

Annex 4 – Policy and legislation

There are various targets/actions that are being consulted on or already set relating to construction resource efficiency. This annex gives a short overview of the main targets/actions, the targeted audience and the potential impact.

- A4.1 National targets for England
- A4.2 Key current and forthcoming policy initiatives and legislation
- A4.3 Planning

The information presented in this Annex is based on research completed before August 2007. Some of this information may, therefore, have been superseded.

For definitions of terms and abbreviations used in this Annex, please see the main CRW roadmap document.

A4.1. National targets for England

<p>1. The construction industry to halve the amount of construction, demolition and exaction (CD&E) waste going to landfill by 2012 as a result of waste reduction, re-use and recycling</p>	<p>This target is presented in Defra’s Waste Strategy for England 2007 and will be consulted on with industry in the DTI Sustainable Construction Strategy. It has arisen from the sector’s Sustainability Forum together with WRAP calling for 50% cut on waste to landfill by 2012. This is an overarching target</p>
Owner:	Defra/DTI
Targeted audience:	construction industry
Waste areas covered:	diversion from landfill
Timescale:	2012
Potential impact:	medium – needs to be clearly related to construction sector activities
<p>2. For construction clients to include contractual requirements for measurement and improvement of materials resource efficiency in half of all construction projects in England over £1 million in value by 2009</p>	<p>This target is presented in Defra’s Waste Strategy for England 2007 and will be consulted on with industry in the DTI Sustainable Construction Strategy. It aims to capture around 10% of projects by number; around 60–70% by value and to go beyond minimum standards of a site waste management plan (SWMP)</p>
Owner:	Defra/DTI
Targeted audience:	clients
Waste areas covered:	reduction, reuse and recycling
Timescale:	2009
Potential impact:	medium – dependant upon the actual requirements set
<p>3. Government to achieve waste-neutral construction in its major construction projects by 2012</p>	<p>This target is presented in Defra’s Waste Strategy for England 2007 and will be consulted on with industry in the DTI Sustainable Construction Strategy; the consultation will focus on whether the waste-neutral concept defined by value is appropriate. In essence, the value of re-used and recycled materials employed on a construction project will at least equal the value of materials delivered to site</p>
Owner:	Defra/DTI
Targeted audience:	government procurement (as a client)
Waste areas covered:	reuse/recycled content, recovery of materials
Timescale:	2009
Potential impact:	unknown

4. By 2015, zero net waste, at construction site level	This will be consulted on in the DTI Sustainable Construction Strategy. It follows the same methodology as that related to waste-neutral construction.
Owner:	DTI
Targeted audience:	contractors
Waste areas covered:	reuse/recycled content, recovery of materials
Timescale:	2015
Potential impact:	unknown

5. By 2020, zero waste to landfill	This will be consulted on in the DTI Sustainable Construction Strategy. It is an idealistic target and is overarching.
Owner:	DTI
Targeted audience:	construction industry
Waste areas covered:	diversion from landfill
Timescale:	2020
Potential impact:	medium – needs to be clearly related to construction sector activities

Summary: timescales for national targets

Proposed target	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
1. Halve amount of CD&E waste to landfill														
2. Clients to include contractual requirements														
3. Government to achieve waste neutral construction														
4. Zero net waste, at construction site level														
5. Zero waste to landfill														

Government actions/policies that are not actual targets

6. Site Waste Management Plans (SWMPs)	Site Waste Management Plans are mandatory for all construction projects costing more than £300,000 from 6h April 2008. SWMPs are intended to encourage greater resource efficiency throughout construction and to reduce the amount of waste crime and fly-tipping in the construction sector.
Owner:	Defra
Targeted audience:	clients and contractors
Waste areas covered:	resource efficiency
Timescale:	2008
Potential impact:	medium

7. Code for Sustainable Homes (CSH) – waste requirements	The development and implementation of a SWMP is a mandatory requirement within the CSH and extra points can be rewarded for committing to minimise, sort, reuse and recycle site construction waste. Points can also be awarded for the use of reclaimed or sustainable sourced materials. There are no requirements to develop and implement a target relating to resource efficiency at a development level or to collect and analyse the information specifically related to waste
Owner:	CLG
Targeted audience:	developers and house builders
Waste areas covered:	reduction, reuse, recycling, diversion from landfill – within a SWMP process
Timescale:	April 2007 onwards; revised technical guidance issued April 2008
Potential impact:	high – currently required in England for all new houses developed by English Partnerships or with direct funding from the government’s housing programmes. May be extended to cover all housebuilding.

Other areas where targets are either encouraged or set at a government level include:

- guidance to set targets for Government procurement e.g. common minimum standards (OGC)
- encouragement of setting policies related to planning (waste and aggregates) (CLG)
- measurement of the amount of recycled and reused materials are used within the Building Stock (CLG)

Government agency targets

1. WRAP has set a number of targets relating to construction waste as part of their business plan	<ul style="list-style-type: none"> • 1.7 million tonnes diverted from landfill/avoided being extracted • £10 billion value of construction projects setting requirements for resource efficiency • £50 million saving for construction sector by minimising site waste and recycling
Owner:	WRAP
Targeted audience:	construction sector
Waste areas covered:	resource efficiency
Timescale:	2008
Potential impact:	medium

2. The Environment Agency	Working with the construction sector to develop a sector plan with industry encouraged to sign up to milestone commitments related to sustainability.
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3. Regional/local government targets	Targets are also being set at a regional and local planning levels. Regionally targets are set within the regional waste and mineral strategies.
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4. Industry based targets	<p>There are also a number of non-governmental targets that are being set within the industry. These include (but are not limited) to the following:</p> <ul style="list-style-type: none"> • Developments: e.g. standards for waste on high profile projects such as the Olympics and Thames Gateway • Manufacturers: e.g. the Ashdown agreement, a voluntary agreement between the UK plasterboard manufacturers and the Gypsum Products Development Association to reduce new plasterboard waste from landfill by 2010 • Clients: e.g. Marks & Spencer within the Plan A aim to end waste to landfill from their operations within five years • Contractors: e.g. Wates have set a target of zero non-hazardous waste to landfill by 2010
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Construction Resources and Waste Platform target

There are risks associated with pursuing targets outside the context of overall life cycle impacts (see CRW roadmap).

As prevention of waste will lead to the best improvements in terms of environmental impact and cost savings, there should be a clear target for the industry to reduce the amount of construction waste produced in the first place (this would not include demolition waste).

One such target is proposed here (this is being consulted with industry in the DTI Sustainable Construction Strategy):

Halve the amount of construction waste produced by 2015	This target relates to the amount of waste generated relative to construction activity and baseline of 2007. Measured through performance indicators, such as m ³ waste/100m ² , or wastage rates of products and materials
Owner:	Construction Resources and Waste Platform/DTI
Targeted audience:	construction and refurbishment (not demolition)
Waste areas covered:	waste reduction
Timescale:	2015
Potential impact:	high

A4.2. Key current and forthcoming policy initiatives and 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
- Site Waste Management Plans
- The European Landfill Directive
- The Hazardous Waste (England and Wales) Regulations 2005 (transposed in England from the Special Waste Regulations 1996)
- The Waste Electrical and Electronic Equipment (WEEE) Directive

- The Waste Management Licensing Regulations 1994
- Waste and Emissions Trading Act

The most relevant to construction resources and waste are summarised in this section.

EU Waste Framework Directive

This Directive provides the overarching legislative framework for the collection, transport, recovery and disposal of waste, and includes a common definition of waste.

The European Waste Catalogue was transposed in the UK as List of Wastes (England) Regulations 2005 and List of Wastes (Wales) Regulations 2005. It is part of the Waste Management Regulations, 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. It overlaps with the Hazardous Waste Regulations, which further establish criteria for the classification of hazardous and non-hazardous wastes.

Implications	<ul style="list-style-type: none"> • The Directive will force waste collectors to separate waste, which will have cost implications to the construction contractors
Opportunities	<ul style="list-style-type: none"> • Increased costs of disposing of unused materials will encourage building contractors to review their purchasing policies and look for areas where waste can be reduced

The European Landfill Directive

The European Landfill Directive is in place to reduce the negative effects of land filling on the environment and health.

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 (see above), which has extended the range of materials classified as 'hazardous', and the Waste Acceptance Criteria, which has introduced pre-treatment requirements.

Implications	<ul style="list-style-type: none"> • The ban on the co-disposal of hazardous and non-hazardous waste means the industry will have to segregate these wastes
Opportunities	<ul style="list-style-type: none"> • Thinking more about what is being sent to landfill will ensure the industry reviews purchasing strategies, and could also encourage the use of more recycled products

Aggregates Levy

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 rate of aggregate levy was increased by just over 20% from £1.60 to £1.95 per tonne on 1 April 2008 for commercially exploited aggregate.

Implications	<ul style="list-style-type: none">As the levy is applied to all new aggregate products, it is in industry's best interest to think about using recycled aggregates instead. However, it is essential to ensure that these products are of the same quality as primary aggregates. With increasing levies, 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
Opportunities	<ul style="list-style-type: none">Using recycled aggregates means avoidance of the levy. Suppliers offering recycled aggregates are likely to have an increase in business

Anti-social Behaviour Act 2003

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.

Implications	<ul style="list-style-type: none">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. 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 and Site Waste Management Plans

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

Site Waste Management Plans are part of the Clean Neighbourhoods & Environment Act 2005. These became mandatory for all construction projects costing more than £300,000 from 6h April 2008. SWMPs are intended to encourage greater resource efficiency throughout construction and to reduce the amount of waste crime and fly-tipping in the construction sector.

Implications	<ul style="list-style-type: none">The extent to which SWMPs will affect the construction industry will depend on 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
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SWMPs will overlap with the Code for Sustainable Homes, because the Code sets minimum standards for all elements of house construction, which include site waste management plans.

Code for Sustainable Homes

The Code for Sustainable Homes – a new national standard for sustainable design and construction of new homes – was launched in December 2006 as part of a package of measures towards zero carbon development. The technical guide underpinning the Code was issued by the Department of Communities and Local Government (CLG) at the start of April 2007, which is when the Code went live. By assessing against the Code, developers will be able to obtain a 'star rating' for any new home which will demonstrate its environmental performance. The

presence of a SWMP is a minimum standard under the Code. The Code awards additional points for having SWMPs in place that include actions to reduce and divert (from landfill) site construction waste.

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

Environmental Protection Act 1990 (EPA)

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

- 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
- 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.

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

Environmental Protection (Duty of Care) Regulations 1991

All those who produce or handle wastes from demolition, earthworks and construction activities are now legally obliged 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 apply:

- All waste produced must be 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. Contractors and subcontractors will also need to register as a waste carrier if they are taking care of transporting their 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. For example, where a haulier is brought in by the main contractor to remove a sub-contractor's 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.

Landfill Tax Regulations 1996

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.

From 1 April 2008 and until at least 2010–11, the standard rate of landfill tax will increase by £8 per tonne each year. This effectively means a doubling of landfill tax for active waste over the next 3–4 years. In 2008/09 the rate is £32/tonne.

Furthermore, the lower rate applying to inactive waste increased from £2 to £2.50 per tonne from 1 April 2008.

As part of a consultation launched alongside the Budget the Government is considering whether the existing exemption from landfill tax for waste arising from contaminated land should end.

Implications	<ul style="list-style-type: none"> The doubling of Landfill Tax will have a dramatic effect on the construction sector. All active waste will need to be prevented or segregated for recovery to avoid excessive disposal costs.
Opportunities	<ul style="list-style-type: none"> By reducing the amount of waste produced, the construction industry stands to save serious amounts of money. Many contractors already underestimate the value of materials wasted, much of which ends up in landfill. The cost of landfill will increase still further. Those that take a proactive approach now will be far more competitive in the future.

Waste Management Licensing Regulations 1994

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	<ul style="list-style-type: none"> Need to obtain waste management licence. This can often end up being costly, and the application process can take some time. Alternatively, an exemption from licensing is required for certain operations. The legislation makes allowances for a certain amount of recyclable material which can be stored and treated without a licence.
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Waste and Emissions Trading Act

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.

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

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.

Landfill (England & Wales) Regulations 2002

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 of 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 taken to landfill. 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

- The reclassification of landfill sites 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 landfill site where it is to be deposited, and the statutory waste disposal breakdown/information provided in order to comply with the WAPs.

- The increased cost of disposing of 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.

Producer Responsibility Obligations (Packaging Waste) Regulations 2005

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 £2 million 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. 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

Until 15 July 2005, the Hazardous Waste Directive was transposed in England by the Special Waste Regulations 1996. From 16 July 2007 the Directive is transposed by the Hazardous Waste (England and Wales) Regulations 2005 and the List of Waste (England) Regulations, as a result of the EU Waste Directive.

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 (currently £18 when purchased via the EA website). 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.

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.
- 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.
- 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.

A4.3. Planning

In England there is a hierarchical structure of guidance and plans covering national, regional and local planning which includes:

- National Planning and Minerals Policy Statements and Guidance Notes
- Regional Spatial Strategies
- Local Development Frameworks.

National planning policies are set out in Planning Policy Statements (PPS) and Planning Policy Guidance notes (PPGs), Minerals Policy Statements (MPSs) and Minerals Planning Guidance Notes (MPGs), Circulars and Parliamentary Statements.

In England, Regional Planning Bodies (and in London, the Mayor) prepare and produce a Regional Spatial Strategy (RSS) (in London, the Spatial Development Strategy) reflecting the needs and aspirations for development and land use for a 10–15 year period. Each RSS should reflect, and build on, the policies set out at national level.

Development Plans are statutory documents that have significant planning ‘weight’ when determining planning applications and development proposals. The main document is the Local Plan Review.

Supplementary Plans are documents that sit under the Development Plans providing further guidance and principles, which development is expected to follow. Supplementary Plans are ‘material considerations’ when determining planning applications and development proposals.

Minerals and waste planning authorities are now required to produce a Minerals and Waste Development Framework which will replace the old minerals and waste local plans. The Minerals and Waste Development Framework is a collection of minerals and waste development documents. It comprises Development Plan Documents and Supplementary Planning Documents, together with the Regional Spatial Strategy.

Section 106

Section 106 of the Town and Country Planning Act 1990 allows a local planning authority (LPA) to enter into a legally binding agreement or planning obligation, with a land developer over a related issue. The obligation is sometimes termed as a 'Section 106 agreement'. Such agreements can cover almost any relevant issue, such as resource efficiency. S106 agreements can act as a main instrument for placing restrictions on the developers, often requiring them to minimise the impact on the local community and to carry out tasks that will provide community benefits.

Planning Policy Statement 10: Planning for Sustainable Waste Management

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.

Supplementary planning documents

Two local authorities have developed Supplementary Planning Documents in order to relieve their waste disposal problems and aid waste minimisation at a sub-regional level.

Bristol City SPD

Bristol introduced Supplementary Planning Documents (SPD) in order to expand the definitions of policy. However, the documents are not enforced through legislation so are often ignored. However, they do encourage developers and construction companies to plan ways of aiding waste minimisation in the future. North West Somerset Construction plan, circa 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 of.

Bristol Council's Planning Department 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.

Brighton and Hove SPD

Brighton and Hove (B&H) set up a Construction Waste Supplementary Planning Document because the council has 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 landfills 54% of its waste, so it now has to pay other landfill owners to take the waste. (An incineration plant is still making very slow progress). B&H are also having to take a percentage of London's waste because it is a 'surrounding council'; however, it is outside the 90-minutes maximum travel-to-site time set in the agreement (as it has no motorways to the current disposal sites).

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