

## **RESPONSE TO WELSH GOVERNMENT CONSULTATION DOCUMENT “ WASTE (WALES) MEASURE 2010 SITE WASTE MANAGEMENT PLANS .**

Whilst as a company we are supportive of methods and procedures to reduce waste and feel that some action needs to be taken to reduce construction waste in Wales there are a number of significant issues/ problems contained in the proposed legislation and its implementation.

Our company is an construction SME based in Wales directly employing 52 employees and sub-contracting to up to 100 people per week. Our projects vary from manufacturing and fitting a bespoke timber window (under the self certification scheme FENSA) to multi million pound projects.

Please find below my response on behalf of Anthony A Davies Ltd and Anthony A Davies construction Ltd.

### **1. Roles and responsibilities.**

The first rule of the hierarchy of waste reduction is to reduce at source. The source of construction projects is the design stage. The proposed regulations do not mention or designate any role or responsibility to the designer. The designer should have the responsibility of submitting the original site waste management plan (SWMP) accompanied by a methodology of how they have reduced the potential for waste through the design method e.g. standardised quantities/ sizes, recycling of materials removed and incorporating present features into the design.

The designer is the best placed person to submit the SWMP as:

- a) They usually submit the plans
- b) They already have the information re materials/ waste to be removed

### **2. The proposed threshold at which a project has to submit a SWMP is unworkable due to the following reasons:**

- a) 2 day projects tend to be projects that are “fitted in” to a company’s work programme when you have tradesmen free for a few days and slot this type of work in. This would not give time for the process to be carried out and would drastically reduce the flexibility of the programming of work and thus the efficiency of a small company. This would have an effect on profitability in an already difficult market.
- b) The number of projects of this size an SME may cover could be, as in our case 20- 30 per month. To submit, monitor and complete the SWMP’s would result in an increase in resources (time and costs) required which in the present economic climate would be disastrous.

- c) The monitoring of the SWMP's on these projects would be virtually impossible and the amount of work disproportional to the amount of benefit achieved. Examples of this are:
- (i) On a 2 day project most employers would not sanction someone taking the time out to monitor and record everything that is going into a skip. If you added this to the cost of a project they would not win any work.
  - (ii) The majority of waste management companies would be unable to identify to every contractor the contents of every individual skip from every individual site. If they were I am sure this would result in an on cost to contractors and/ or clients thus increasing the cost of a project and reducing the likelihood of it commencing.
  - (iii) Companies carrying out this size of project would be unable to segregate waste due to the lack of space on a householders property and also the lack of local authority waste transfer stations or proposed builders merchants transfer stations that are available. i.e. the infra structure is not there to support waste segregation for these size of projects.
- d) One of the aims of the proposed regulations is to reduce the amount of fly tipping. To set the threshold of any project which is notifiable or self certification projects over 2 days would increase the amount of fly tipping.
- Clients with the inevitable on costs would go for the cheapest contractor and would head to the black economy and would not worry where the waste ended up.
- The plan to make client's legally responsible for the implementation of the regs. is admirable but as the low level of prosecutions of clients ( commercial, which are easier to monitor) under the Construction Design Management Regulations 2007 demonstrates how this would be unworkable and clients would still employ people from the black economy. Unless the legislation is fully enforced in relation to client prosecutions this would have the reverse effect of what the proposed regulations set out to do.
- e) It is suggested that those drafting these regulations further investigate into the processes which various types of projects have to go through. It was mentioned that projects such as kitchen upgrades ( disabled bathrooms were mentioned at the consultation meeting that I attended) would be excluded under the present regulation but my understanding is that they would not due to drainage changes. This would be caught up in the notification process and so would come under the proposed regs.

- f) In the executive summary of the proposed regulation document it states that “In 2012 there were 10,845 construction and demolition businesses, of which 99% were small to medium sized enterprises” If these regulations were adopted in its present form then this number would be drastically reduced as a large number, with another burden of cost and bureaucracy, would be sent to the wall.

The minimum level at which we think these regulations in an altered format should address is £75,000.00 and 1 month (30 day) programme. Anything less than that would result in the above mentioned consequences.

### **3. Monitoring by Local Authorities**

In working closely with Local Authorities we would envisage the following issues. However, it would be essential to gain the opinion of all Local Authorities through their representative body.

- (a) Due to the recent economic cut backs in local authority staffing levels we doubt whether Local Authorities have the resources at present to police these regulations and the proposed cost of £50 - £100 would be too low for them to administer it. It would result in an increase in fees following the review period which again would drive clients towards the black economy.
- (b) The best placed people to monitor these regulations would be building control in liaison with the planning department.
- (c) The 2 day project threshold would result in a Local Authority having to have a quick response system which we feel they may not be able to do with their present staffing levels.

### **4. Economic Effects**

I have previously mentioned the effect on SME's. However, I also need to add that The Welsh Government in its new procurement policy states that it wishes to promote the accessibility of projects to SME's, this would hinder their accessibility.

The Welsh government says it also wants to attract industry and promote house building / renovation in the country. Again these regulations would hinder this process and companies and individuals would go to areas of the UK where regulations were not so onerous.