

A Guide to Changes in the Regulation of Construction Waste



This document has been prepared by RSK to inform clients of the recent and imminent changes to legislation pertaining to on-site waste management. It gives an overview of the changes and describes how RSK can provide specific help for each change.

For more information, please refer to the contact details on the back page or visit www.rsk.co.uk/brownfield.

Tax incentives for development of brownfield land

What do I need to know?

Clients reliant on landfill may need to change their ways from 1 April 2008 when, as outlined in last year's Budget, the standard tonnage tax rate for landfill will increase from £24 to £32, with further annual increases of £8 annually until the cost hits £48 in 2010.

Meanwhile, the government has plans to phase out landfill tax exemptions entirely within the next two years, and a deadline of 30 November 2008 has been set for applications of this nature. Any issued exemptions, regardless of project duration, will carry an expiration date of 31 March 2010.

These changes are the result of the government concluding that support for contaminated land clean-up will occur more effectively through enhancing corporation tax incentives.

How RSK can help

We can help you get those final applications in before it is too late.

RSK has a peerless track record in guiding a wide range of clients through the bureaucratic obstacle course of qualifying on-site waste as being tax exempt.

Although HM Revenue & Customs will become increasingly strict as the end of exemption looms, you can rest assured that our experience, expertise and negotiation skills will get you the result you are looking for.

Beyond exemption

RSK ensures that there is life after financially feasible landfill.

We offer a cost-effective, cradle-to-grave brownfield redevelopment service that is tailored to individual site conditions. RSK handles everything in-house: we have our own drilling fleet, a remediation contracting arm and access to auxiliary environmental support services ranging from flood-risk assessment and asbestos management to construction, design and management (CDM) coordination.

RSK is one of the few companies that can design a project-specific remediation solution; pilot test, install and operate it on site using its own specialist plant and equipment; and manage every aspect of the operation through to full site clean-up.

Our innovative in situ and ex situ remediation methods have already proved to be cheaper and quicker than dig-and-dump schemes on numerous major developments.

To ensure it stays ahead in this rapidly evolving industry, RSK operates a European remedial design centre of excellence that shares ideas and research from its specialist companies in the UK, the Netherlands, Belgium and Germany. The centre also has a close working relationship with VITO, the Belgian soil remediation design institute, and the University of Greifswald in Germany.

Site waste management plans

What do I need to know?

In July 2008, it is expected that all construction projects costing over £300,000 will be legally required to produce a site waste management plan (SWMP). For those projects costing over £500,000, a more detailed plan will be required.

Originally developed as a DTI voluntary code of practice, a SWMP provides a structure for systematic waste management at all stages of a project's delivery.

The idea behind SWMPs is to promote an attitudinal change across the industry and promote greater resource efficiency through identifying waste streams and implementing appropriate mitigation measures.

Those companies failing to produce a SWMP face fines of £300 per day until they do so and the possibility of negative publicity.

How RSK can help

We have created a user-friendly and legally compliant template that transforms the SWMP process into a routine procedure rather than a time-consuming headache. We can either fill it in for you or provide focused training to ensure that you can complete the task in-house.

Our consultants are experts in

- documenting how much waste you produce
- identifying project-generated waste and devising optimised minimisation measures
- pinpointing recycling opportunities
- demonstrating that your company complies with a duty-of-care regime.



Definition of waste

What do I need to know?

The Environment Agency (EA) currently states that any soil excavated from brownfield sites, including materials stemming from straightforward ground-profiling exercises, is classifiable as waste.

Home Builders Federation figures submitted to the Cabinet-Office-led remediation licence task force suggest that this means that about 70,000 UK construction project activities a year require a waste permit or a registered exemption.

Although non-compliance has gone largely undetected by enforcers from the EA to date, the imminent requirement for projects over £300,000 to produce SWMPs is likely to put organisations in the spotlight on this issue.

To make matters worse, the Department for Environment, Food and Rural Affairs (Defra) recent environmental permitting review states that there are plans to remove the existing waste permitting exemptions. Although a "lightweight" permit will eventually be produced, the bureaucratic effort required to create it will be substantial.

EA guidance published in 2006 attempted to resolve the classification conundrum by proclaiming that excavated soils were not waste, provided their "suitability for use" could be proved.

Unfortunately, the guidance was deemed unreliable because the EA did not fully understand how suitability could be demonstrated and considered it a "planning" issue.

Thankfully, a solution is on its way in the coming months in the form of an industry code of practice designed to demonstrate that the "suitable for use" and "certainty of use" tests have been met. Once introduced, this will require sign-off only by a single "competent person", possibly a specialist in land condition (SiLC). This is a significant development, and the first major step towards self-regulation.

How RSK can help

RSK has been involved in the debate from the outset, and was instrumental in devising the EA's 2006 waste definition guidance. We are currently on the steering committee responsible for producing the definition protocols, so we have a unique insider's view of the situation.

With more SiLCs than any other environmental consultancy and having advised many of the industry's major civil engineering contractors on waste definition issues, RSK has an ability to assist with protocol sign-off that is unmatched in the industry.

Pretreatment requirement for all non-inert waste

Following the UK's implementation of the Landfill Directive in October 2007, all non-inert spoil, regardless of its hazardousness, must undergo pretreatment before being landfilled.

Hauliers are now required to include pretreatment details in their waste transfer notes or risk load rejection by the receiving tip. As with the suitability definition, the EA has produced a single-sheet form to "assist" in this process.

It is hoped that this procedure will reduce the amount of spoil going to landfill and encourage reuse of treated soil on-site. The unstated aim is to prevent direct loading of spoil to lorry, without any segregation, sorting or screening as a minimum activity. Consequently, unplanned projects lacking advance testing or assessments may suffer cost and time delays.



How RSK can help

RSK is experienced in devising robust, legally compliant pretreatment plans that help projects avoid unexpected costs or time delays.

Why RSK?

Our credentials for assisting clients to overcome waste management issues are extensive:

- We have comprehensive and convenient UK-wide coverage (see back page).
- We are committed to helping the development sector minimise the impacts of waste legislation by lobbying at many levels.
- Our senior employees were instrumental on the Cabinet-Office-established remediation licence task force, and are represented on the Defra Contaminated Land Forum and the CL:AIRE-sponsored forum dealing with the definition of waste.
- The RSK Group, which includes subsidiaries STATS and Structural Soils, is the one of the UK's largest brownfield solution providers.
- RSK has more employees that are SiLCs, the most rigorous qualification pertaining to contaminated land, than any other company.
- RSK developed the land acquisition and development procedures that were adopted by the National House-Building Council to support its land quality initiative.
- We chair the Association of Geotechnical and Geoenvironmental Specialists' contaminated-land working group.
- Our innovative approach to brownfield redevelopment was recognised recently, when we triumphed at the UK's premier contaminated-land awards ceremony, the Brownfield Briefing Awards, and won "Best conceptual design" for our work relating to ground gas assessment.
- We sit on several Construction Industry Research and Information Association steering groups and are represented on its sustainability panel.
- One of our directors is the lead national technical adviser for the Chartered Institution of Water and Environmental Management (CIWEM) on waste issues, and a member of the CL:AIRE technical review group that assesses remediation reports for national issue.

For more information on our brownfield redevelopment expertise, visit www.rsk.co.uk/brownfield; or to view videos on how remediation techniques have helped organisations, go to www.rsk.co.uk/media.

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