations 1991
- Hazardous Waste Regulations 2005
- Waste Management Licencing Regulations 1994
- Finance Act 1996
- Landfill Tax Regulations 1996 (as amended)
- Control of Pollution (Amendment) Act 1989
- Batteries and Accumulators (Containing Dangerous Substances) Regulations 1994
- Contaminated Land Regulations 2000
- Landfill (England and Wales) Regulations 2002
- Landfill (Scotland) Regulations 2003
- Directive on the Landfill of Waste EC/31/99
- PPC regs, proposed legislation on Site Waste Management Plans

Register of legislations - management procedure in place, comply with ensure systems are in place. Most recent ones are WEEE directive - will affect mechanical and electrical division - not sure how it will affect them in terms of finance etc and customers - can they contractually make them responsible. The hazardous waste legislations - a bit irritating at times, due to no of sites and on each of site they will produce a little hazardous waste - this is impractical to register every site for a small quantity of this type of waste - this has been difficult. Also, waste management licensing, exemptions are hard to understand, get put off trying to apply for one, application period takes awhile and its costly. Environment Agency are hard to work with at times.

Exemptions - recycled aggregates levy. EA deem this to be waste, alot of people using recycled aggregates but EA still deem this to be waste, still have to use waste transfer notes, don’t know if they should register this as an exemption. Surplus materials now big business, can exchange materials on website etc, but how do they keep a track of this, eg through waste transfer notes, they are sometimes forced to go to waste contractor so they have a papertrail. Part L of Building Regs has had a huge impact - client absorbs cost of all legislations, and prices end up going up.
### 1. How do these affect your company i.e. have you had to employ an environmental manager; does it require more man days; paperwork; increase costs; landfill gate charges?

Increase in paperwork, increase in training, ongoing training, just spent last 3 months retraining middle managers on these issues - huge costs

We employ 6 Environmental Managers full time, plus two part time. All projects are affected by Landfill Taxes and increased costs from contractors. All projects pay £18 per year via the Environment Agency Website to register as a Hazardous Waste Producer.

### 2. Please indicate what sources of information you use to find out about new waste legislations/charges to current waste legislations?

<table>
<thead>
<tr>
<th>Sources of Information</th>
<th>Information Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Forums 1/4ly meeting where EA are invited</td>
<td>Croner Environmental Management, ENDS, Thompson Gee Environmental Compliance Manual, Construction Confederation, NetRegs, Environment Information Bulletin</td>
</tr>
<tr>
<td>e-mails and construction journals</td>
<td></td>
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</tbody>
</table>

### 2a. Is this info lacking in any way?

- Is there any other info you need/would like to see more available?
- Are you aware of any legislations coming into force over the next 5-10 years?

They want more consistency between Defra, WRAP and EA info. They feel the EA want to promote recycling but seem to make it as hard as possible to achieve. They also want consistency within the EA interpretations i.e. some areas of the country are allowed to use their old topsoil on site whilst others have to treat it as a waste and have it removed, simply due to differing parts of the country.

Future legislations - are looking at SWMP, writing this and thinking about what systems they need to have in place, also extraction of water legislations - they need to keep up to date with this, temporary extraction legislation, this might lead to an enforced water legislation.

### 3. Do any waste legislations have an advantage for the running of your company?

Duty of care is easy to implement and ensures waste goes where it should

Need legislation in place for the benefit of the environment. Bit uncertain about WEEE - but the general concept is right. Can encourage reusing supplies, and they are trying to segregate more and looking at %waste content, so they can save money this way.

No – landfill tax exemptions/credits possibly, but not easy/impossible to obtain
<table>
<thead>
<tr>
<th>3a</th>
<th>Have any legislations made working easier?</th>
<th>The legislations mean they have a lot more work to do and costs of recycling frequently mean that it is cheaper to send waste to landfill than it is to recycle e.g. in rural areas. This is due to the costs associated with transporting the waste to the recycling point. With transport making up 70% of waste disposal costs, recycling depots need to be made as accessible as landfill access.</th>
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<tbody>
<tr>
<td>4a</td>
<td>Do you think the current waste legislation is efficiently enforced?</td>
<td>The company feel it is only enforced if you try adhering to legislations correctly whilst SMEs not adhering to the legislations are thought not to be regulated at all.</td>
</tr>
<tr>
<td></td>
<td>Do you think the current waste legislation is sufficient?</td>
<td>More than sufficient. The legislations need simplification and need to stop changing e.g. Waste Exemptions legislation 2005 has been changed so now requires an application 35 days in advance of being granted &quot;exemption&quot;. Some legislations even require consultants to report on sites waste disposal which is not practical or cost efficient.</td>
</tr>
<tr>
<td></td>
<td>Do you think the current waste legislation is efficient? If not, what more could be done?</td>
<td>No.</td>
</tr>
<tr>
<td></td>
<td>Do you have any other comments regarding waste legislations i.e. do current legislations encourage you to buy supplies any differently or encourage/force your suppliers to sell &quot;sustainable&quot;/recyclabl</td>
<td>There are some Waste Protocols in place, but more best practice/waste protocols need to be developed i.e. EA and WRAPs Composting needs to be developed quicker. Protocols are needed for PFA and tyre bundling, which is used by the EA in some of their development, but rejected in other company applications.</td>
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<td></td>
<td></td>
<td>Inconsistent application/enforcement in different EA regions make interpretation difficult. EA officers not always helpful in their attitude towards our industry. Duty of Care paperwork should be produced in a standard format, and if we are made to register for hazardous waste anyway, why not use the site code for all waste. Make</td>
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<tr>
<td><strong>e products?</strong></td>
<td>It is felt more SME training, syllabals are required and possibly Enterprise type organisations can fund these otherwise no smaller builders/companies would attend. More best practices are required to make following legislations across the board easier.</td>
<td>more use of electronic rather than paper systems (could also be used for data analysis, setting targets). Proposed legislation on Site Waste Management Plans is ill conceived. It should be targeted at designers rather than contractors to design out waste. As construed it is likely to be a paper chase, which in all likelihood will not be well enforced (if other legislation is anything to go by).</td>
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<td>Question</td>
<td>What waste legislations do you feel affect the construction industry?</td>
<td>How do these affect your company i.e. have you had to employ an environmental manager; does it require more man days; paperwork; increase costs; landfill gate charges?</td>
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</tr>
<tr>
<td>1</td>
<td>Wt mgmt licencing, haz waste regs, landfill directive.</td>
<td>Have guys that deal with waste, he gives advice to contractors on disposing of contaminated material. Waste minimisation he's not the guy, but others in the company do it. As a company they are aware of the issues, in terms of how offices are run and their relationship giving advice to clients, eg brownfield site development. Have people dealing with landfill and PPC permits</td>
</tr>
<tr>
<td>1a</td>
<td>Landfill, emissions to air or water, general disposal of site waste. Couldn't think of exact names of legislations.</td>
<td>Had an environmental manager but he recently retired. They are currently reallocating his duties to someone else. Don't need someone full time but waste legislation changes more rapidly than other legislations so do need someone assigned to it.</td>
</tr>
<tr>
<td>3</td>
<td>Do any waste legislations have an advantage for the running of your company?</td>
<td>Not sure he's the person to ask.</td>
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<tr>
<td>3 a</td>
<td>Have any legislations made working easier?</td>
<td>No</td>
</tr>
<tr>
<td>4</td>
<td>Do you think the current waste legislation is sufficient?</td>
<td>In building and redeveloping there is a move away from 'dig and dump' contractors are realising that there are other more sustainable and cheaper ways of dealing with waste. Landfill Dir is affecting contractors in an environmentally positive way. Folk in contaminated land are having to be more innovative to try and use material on site.</td>
</tr>
<tr>
<td>4 a</td>
<td>Do you think the current waste legislation is efficiently enforced? If not, what more could be done?</td>
<td>Tricky. Groudwater legislation affects how construct landfill sites. SEPA catching up on regulating sites more than did a few years ago, eg PPC regulations more thorough now.</td>
</tr>
<tr>
<td>5</td>
<td>Do you have any other comments regarding waste legislations i.e. do current legislations encourage you to buy supplies any differently or encourage/force your suppliers to sell</td>
<td>Area where folk struggle is the interface between cont land and waste mgt. May have material you want to reuse on site but falls within haz wst leg - can you reuse it. When does something become controlled waste. Dif people from SEPA/Envt Agency give dif views. Getting through waste mgt licencing regime and exemptions. Very</td>
</tr>
<tr>
<td>&quot;sustainable&quot;/recyclable products?</td>
<td>narrow area. Issue keeps cropping up. Envi Indus Commission (EIC) talking to Defra about these issues.</td>
<td>use the site code for all waste. Make more use of electronic rather than paper systems (could also be used for data analysis, setting targets). Proposed legislation on Site Waste Management Plans is ill conceived. It should be targeted at designers rather than contractors to design out waste. As construed it is likely to be a paper chase, which in all likelihood will not be well enforced (if other legislation is anything to go by).</td>
</tr>
<tr>
<td>Company details</td>
<td>Hexagon Housing (020 8778 6699). Bill Hannan, Senior Innovation and Policy Officer</td>
<td>Bristol &amp; Avon Waste Management Ltd, Peter Rafferty, Environmental Manager</td>
</tr>
<tr>
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<tr>
<td>Question</td>
<td></td>
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</tr>
<tr>
<td>1</td>
<td><strong>What waste legislations do you feel affect the construction industry?</strong></td>
<td>2 sides - landfill legislation and cost. Doesn’t mean contractors are concerned about waste management. Building Regulations.</td>
</tr>
<tr>
<td>1a</td>
<td>a. How do these affect your company i.e. have you had to employ an environmental manager; does it require more man days; paperwork; increase costs; landfill gate charges?</td>
<td>They put waste mgmt as part of Clients Charter with contractors. As a company don’t have to hire anyone, more of an effect on their contractors and on the way that they design buildings and materials that they use. Looking for initial savings, cost - 13% of materials end up in waste and they have to pay for it. Design affects materials, if not designed correctly then will have waste - e.g. should purchase size of plasterboard to fit wall so that don’t have cut-offs.</td>
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<tr>
<td>2</td>
<td><strong>Please indicate what sources of information you use to find out about new waste legislations/charges to current waste legislations?</strong></td>
<td>Look at serial info from DTI, pass info to contractors. Not mandatory at the moment but part of contractual agreements is that they implement waste mgmt.</td>
</tr>
</tbody>
</table>
2a. - Is this info lacking in any way?  
- Is there any other info you need/would like to see more available?  
- Are you aware of any legislations coming into force over the next 5-10 years?

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<td>They also arrange seminars for contractors on green issues - green specifications, green materials. All a matter of education. Info needs to get down to people on site. Must come from the top with someone pushing it. Get users advice from Housing Corp. Not sure how could improve matters otherwise. Building Regulations have been good at saving energy. If became mandatory then would be good. Coming legislation: CO emissions, waste mgt part of that. That legislation should help.</td>
<td>No, it is very comprehensive and linked to other sites for wider information.</td>
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<tr>
<td>They find the information within Netregs pretty good. They feel where it falls down is when it links to the Environment Agency website. They find this site to be hard to navigate to find detailed information on regulations and requirements.</td>
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3. Do any waste legislations have an advantage for the running of your company?

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<tr>
<td>Monetary savings. See plasterboard example above.</td>
<td>Also, the Hazardous Waste regulations are an absolute box of ammunition to us as it makes our customers segregate waste as we have taught them and therefore make everyone's job so much easier, as it prevents potential cross contamination of waste. The Duty of Care regulations are the main item that I regularly quote as it makes people sit up and listen, being that it is the regulation used to prosecute most people with.</td>
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3a. Have any legislations made working easier?

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<tr>
<td>It is so much easier to sell our products when we have the legislation behind us to push the reasons why a customer must do as we tell them.</td>
<td>They believe that industry needs to go beyond compliance with current legislation. An option is to bring in site waste management plans. Increased industry awareness is needed to minimise waste in general.</td>
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4. Do you think the current waste legislation is sufficient?

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<tbody>
<tr>
<td>Yes and no. More to do with education than legislation. Changing culture. Doesn't think we should have any more taxes.</td>
<td>No it is not! All businesses should be made to show, by doing a return to the EA, where it is going and how there waste is being managed. There are far to many cowboys, of varying business sizes that are getting away with murder whilst we have to invest heavily to have</td>
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</table>

<p>| Monetary savings. See plasterboard example above.                                                  | Also, the Hazardous Waste regulations are an absolute box of ammunition to us as it makes our customers segregate waste as we have taught them and therefore make everyone's job so much easier, as it prevents potential cross contamination of waste. The Duty of Care regulations are the main item that I regularly quote as it makes people sit up and listen, being that it is the regulation used to prosecute most people with. | The advantage it provides their company is increased business as they give advice to industry and governmental organisations on compliance. |</p>
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<tbody>
<tr>
<td>Do you think the current waste legislation is efficiently enforced? If not, what more could be done?</td>
<td>Doesn’t like the idea that people get charged for not complying. Should be positive reinforcement, e.g. get extra benefits for complying. No it is not! The EA hound us all the time but refuse to go anywhere travelers sites where there are very large piles of waste and we have highlighted them to the EA. In essence, the EA are very selective in who they pursue and they seem to steer clear of those that are deemed not to be likely to defeat. They believe an integrated approach to local planning and permitting is needed. All controls on construction sites could be through local planning consent. They do see that a possible barrier could be the capability of local authorities to implement. The advantage would be that one body is overseeing the process as a whole and that cross control impacts are taken into account at a single stage.</td>
</tr>
<tr>
<td>Do you have any other comments regarding waste legislations i.e. do current legislations encourage you to buy supplies any differently or encourage/force your suppliers to sell “sustainable”/recyclable products?</td>
<td>Cost as a deterrent isn’t the right method, eg making landfill expensive not the answer. If tighten up on monitoring and make it less expensive to comply then would have more success. They would like to see a more forward-looking approach. UK needs to show initiative with creating legislation rather than just implementing legislation that is dictated by the EU. They believe that we tend to allow the EU to lead the agenda. Other countries that are proactive tend to get their legislation implemented at an EU level which then filters down to other member states. They said that if we were to take a lead it could give us a competitive edge as we could have the legislation and mechanisms in place before other member states started implementing. An example of which is Denmark as</td>
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they have an industry with the focus of designing for deconstruction and reuse. Therefore reducing the amount of waste going to landfill. They also have industry on board and it is seen as part of the culture of the country rather than being seen as they have to comply.

They believe site waste management plans need to be pushed within UK industry.