

Department for Environment, Food and Rural Affairs

Defra Public Consultations

Proposed repeal of construction Site Waste Management Plan Regulations (2008)

Summary of responses and Government response

August 2013

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1. Purpose of Consultation

In 2012 the Department for Environment, Food and Rural Affairs (Defra) proposed the repeal of the construction Site Waste Management Plans (SWMP) Regulations, subject to consultation on the impact of doing so. This was in response to the Government's Red Tape Challenge, which was designed to remove unnecessary legislation to free-up business. The Government subsequently ran a consultation to ensure it understood the implications of the proposed repeal of the Site Waste Management Plan Regulations. The Consultation ran from 18th June to 16 July 2013.

2. Geographical extent

The Site Waste Management Plans are England - only Regulations and as such this consultation applied only to England.

3. Impact Assessment

An Impact Assessment has been prepared and can be found at

https://consult.defra.gov.uk/waste/site_waste_management/consult_view

4. Summary of responses

Key stakeholders in local authorities, construction and environmental sector trade bodies were contacted directly, and anyone with an interest had the opportunity to respond on the Citizen Space website. The composition of responses reflected the types of issues that Defra had outlined in the consultation. Whilst 6 clients and 8 architects/designers responded to the consultation, 72 contractors responded with comments, which would seem to support industry assertions that generally the client passes the plan onto the contractor to deal with. This lack of ownership from clients and engagement from the design community would backup claims that waste prevention opportunities are being lost.

There were 169 respondents in total, of which the main groups were as follows.¹

Contractors - 72 responses

The largest group was contractors, of which 72 responded to the consultation, with 41 respondents agreeing with the proposed repeal, and 29 disagreeing. Of those that commented on the impact assessment, 32 agreed and 23 disagreed. 55 thought they would continue to use SWMPs, 5 were unsure and 12 wouldn't continue.

Private Business - 38 responses

38 private businesses responded to the consultation, with 18 respondents agreeing with the proposed repeal, and 20 disagreeing. Of those that commented on the impact assessment, 13 agreed and 17 disagreed. 21 thought they would continue to use SWMPs, 10 were unsure and 7 said that it was not applicable to their role.

Health and Safety Officers - 19 responses

19 Health and Safety Officers also responded to the consultation, which reinforces industry's assertions from earlier discussions that sometimes responsibility for SWMPs is given to people outside the construction supply chain. Since Health and Safety Officers aren't strictly in the construction supply chain the number of responses supports the claim that they often acquire responsibility for SWMPs. Of the 19 respondents, 13 of them were in favour of the repeal, with 6 against. 6 didn't have any comments on the Impact Assessment whereas 13 agreed with the impacts outlined. 13 said that they thought they would still use SWMPs, 5 said that they would not and 1 was undecided.

¹ There were 172 responses in total either through citizen space or the consultation inbox, however this included 2 blanks and one duplicate entry which have been discounted.

Local Authorities – 9 responses²

8 Local Authorities (9 respondents) responded to the consultation, with 7 respondents disagreeing with the proposed repeal, and 2 agreeing. Of those that commented on the impact assessment, 3 agreed and 2 disagreed. 5 thought they would continue to use SWMPs, 1 was unsure and 1 definitely wouldn't.

Clients - 6 responses

6 Clients responded to the consultation, with 1 respondent agreeing with the proposed repeal, and 5 disagreeing. Of those that commented on the impact assessment, 4 agreed and 1 disagreed. 5 thought they would continue to use SWMPs and 1 was unsure.

The remaining 25 responses were from groups such as universities, government, and members of the public.

A list of all the organisations that responded is included at annex 1.

5. Responses to individual questions

The following section summarises the responses to each of the individual questions. Where respondents did not use the response form provided, responses have been included in the summary below against the appropriate questions.

The following summary provides:

- The total number of responses to each question
- The numbers who agreed or disagreed for each question (and as a percentage of those who answered that question)
- Summary of the key issues raised
- Key quotes to illustrate points made by respondents

A number of themes have emerged from the responses to the consultation and these themes often cut across more than one question. The Defra response therefore responds to these themes addressing all 3 questions together.

² This included 2 respondents from one local authority replying in different capacities.

Question 1 - What are your views, if any, on the proposal to repeal the Site Waste Management Plans Regulations?

High level statistics

- 169 responded to this question.
- 82 (49%) responses agreed with the government's position of repealing the Regulations.
- 82 (49%) responses disagreed with the government's position of repealing the Regulations.
- 5 (3%)³ responses were neutral – these are the cases where it was not clear whether the respondent agreed or disagreed due to making cases both for and against the repeal without stating their own preference, or where they specifically stated that they did not know.

Key themes

Responses have been grouped into key themes. Below we have set out these themes along with some unattributed quotations from respondents which help illustrate the views expressed.

Many of those favouring repeal of the Regulations, cited the administrative burden and the bureaucratic nature of SWMPs, with 26 respondents giving those reasons. One respondent stated “Repealing the SWMPs will be a very positive move for contractors. I believe SWMPs will remain in the industry as best practice. Without a legal backing, this permits flexibility to ensure the SWMP fits to your business needs and drivers.”

24 respondents cited the lack of engagement with designers and architects as the main weakness of the Regulations and also as a reason to repeal. This confirmed industry feedback that Defra had received at earlier stakeholder meetings. Both respondents and those at stakeholder meetings stated that generally clients pass the plan onto contractors, once the building has already been designed, thereby missing out on the greatest savings. WRAP is hoping to address this weakness in the supply chain with a new responsibility deal that focuses on the designing out of waste.

“SWMP legislation by-passes the construction design phase which also wields huge power and influence in the creation of resource-efficient outcomes e.g. by 'designing-out' waste and specifying recoverable/recyclable products/materials.”

³ Percentages rounded to whole numbers, so may not always add up to 100%

Enforcement was another key theme, with 22 respondents citing a lack of enforcement as either contributing to, or causing the failure of the Regulations. Enforcement was cited as a supporting reason by both those that disagreed with repealing and by those supporting repeal. Those against the repeal believe that if enforcement had been more effective, then the Regulations would be more successful, as currently they may be ignored which may reduce the gains that they were supposed to bring. The fact that Local Authorities and the Environment Agency have a power, but not a duty to enforce was seen as one of the main obstacles to better enforcement.

14 respondents mentioned the duty of care⁴ in their responses. 7 responses claimed that SWMPs helped as an administrative tool, as a means of keeping all waste requirements within one document, including requirements found in Duty of Care legislation. Conversely 7 other respondents found that in terms of a legislative audit trail, the Duty of Care already provided this for waste going off-site, and thought the SWMP waste management aspects added little beyond this. Respondents stated that SWMPs:

“provide a tool for project teams to plan and manage their waste and ensure that the Duty of Care requirements are all managed in one place.”

“DOC already covers information such as waste carrier’s and waste disposals.”

6 respondents cited the £300k threshold as a flaw within the Regulations. SWMPs were introduced to combat fly-tipping, however some respondents reasoned that since fly-tipping was generally carried out by those working on projects of a value less than £300k, flytipping invariably wouldn’t be affected.

“If the aim of SWMPs is to stop fly-tipping, then it would be aimed at all projects and not just those with a value of 300k+”

5 respondents commented on the fact that the Welsh Government has just consulted on introducing SWMP Regulations for Wales. General opinion was that this would lead to confusion, and that thinking should be aligned across borders.

“We find it odd that England wants to repeal the SWMP Regulations and Wales wants to introduce SWMP Regulations; this suggests that the thinking about the benefits of SWMPs is confused”

⁴ The Duty of Care is legislation for business that deals with the movement of waste, ensuring it is first stored safely and securely and then transported by a licensed carrier.

Question 2 - The impacts of repealing the Regulations have been identified in the impact assessment. Do you agree with the impacts identified there? Are there any that we have missed?

High level statistics

- 129 respondents answered this question
- 68 (53%) responses agreed with the impact assessment
- 58 (45%) responses did not agree
- 3 (2%) were neutral in that it was not clear whether they agreed with the impacts of the assessment or not.

Key themes:

53% of respondents agreed with the impacts as specified within the impact assessment. Interestingly, this included some respondents who disagreed with the proposal to repeal but agreed with the impact assessment. Of those who answered, 60 had further specific comments; many of those who agreed did not add detailed comments, and merely stated that they agreed or that all the impacts were covered, so most comments were from those who disagreed with the impacts. However, some did provide more detailed comments, particularly in terms of the fact many would still use SWMPs in some form, as a flexible tool:

“I agree with the impacts identified. In particular we anticipate many of our clients (particularly Government organisations) will retain SWMPs in one form or another, and they will continue to provide a useful tool for planning materials reuse and tracking waste.”

Of those who answered this question, 21 responses did not think that the savings made as a result of using SWMPs had been properly considered. The reason they gave was that the subsequent savings were frequently more than the administrative cost of preparing a SWMP. As such they also believed that the expected annual saving to business as a result of repealing the Regulations in the impact assessment was overstated, as many businesses would still choose to continue to use SWMPs and therefore not make an administrative saving. One respondent stated

“The efficiencies gained through effectively managing waste have not been fully considered. A study conducted in 2009 by WRAP showed that 76% of businesses stated that the introduction of SWMP Regulations saved them money or were cost neutral.”

As stated in our response below, Defra recognises the value of SWMPs, but the focus of the WRAP survey was to identify the environmental and economic costs and benefits

generated by using a SWMP to implement good practice, rather than the Regulations themselves.

In addition respondents mentioned circumstances where SWMPs would be required even without Regulations in place, 12 of these stated that SWMPs would still be required for BREEAM (BRE Environmental Assessment Method) and the Code for Sustainable Homes so any repeal of the Regulations would not affect those construction projects. Several of these also mentioned that if Regulations were brought in within Wales, then there would be a requirement for projects there. Question 3 looks at some of the other reasons why business would continue to use SWMPs in some form.

A number of respondents suggested improvements that could be made to the Regulations, or stated areas where they felt the Regulations were not effective. 18 respondents stated that the SWMP Regulations were not sufficiently enforced, and offered some potential alternative approaches to enforcement eg. paying through Section 106 agreements, or have a scheme similar to the HSE fee for intervention model or EA OPRA scheme. 14 stated that there should be a greater focus towards design if the Regulations could be amended. This suggests that there are some issues with the Regulations in their current form, and that lessons have been learned since the introduction of the Regulations as SWMPs have been more widely used. Based on feedback from the initial Red Tape Challenge consultation, the impact assessment only looked at either repealing or retaining the Regulations in their current form.

Respondents also discussed the other influences on behaviour in addition to legislation as the consultation document cited landfill tax as a powerful tool in reducing the amount of waste land-filled each year. 12 respondents referred to the effect of landfill tax and stated that it did reduce the amount of waste going to landfill, but it did not affect waste generation and it was generally regarded as a cost of doing business.

In respect of potential environment impacts, 7 respondents specifically referred to fly tipping and other similar environmental effects and the effect the repeal may have on the number of incidents that occur. They suggested that incidences may increase, for example: “your impact assessment states that fly tipping has not reduced, but could it have gone up without these Regulations being put in place. If you repeal them then companies will not put them in place as it will not be mandatory.”

However, conversely 6 respondents specifically mentioned that they did not feel that fly tipping would increase as a result, some stating the opinion that a lot of construction fly tipping was a result of smaller traders who fell below the £300,000 threshold of the Regulations. One respondent stated

“the value for the SWMP should have started at a lower value or no value to have an impact on fly-tipping as the small SME did not fall into the Regulations.”

In addition the majority of respondents stated that they would expect to continue to use SWMPs (in full or simplified form) even if the Regulations were repealed, which suggests

that the use of SWMPs is embedded to a large extent – this issue is covered further under question 3.

3 respondents referred to the fact that the Welsh Government has consulted on a proposal to introduce SWMP Regulations, and questioned the difference in approach between England and Wales in this devolved matter and suggested this was not joined up government. A similar number also felt that the proposed repeal would send a message to business that Defra did not support resource efficiency in the construction sector.

Question 3 - If the Regulations are repealed, would you continue to use Site Waste Management Plans in any form? Why?

High level statistics

- 157 respondents answered this question, and of these:
- 114 (73%) expected that they would still use SWMPs or a similar tool if the Regulations were repealed.
- 32 (20%) respondents stated that it was unlikely that they would use SWMP if they were no longer mandatory.
- 11 (7%) respondents were unsure whether they would use SWMPs if the Regulations were repealed.

Key themes

Respondents flagged that savings to be made using SWMPs and that not to record waste would lead to bad planning and ultimately more waste. The proposed repeal would not stop businesses from using SWMPs, but give business the option to use them in full or in part to suit their business needs. Members of the UK Contractors Group (UKCG) have indicated they would still use SWMPs “As a UKCG member, we have agreed to continue to use SWMPs on projects as we believe that by forecasting waste streams and quantities we are better placed to reduce them and increase diversion from landfill.”

It was clear that those who responded found SWMPs a valuable tool, but many commented that the regulatory burden was unhelpful. One respondent, who was in favour of the proposal to repeal, stated “Yes, we would still use SWMPs, but perhaps in innovative ways. Resource efficiency starts before the SWMP becomes a requirement; they do not apply to that part of the construction industry (designers and architects) most influential in avoiding and reducing wastes”

As well as those who indicated that they would still use SWMPs or a very similar tool, of those who said they would not use SWMPs, 16 stated that although they wouldn't use

SWMPs specifically, they would still use some system to manage and/or record waste on-site as it fits in with their current business model. 16 gave no qualification as to whether they would do anything instead. One respondent stated: "All our projects aim to maximise re-use and recycling. There are plenty of incentives for waste minimisation already, not least the landfill tax. SWMP is just extra paperwork for no benefit." These responses suggest that business would still be using a system to record and manage waste on site and 73% would be using a similar tool in the future. 83% of those who responded (130 of the 157) would still use a tool to record and manage waste on site. This suggests that the spirit and ethos of SWMPs is strong within the industry but with many favouring the flexibility that the repeal would offer businesses.

While cost saving through better waste management was cited as a reason to continue using SWMPs (with 5 mentioning this specifically), (and 21 mentioning this in the response to question 1) there were also other reasons cited, such as a desire to pursue responsible contracting in the name of compliance (10). 5 companies suggested that they would use SWMPs as part of BREEAM or the Code for Sustainable Homes. One respondent, who was against repeal, stated "We may look at designing out wastes and having a recycled waste content in some of our projects, but this is likely to be done for BREEAM anyway. I dont think there will be anything lost by repealing SWMPS."

Perhaps surprisingly, of those who were against the proposal to repeal, 55 (67%) still expect to use SWMPs or a similar tool to manage and record waste on site. When considering this alongside some of the reasons given for continuing the use of SWMPs in full or part, one possible conclusion would be that there are many other persuasive reasons to use such a tool other than a regulatory requirement being in place. For example one respondent stated "Yes we would as a responsible construction company - it has been a superb tool to gauge our waste streams from site and build up a better waste management ethos amongst our Project Managers." Another stated "We would advise our members that they are good business practice and help underline a company's environmental credentials."

5. Defra response

Our response to the key themes raised across the 3 questions

As many of the themes that arose from respondents' answers were overlapping, rather than providing Defra's response to views expressed on each question, our responses have been grouped under the themes, addressing all 3 questions together. While question 1 is the key question, question 2 looks at the evidence to support this, and question 3 looks at the potential behavioural change. In analysing responses we have looked at the questions in unison to create a fuller picture of what the impacts may be of repealing the Regulations.

Defra still recognises the value of SWMPs as useful resource efficiency tools, which can be adapted for each project and business. SWMPs have been used by the construction industry for a number of years, and have become embedded into best practice for many businesses. Businesses have sufficient experience of SWMPs and have been able to demonstrate their value in making cost savings through resource efficiency, and therefore each business is best placed to make a judgement as to whether there is a value in completing a SWMP in full or part.

Cost savings

As stated in the impact assessment, the costs of repealing SWMPs would be any sacrificed financial and environmental benefits associated with indirect changes in resource use or waste management. The purpose of deregulation is not to outlaw SWMPs or to discourage their use; it is merely to allow businesses to balance the costs and benefits of using a SWMP. Businesses can use the guidance and previous experience of implementing SWMPs and weigh up the benefits of using SWMPs compared with the costs of their implementation and administration in order to make a decision that is most effective in reducing overall costs.

The estimated annual benefit (£3.9m) of removing the regulatory requirement set out in the impact assessment, related only to the administrative saving of not completing a SWMP, but businesses would be able to make business decisions on whether to implement a SWMP based on the cost and benefits detailed above. At the time that the impact assessment was completed, there was insufficient evidence to make an assumption on how many businesses would continue to use SWMPs so there was a great deal of uncertainty, and hence a high range estimate was used. The information provided by respondents will allow us to revisit this calculation, and provide a lower range estimate with a reduced but still significant annual benefit for businesses. A final impact assessment will be published later in the year which will provide further detail. In line with Government

appraisal guidance, the indirect impacts of the proposal on business behaviour were not included in the estimate of annual net benefits. If businesses were merely going through the administrative process due to the Regulations then they would no longer be required to complete SWMPs in full, so should make an administrative saving, but they are free to tailor the tool to their needs, so may still use parts if it provides some benefit.

The methodologies and assumptions used in formulating the impact assessment were set out with the assessment itself but we hope that this further explanation will clarify the points raised by respondents.

Enforcement and fly tipping

As stated in the consultation document, enforcement of the Regulations has generally been inconsistent, and no-one has been prosecuted to date. The expected savings to cover enforcement activity (by reducing fly tipping clean up costs) have not sufficiently materialised. This meant local authorities and the Environment Agency did not have sufficient resource to provide nationwide coverage for enforcement. While this is an area where the Regulations could have been improved, there are many other ways of addressing waste. As one example, we still believe landfill tax remains the most effective way to keep waste out of landfill, as was indicated by many respondents.

Fly tipping has reduced across all waste streams, but Defra will continue efforts to reduce this further still through the National Fly Tipping Prevention Group. Landfill tax will continue to encourage business to reduce the waste they send to landfill, and the availability of flexible tools like SWMP will allow businesses to do this, and build on the work already done.

Further work is now being carried out to tackle waste crime such as fly-tipping. Defra is working with the Sentencing Council to ensure fines and sentences for waste crime act as a real deterrent to offending, and strengthening the powers for local authorities and the Environment Agency to stop, search and seize the vehicles of suspected waste criminals. In tandem with this we are aiming to make it easier for businesses to dispose of their waste legally, for instance through responsibility deals that will increase access to local facilities and help smaller businesses understand their waste management responsibilities such as compliance with the waste duty of care.

Work is underway to encourage behavioural change through the National Fly-tipping Prevention Group which has produced guidance on fly-tipping prevention for landowners and local authorities and developing a draft Fly-tipping Partnership Framework. The Framework recognises that the nature and scale of fly-tipping varies from place to place and is best tackled by a range of interested groups working together on a local level. It outlines best practice for the prevention, reporting, investigation of fly-tipping and clearance of fly-tipped waste. In addition Defra is providing funding for two partnerships, the Suffolk Waste Partnership and one led by Swindon Borough Council to pilot some of the best practice options set out in the Framework during the 2013-14 financial year. The

partnerships include local authorities, the police, fire and rescue service, the Environment Agency and private landowners and members of the community working together with the common aim of tackling fly-tipping in their areas.

The fact that construction fly tipping as a proportion of fly-tipping incidents as a whole has not reduced would suggest that, whilst wider waste policies have helped reduce fly tipping, construction specific policies such as SWMP have not had a significant effect. It is likely therefore that the deregulation of SWMP would not have a significant effect on the fly tipping of construction waste. Furthermore, it is believed that the majority of fly-tipping incidents are due to small projects which are not covered by SWMP regulations. While views were mixed on what the effect of repealing the Regulations on construction waste fly tipping would be, no-one was able to offer any evidence that fly tipping was likely to increase.

Relationship with the construction industry

The construction industry is a key driver to the UK economy and Defra has worked closely with the industry to develop best practice in dealing with waste. Defra is keen to increase the focus on resource efficiency and waste prevention allowing businesses to make the most of the cost savings possible through action in this area. We are confident that many in the industry are fully aware of the concept of reducing waste and the associated saving this provides and are taking significant steps to embed these into construction industry practices. Through industry initiatives such as Halving Waste to Landfill, businesses have already made strides to manage waste effectively on site and so the onus will increasingly be to reduce waste in the design process. SWMPs and guidance will still be available for those that find them useful.

However, more work is needed to reduce the amount of waste arising in the first instance. This means the design phase of construction is vital in achieving the aim. SWMPs tend to be produced after the design phase, and so only had a limited effect on this. We support the industry's increasing focus on reducing construction waste by designing and managing it out, and the involvement of designers in the work of the Green Construction Board waste subgroup in delivering this aim. In addition, WRAP is looking to address this issue in the construction supply chain with a new responsibility deal with the construction industry that focuses on designing out of waste. We believe that such work will support Defra's aims to reduce the amount of waste arising whilst allowing the industry the freedom to find the solutions that will work best for them.

Evidence and options within the Impact Assessment

Regarding the amount of evidence available to carry out the impact assessment, while it would be desirable to have more substantial evidence, we are satisfied that it utilised the best information available. One of the purposes of the consultation was to ensure that consultees had an opportunity to provide further evidence. While many views have been

expressed there has not been compelling evidence provided to suggest that any environmental impact would be significant.

While several options were considered in the initial review of the SWMP Regulations, the review and the Red Tape Challenge process identified that the most viable option was to repeal the Regulations. The consultation process aimed to seek if there were any unintended consequences that may result from an appeal, and this is why the impact assessment only looked at two policy options. Some of the suggested amendments to the Regulations, such as to remove the £300,000 threshold and make SWMP Regulations apply to all construction projects, would impose an unreasonable additional burden on small and medium sized businesses.

Approach of Devolved Administrations

With respect to the Welsh Government proposal to introduce SWMP legislation, SWMP legislation was introduced for England in 2008. While the impact assessment and consultation document did identify some ways in which the Regulations could have been more effective, the 2008 Regulations did introduce and embed the concept of SWMPs to many in the construction sector in England. Many businesses since then have used SWMPs and the various portals available in tracking waste, such as WRAP's waste portal and the Smartwaste portal and have found these useful tools in reducing waste and making savings, while reducing the amount of construction and demolition waste going to landfill. The time is right to allow a more flexible approach in England, trusting businesses to make good decisions now the concept of SWMP is embedded and more businesses have had a chance to see their benefit. Clearly it is a matter for the Welsh Government to introduce Regulations according to its own policy objectives, but while the legislative approach may differ, the principle of SWMPs remains the same and it can be a valuable tool for the Industry whether mandatory or not.

6. Conclusion

To summarise the key findings above, opinions on the proposal to repeal were quite mixed with an even split between those in favour and those against. A slight majority indicated that they were in agreement with the impacts identified in the impact assessment that had been produced, and significantly, respondents were unable to provide sufficient evidence that there would any additional impacts and no evidence that impacts would be very different to those expected by Government. The majority of respondents also indicated that they would continue to use SWMPs or a similar process if the Regulations were repealed, which gives more substance to that expectation.

A common theme running through responses was that further strides can be made in reducing waste, particularly with a focus further up the hierarchy to resource efficiency and waste prevention. Waste prevention is a complex issue and will require many different actions in order to deliver significant change. Resource efficiency and waste prevention

can deliver real financial savings to business, and therefore the incentives to take action already exist. There are many alternative levers to legislation to prevent waste and Government will consider which interventions are most appropriate to support action by business. There are many sources of guidance and information to assist business save money and protect the environment by reducing waste – one such useful source from WRAP: <http://www.wrap.org.uk/category/sector/construction>

We intend to expand on such themes within the Waste Prevention Programme for England, which will be published by the end of the year. It aims to improve the environment in support of sustainable economic growth and help businesses recognise and act upon potential savings through better resource efficiency and preventing waste, to contribute to a more sustainable economy.

In conclusion, considering all these factors, the impact that repealing the Regulations will have on the effort to reduce construction waste, keep it out of landfill and out of fly-tipping is assessed as being minimal. Repealing the Regulations will provide a cost saving to business, while giving the option of retaining SWMP as a tool that can be applied to any project to help identify savings. Reducing waste saves businesses money, and with awareness and the appropriate guidance already available we would expect business to take every opportunity to reduce costs in this way.

7. Proposed Course of Action

As stated in the original consultation document, our intention was to repeal the Regulations, as set out in the original Red Tape Challenge decision. While this intention was based on our initial consultation with key stakeholders within the industry, we wanted to give a wider range of people the opportunity to feed in their views and provide evidence on the effects of the proposed repeal.

The impact assessment set out what we considered were the main effects of the repeal. Views were fairly split on the proposal to repeal, and a slight majority were supportive of the findings of the impact assessment. We also note that SWMP processes are now quite embedded within the construction industry as a result of both their continued use within the industry and the introduction of the Regulations. This is confirmed by the majority of respondents indicating that they would continue to use SWMP in some form, as they have proved to be a cost efficient method of managing waste. However, we have also received some feedback that the regulative process was unwieldy and inflexible and that SWMPs could still be used as a tool even without the Regulations in place.

It is the intention of the Government, through the Red Tape Challenge, to remove Regulations which are either ineffective or hold back growth, and the impact assessment demonstrates that repealing the Regulations should provide a reduction in the regulatory burden to business without any significant environment impact.

We, therefore, intend to repeal the Regulations, in line with our initial announcement. As such, we intend to repeal the Regulations coming into effect on 1 December 2013. A final impact assessment will be published with the repealing Statutory Instrument.

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Annex 1 - Organisations that responded

Company

- A L P Ambrose Minerals Planning & Development Consultancy
- alun griffiths contractors ltd
- AMEC E&I Ltd
- Anglian Building Products
- BAM Construct UK Ltd
- Barr Limited
- Bouygues UK
- Bowmer & Kirkland Ltd
- Brighton & Hove City Council
- Brookfield Multiplex
- Calder Valley Contractors
- Campaign to Protect Rural England Lancashire Branch
- Canal & River Trust
- Caroline Hutson - Environmental Consultancy
- Caroline Leatherdale
- Castle Key Environmental Solutions Ltd
- CGL
- City of London Corporation
- Civil Engineering Contractors Association
- CIWM
- Cocksedge Building Contractors Ltd
- CH2MCostain

- Day Cumins Limited
- DIEM Ltd
- DJD Architects
- DS Smith Recycling
- Eagle Safety Associates Ltd
- EAN
- EAUC
- EDF
- Environment Agency
-
- Environmental Services Association
- ESH GROUP
- ESOPS Ltd
- ESP-UK Ltd
- Fairsnape
- FM Conway Ltd
- Foz electrical
- Gill Group Limited
- Global Multi-disciplinary Consultancy
- GMWDA
- Goldsmiths, University of London
- greystone associates health & safety consultants
- Grigoriou Interiors
- Gunita (Eastern) Ltd
-

- Heyrod Construction Limited
- Highways Agency
- Interserve Construction Limited
- ISG Plc
- J Murphy & Sons
- J Tomlinson Limited
- Jackson Civil Engineering Group Limited
- Jackson Lift Group
- Jerram Falkus Construction Limited
- Keepmoat Ltd
- Kier
- Kier Construction - Northern
- Kier Construction Central
- Kier Group plc
- Kier Homes
- Lakehouse
- Lancashire County Council
- Leicestershire County Council
- Mace Limited
- Mackley
- MBHS Ltd
- McCue Interior Fitout Solutions
- McVey Bros Ltd
- MMC Engineering Services Ltd
- Morgan Sindall Group plc

- Napper Architects
- Network Rail
- Newell Projects Ltd
- NFDC
- Northamptonshire CC
- Northern Gas Networks
- ORSA Consulting Limited
- Park Lane Homes
- Parkeray Ltd
- Parsons Brinckerhoff
- PartnerSave Ltd
- Pellings LLP
- Pochin Construction Ltd
- Princebuild Ltd
- Qualcon Management Systems Consultancy
- Reconomy (UK) Ltd
- RIBA
- Runnymede Borough council
- Rydon
- Safety Assistance Limited
- Salvo Llp
- SECBE
- Slmons Group Ltd
- Simply Safety Ltd
- Sir Robert McAlpine

- SiteSurplus
- Stepnell Ltd
- Suffolk CC
- T Loughman & Co Ltd
- Tata Steel
- TesTex NDT Ltd
- TFL
- The Chartered Institute of Building
- The University of Sheffield
- Tingdene Homes Ltd
- Transport for Greater Manchester
- UK Contractors Group
- UKELA
- United House Ltd
- United Utilities
- University of Bedfordshire
- University of Cambridge
- Vela homes
- Vinci Construction UK
- VolkerWessels UK
- Wales & West Utilities Ltd
- Wardell Armstrong
- Wasteplan solutions
- WATES GROUP
- Westbuild Homes Ltd

- Willmott Dixon
- Woking BC
- Yorkshire Water