

Draft Supplementary Planning Guidance – Site Waste Management Plans

CONSULTATION FINDINGS AND RESPONSE

A) Numerical response to questionnaire

| Questions | Strongly agree | Agree | Don't know | Disagree | Strongly disagree | No answer |
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| 1. Minimising and properly managing demolition and construction waste should be central to the planning of new development. | 3 | 3 | 0 | 1 | 2 | 9 |
| 2. Site waste management plans have an important role to play in helping to minimise waste production and improve waste management during development projects. | 4 | 4 | 1 | 0 | 0 | 9 |
| 3. There is a need for planning guidance on site waste management plans. | 3 | 3 | 1 | 0 | 2 | 9 |
| 4. The form of the planning guidance is clear and easy to understand and use. | 2 | 5 | 1 | 1 | 0 | 9 |
| 5. The proposed categories of development which are likely to require site waste management plans are appropriate (i.e. 10 or more dwellings, more than 1,000m ² floorspace, sites of more than 1 hectare, or other developments likely to generate significant quantities of waste). | 0 | 5 | 0 | 1 | 2 | 8 |
| 6. The suggested content for site waste management plans is appropriate (see Section 9 and the example template in Annex 3). | 0 | 4 | 1 | 0 | 4 | 9 |
| 7. The proposed basic steps for planning and preparing, monitoring and implementing site waste management plans are appropriate (see Section 12). | 0 | 4 | 1 | 1 | 3 | 9 |
| 8. It is important to start preparing site waste management plans at an early pre-planning stage, to help secure opportunities for | 3 | 4 | 0 | 0 | 2 | 9 |

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| waste minimisation, reuse and recycling. | | | | | | |
| 9. It is important to ensure that implementation of a site waste management plan begins as soon as work commences on site. | 2 | 5 | 0 | 0 | 1 | 8 |
| 10. It is important to continually monitor and update the implementation of the site waste management plan during the construction to measure progress, identify any unforeseen issues and provide a current picture. | 3 | 3 | 0 | 1 | 2 | 9 |
| 11. It is important that the final version of a site waste management plan is made available to the Minister for review within 3 months of completion of the project, so that lessons might be learnt, issues highlighted and the policy performance can be reviewed. | 2 | 2 | 1 | 1 | 3 | 9 |

B) Response to representations received with the questionnaire returns

| No | Responder | Representations / comments | Officer Response | <i>Minister's Decision</i> |
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| Q1. Minimising and properly managing demolition and construction waste should be central to the planning of new development. | | | | |
| 1 | Anonymous 1 Local architect | Strongly disagree. Should not be central to the Planning of a new development. Current system works fine. | See responses 2 ('central' issue) and 16 (current system). | No change, but see decision 16. |
| 2 | Mike Waddington Local architect | Strongly disagree. Important, Yes, but "Central", No. | <p>The disagreement here with the above statement is to some extent one of semantics. The use of the word "central" was meant to convey the notion that minimising and properly managing demolition and construction waste should be integral to the project planning process and not regarded as a marginal, peripheral or reserved matter.</p> <p>This is important, because uncontrolled / unmanaged site waste can otherwise be harmful to the environment and result in unnecessary costs for developers.</p> <p>Reducing and managing the amount of waste construction projects produce means less waste going to landfill and other environmental benefits include: less harm to the local environment, less fly tipping, reduced energy consumption, greater reuse of materials, greater take-up of recycled materials, less requirement for non-renewable quarried materials and less transportation of materials.</p> <p>These environmental benefits of reducing and managing construction waste reflect the fundamental principles of sustainable development that underpin the adopted 2011 Island Plan and, more specifically, the principles and objectives of sustainable waste management set out in that Plan.</p> <p>There are also considerable potential cost savings to be had for the construction industry by reducing waste production, managing material supplies more efficiently, enabling better reuse/recovery of waste and more recycling. These and other benefits for the construction industry are set out in Section 11 of the SPG.</p> | No change |

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| 3 | Anonymous 2 | Strongly agree. I have seen newly dumped demolition and construction waste on the beach. | Agreement and comments noted. | No change |
| 4 | Carlo Riva President AJA. | Disagree. While we agree this issue should be given high priority, it should not necessarily be central to the assessment process. In many instances, it is far less environmentally friendly to retain and try to adapt such structures. | See response 2 above. It is recognised that there will be instances where it is more environmentally sustainable to demolish existing structures and redevelop, rather than retain and adapt them. Each case will need to be determined on its merits, and this will be the subject of forthcoming supplementary planning guidance on 'Demolition and replacement of buildings', which will elaborate primarily on Island Plan Policy GD2. | No change |
| 5 | Anonymous 3 | Agree. Developers should pay for the waste they produce in the process of their development. | Agreement and comments noted. | No change |
| 6 | Anonymous 4 | Agree. There is a limitation as to where waste can be disposed of or used again, there is a presumption against any more land reclamation, and what has been undertaken has been poorly done and managed. | Agreement and comments noted. | No change |
| 7 | Anonymous 6 | Agree. This not only saves the environment, but it also minimises costs for the developer. | Agreement and comments noted. | No change |
| 8 | Anonymous 7 | Strongly agree. The Island Plan 2011 is premised | Agreement and comments noted. | No change |

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| | | on sustainable objectives – minimising waste is central – impacts on the whole Island through resource use, traffic impacts, sites for disposal. | | |
| Q2. Site waste management plans have an important role to play in helping to minimise waste production and improve waste management during development projects | | | | |
| 9 | Mike Waddington Local architect | Agree. This is good sustainable practice. | Agreement and comments noted. | No change |
| 10 | Anonymous 2 | Strongly agree. Recycling materials and not just dumping. Especially not on or around coastlines | Agreement and comments noted. | No change |
| 11 | Carlo Riva President AJA | Agree We note that this discipline has been permeating its way through to working practices on site. Waste minimisation has always played a significant role in the design process. Many of the working practices suggested are already in place. | Agreement and comments noted. The planning requirement for SWMPs was first formally introduced with the adoption of the 2002 Island Plan and the Department is well aware that this has had an impact on working practices, reinforced by growing awareness of the benefits for the environment and business and of the rising costs of disposing of waste. The 2011 Island Plan looks to build on this, improve existing practices and secure further improvements in waste minimisation and management. | No change. |
| 12 | Anonymous 3 | Don't know. This seems to be a job spinner for some one to build their empire in the department responsible for waste. | Any concerns about 'empire building' are completely without foundation. SWMPs have been a requirement for developments generating significant quantities of waste since 2002 and this requirement has been carried forward into the 2011 Island Plan. They are regarded as good sustainable practice, because they provide a structure for identifying and delivering opportunities for the reduction, reuse and recycling of | No change |

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| | | | <p>construction and demolition waste. In so doing, they make a big contribution towards achieving sustainable waste management, which serves to protect the environment.</p> <p>They are also regarded as an important tool for developers / construction companies, not least because they help them to save money, by providing a framework that encourages resource efficiency and waste minimisation.</p> <p>Major contractors in the UK have been using SWMPs for many years and since April 2008 in England, they have been a legal requirement for all applications for development projects worth more than £300,000 under the Site Waste Management Plans Regulations, 2008.</p> <p>In Jersey, SWMPs are addressed as part of the normal planning application process, along with numerous other material planning considerations, having regard to the relevant policies in the Island Plan. Unlike many authorities in the UK, in Planning and Building Services there is no section or individual with specific responsibility for land-use planning control for waste management and/or for administering separate 'waste local plans'.</p> <p>The Department of Environment is committed to encouraging best practice in the planning and design of new development, and Site Waste Management Plans are one of a number of tools being promoted to achieve this end.</p> | |
| 1 3 | Anonymous 4 | <p>Strongly agree.</p> <p>Developers have given this little thought and there has been no great obligation to minimise waste, and the financial gains on developments have outweighed any needs to manage or plan waste in an acceptable manner.</p> | Agreement and comments noted. | No change |
| 1 4 | Anonymous 6 | <p>Agree.</p> <p>The discipline of SWMPs helps to avoid and manage waste.</p> | Agreement and comments noted. | No change |

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| 1 5 | Anonymous 7 | Strongly agree. How else can it be controlled – the industry isn't capable of self-monitoring. | Agreement and comments noted. | No change |
| Q3. There is a need for planning guidance on waste management plans. | | | | |
| 1 6 | Anonymous 1 Local architect | Strongly disagree. Current system works fine. No need to increase bureaucracy. | <p>Do not agree.</p> <p>Proposal 29 of the adopted 2011 Island Plan requires the Minister for Planning and Environment to publish supplementary guidance on SWMPs, to provide additional advice and assist with development control considerations.</p> <p>This is aimed at encouraging best practice and ensuring that developers, among other things, give positive and imaginative consideration to reducing and managing waste from their construction and demolition activities.</p> <p>Even though the requirement to prepare and submit SWMPs goes back to the 2002 Island Plan, the Department of Environment has not previously provided any supporting guidance on such matters.</p> <p>The need for guidance is made even more important, because the adopted 2011 Island Plan heralded a change in approach to SWMPs. These plans are still required for developments which have the potential to generate significant volumes of waste material, but the new policy (Policy WM1) looks to tighten control on SWMPs to ensure they are treated as continually evolving 'living documents' (i.e. documents that are regularly monitored and updated, properly implemented and then reviewed at completion of the project).</p> <p>It is also considered particularly important to introduce more rigour and consistency in the preparation and implementation of SWMPs than has hitherto been the case.</p> <p>The 'current system', for want of a better term, has been useful in encouraging a re-think of attitudes towards waste and in introducing the discipline of producing SWMPs, but it has significant limitations and has in effect been overtaken by events since the States approved the 2011 Island Plan.</p> <p>To quote the President of the AJA, <i>"the current system really only pays lip service</i></p> | Include additional purpose for guidance at para. 3.1 of the SPG, as per Officer response. |

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| | | | <p><i>to responsible waste management</i>". Historically, SWMPs have often been produced primarily as a paper exercise to satisfy planning requirements and secure planning approval. There have been no checks in place after submission to ensure SWMPs are complied with and without proper monitoring, review and ultimately enforcement, there is no way of accurately gauging how effective they have been to-date in reducing and managing construction and demolition waste both individually and cumulatively.</p> <p>The SWMPs that have been produced to-date vary widely in quality and content, adding further weight to the arguments for promoting a more robust and consistent approach that aims to maintain a 'level playing field' for all those engaged in waste management planning.</p> <p>Recommendation:</p> <p>In view of such concerns, which are repeated elsewhere in the consultation, and in the interests of clarity, it is recommended that a further bullet point be added to the list of purposes for the guidance in para 3.1. as follows:</p> <ul style="list-style-type: none"> ▪ <i>Encourage best practice in reducing and managing construction and demolition waste.</i> | |
| 17 | Mike Waddington Local architect | <p>Strongly disagree.</p> <p>Current system adequate.</p> <p>Given current economic crisis, States should be removing, not adding, red tape.</p> | <p>See response 16 above.</p> <p>This is not about red tape, its about encouraging long-term best practice in the planning and design of new development, whatever the state of the economy. More specifically, it's about making a positive and meaningful contribution towards achieving sustainable waste management in the interests of protecting the environment, whilst at the same time saving money for the developer.</p> | See decision 16 above. |
| 18 | Carlo Riva President AJA | <p>Agree.</p> <p>The current system really only pays lip service to responsible waste management. It is acknowledged that the process needs to be monitored continuously through the development process. However, this ought to be administered in an</p> | Agreement and comments noted. | No change |

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| | | easy to use, streamlined manner. | | |
| 19 | Anonymous 3 | Agree. The developer needs to know what costs his waste is going to be in the planning application. | Agreement and comments noted. | No change. |
| 20 | Anonymous 4 | Don't know. Planning hardly implement current guidances, so not sure if another one would make any great difference. | Comments noted. | No change. |
| 21 | Anonymous 6 | Agree. Will help to ensure SWMPs are implemented. | Agreement and comments noted. | No change. |
| 22 | Anonymous 7 | Strongly agree. Clear guidance needed about problems, resources available for monitoring. | Agreement and comments noted. | No change. |

Q4. The form of the planning guidance is clear and easy to understand and use.

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| 2 3 | Carlo Riva President AJA | Agree. The 11-stage process does seem over complex at first reading. It is hoped that in practice it will not be over bureaucratic. | <p>Agreement and comments noted.</p> <p>The 11-step SWMP Process set out in Section 12 of the SPG is similar to and adapted from the 9-step process promoted by the Department of Trade and Industry (DTI) in <i>“Site Waste Management Plans – Guidance for construction contractors and clients, 2004”</i>. It also reflects British Research Establishment’s (BRE) 10-step process in <i>“Site Waste Management – Guidance and templates for effective site waste management plans, 2008”</i>.</p> <p>There is no intention to be overly bureaucratic and to create unnecessary delays in the planning process. The steps are intended to offer a simple guide to help developers prepare an appropriate SWMP and put it in place before the project begins. It is to be hoped that this will ensure developers provide sufficient time in their schedules to produce and implement any necessary SWMPs.</p> <p>It is also recognised that an element of flexibility is needed in interpreting what is required for different projects. Each SWMP will need to be developed to suit the particular project in question and larger projects will require more work.</p> <p>See also response 39 on the role of planning case officers.</p> <p>Recommendation:</p> <p>In order to further clarify the purpose of setting out the basic steps in the SWMP Process and how this might be flexibly interpreted, it is recommended that the text at para. 12.1 should be extended to read:</p> <p><i>“These steps are intended to provide a simple guide to help ensure that an appropriate SWMP is prepared and put in place before the project begins. Clients and developers, therefore, should be able to ensure that sufficient time is set aside for this purpose.</i></p> <p><i>12.2 It is recognised that each SWMP will need to be developed to suit the particular project in question and larger projects will naturally require more work”.</i></p> | Include additional text at para. 12.1 as per officer response. |
| 2 4 | Anonymous 3 | Agree. It’s long winded, but easy to | <p>Agreement and comments noted.</p> <p>The problem with all guidance documents is how much information to include – if</p> | No change. |

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| | | <p>understand the different aspects.</p> | <p>its too short and vague, the advice can become meaningless and open to widely different interpretations – if its too long and detailed it can appear unduly prescriptive and become too complex for intended users.</p> <p>The aim, therefore, is to achieve an appropriate balance of content, which explains what the users need to know to ensure compliance with Island Plan Policy and why.</p> <p>Although the document is 42 pages long, 12 of those pages are taken up with an example proforma, and the main text is confined to 16 pages.</p> <p>By way of comparison: the BRE and HSBC Foundation guidance on site waste guidance (2008) runs to 152 pages of small type; and the Department for Environment Food and Rural Affairs (Defra) non-statutory guidance for SWMPs (2008) runs to 29 pages.</p> <p>See also response 34 and 41 on de-cluttering text.</p> | |
| 2 5 | Anonymous 4 | <p>Don't know.</p> <p>I'm not a developer.</p> | <p>Comments noted.</p> | <p>No change.</p> |
| 2 6 | Anonymous 7 | <p>Disagree.</p> <p>Too long. Need a Practice Note with guidance + short policy note.</p> | <p>Do not agree.</p> <p>See response 24.</p> <p>The draft SPG looks to elaborate on Island Plan Policy WM1, explain the purposes of SWMPs and indicate best practice in preparing, implementing and updating them, in a 'one-stop shop' advice note. There seems little to be gained by separating the advice into two documents.</p> | <p>No change.</p> |

Q5. The proposed categories of development which are likely to require site waste management plans are appropriate (i.e. 10 or more dwellings, more than 1,000m² floorspace, sites of more than 1 hectare, or other developments likely to generate significant quantities of waste).

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| 2 7 | Carlo Riva President AJA | <p>Agree.</p> <p>We are concerned, however, that Clause 10.2 suggests that 'the Minister would wish to encourage the application of site waste management planning to All development proposals that generate waste'. Again, we acknowledge that such concepts ought to inform all schemes – but feel it is over-burdensome to extend the administrative duties to all such schemes – even if on a voluntary basis.</p> | <p>Agreement and comments noted.</p> <p>Whilst it is clearly a laudable aim for the Minister to encourage all other development proposals which generate waste to engage in site waste management planning, albeit on a voluntary basis, it is accepted that this extends well beyond the thresholds currently set in the adopted Island Plan.</p> <p>On reflection and in the light of the concerns raised, it is considered that Para. 10.2 might reasonably be regarded as superfluous to the guidance. Rather than positively encouraging site waste management planning for smaller projects which generate waste, it would be sufficient (given the current policy) to simply acknowledge that those engaged in such projects may also find the guidance useful.</p> <p>Recommendation:</p> <p>It is, therefore, recommended that:</p> <ol style="list-style-type: none"> 1. Para. 10.2 is omitted; and 2. a sentence is added to para. 5.1 to read: <i>“Those engaged in smaller projects which generate waste, however, may also find the guidance useful”</i>. | <p>Make amendments as per officer response.</p> |
| 2 8 | Anonymous 3 | <p>Strongly disagree.</p> <p>It should be for all waste, not just over a certain area.</p> | <p>It would seem reasonable and appropriate, in the fullness of time, to extend good practice in site waste management planning to more, or indeed most development projects in the Island (excluding small scale householder applications for works or extensions to a dwelling, change of use applications, or other application where waste generation will be fairly minimal). Pressures for this are likely to grow as, among other things:</p> <ul style="list-style-type: none"> ▪ waste management practices become more established; ▪ waste management opportunities locally continue to increase; ▪ community concerns continue to grow about the impact of development | <p>No change, but see decision 30.</p> |

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| | | | <p>and specifically construction and demolition waste on the local environment;</p> <ul style="list-style-type: none"> ▪ community awareness increases and attitudes harden about the potential environmental benefits of good practice in site waste management planning; and ▪ the economic benefits for developers of good waste management planning become more widely understood. <p>In the interim, however, any supplementary planning guidance must be firmly based on existing planning policy, as set out in the 2011 Island Plan, which has been examined by an Inspector and approved by the States. The aim is to provide greater details on Island Plan policies. The guidance must be consistent with those policies and not conflict with them.</p> <p>Policy WM1 (Waste minimisation and new development) only requires the submission and implementation of SWMPs for:</p> <ul style="list-style-type: none"> ▪ major developments (i.e. including 10 or more dwellings / more than 1,000m² floorspace / more than 1 hectare); and/or ▪ developments which involve the demolition of major structures, or the potential generation of significant quantities of waste material. <p>See also responses 27 and 30.</p> | |
| 29 | Anonymous 4 | <p>Strongly disagree.</p> <p>Any amount of waste should be managed as this will create loopholes.</p> | See response 28. | No change, but see decision 30. |
| 30 | Anonymous 7 | <p>Disagree.</p> <p>Should be based on volume of waste generated. This will depend on the context of the site. Does the Department really want a SWMP</p> | <p>It is generally accepted that the guidance document should concern itself with the types of development that will require the submission of SWMPs and not allude to other circumstances where it “<i>would be nice</i>” to have one – see response 27.</p> <p>The guidance must, however, be consistent with approved Island Plan Policy WM1 (Waste minimisation and new development) – see response 28.</p> | Make amendment as per officer response. |

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| | | <p>for a swimming pool demolition, or home extension? If it does, then ask for it. Don't allude to 'would be nice'.</p> | <p>The policy in question only requires the submission and implementation of SWMPs for:</p> <ul style="list-style-type: none"> ▪ major developments (i.e. including 10 or more dwellings / more than 1,000m² floorspace / more than 1 hectare); and/or ▪ developments which involve the demolition of major structures, or the potential generation of significant quantities of waste material. <p>The terms '<i>major structures</i>' and '<i>significant quantities of waste material</i>' are not defined in the 2011 Island Plan, or the draft SPG. On reflection, however, it would be useful to offer more guidance on what this might mean in practice, for the purposes of complying with Policy WM1.</p> <p>It is not considered appropriate or helpful to introduce definitions based on the volume of waste likely to be generated, as any such figures are likely to be regarded as arbitrary, unduly prescriptive and insufficiently flexible and there may be difficulties in relation to confirming waste generation volumes for some applications at the planning application stage. Such definitions are also unlikely to provide a suitable means of conveying to future applicants the messages and objectives underpinning Policy WM1.</p> <p>Clearly, it is not the intent of the policy to require SWMPs for small scale householder applications for works or extensions to a dwelling, change of use applications, or other application where waste generation will be fairly minimal.</p> <p>On the other hand, it would normally be reasonable to expect SWMPs to be prepared for applications where the site is to be cleared of existing buildings and structures, before construction occurs.</p> <p>Recommendation:</p> <p>In the light of the above and in the interests of greater clarity, it is recommended that the following sentence is added to para. 10.1:</p> <p><i>"Major structures include a house or houses and any buildings or structures of an equivalent or greater size".</i></p> | |
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| Q6. The suggested content for site waste management plans is appropriate (see Section 9 and the example template in Annex 3). | | | | |
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| 3 1 | Anonymous 1 Local architect | Strongly disagree. Current system adequate. | See response 16. | No change. |
| 3 2 | Mike Waddington Local architect | Strongly disagree. Current system adequate. | See response 16. | No change. |
| 3 3 | Carlo Riva President AJA | The logic to the forms seems reasonable for generic applications, however, it is important that the process remains focussed on the main principles and does not become overly concerned with procedure. The concepts need to be applied in a flexible and practical manner. | <p>The recognition that there is a reasonable logic to the forms (template in Annex 3) for generic applications is welcomed.</p> <p>It is accepted that this needs to be used in a flexible and practical manner. Para. 9.4 makes it clear that the template is intended as a guide only, to help with the preparation of SWMPs and that each plan must be developed to suit the particular construction project in question.</p> <p>Para. 9.2 sets out the basic components of a SWMP.</p> <p>Para. 9.5 sets out certain main principles which should, in any event, underpin a successful SWMP – they must be <i>“clear, accurate and easy to follow by all users and easy to monitor and update. They must also be readily accessible at all times to those involved in implementing and updating the plan, or carrying out regulatory checks”</i>.</p> <p>Whilst it is accepted that the SWMP process must not be overly concerned with procedure, there are certain procedural requirements that are fundamental the achieving compliance with Island Plan Policy WM1. Key amongst these are the need to:</p> <ul style="list-style-type: none"> ▪ maintain continually evolving SWMPs which are implemented and updated throughout the construction phase; ▪ accurately and clearly record all waste transactions; and ▪ submit a final version of the SWMP for review on completion of the | No change. |

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| | | | development. | |
| 3 4 | Anonymous 5 | The mentality of construction site workers etc. is such that this is too complex. They are still having problems with wearing PPE in designated areas. Examples of this complexity can be seen at the recycling area where batteries are not recycled, but thrown in the incinerator section by TTS staff. There is a great deal of training required. | <p>Comments noted.</p> <p>It is accepted that there is a degree of complexity in the proposed content of SWMPs and the means of implementing them.</p> <p>This is necessary, if SWMPs are to be an important and effective tool in improving environmental performance and reducing the rising costs of disposing of waste.</p> <p>For larger more complex schemes, the implementation of SWMPs will clearly require significant training and this is addressed in Section 12: SWMP Process - Step 8.</p> <p>For smaller projects, the SWMPs will be much simpler and easier to implement.</p> <p>Recommendation:</p> <p>Notwithstanding the above, it is recommended that the 'Example proforma' in the annex is de-cluttered, to exclude unnecessary information, including many of the examples set out in the templates. In particular, it is recommended that the examples of potential actions for reducing waste production are extracted and placed in a separate annex.</p> | Make amendment as per officer response. |
| 3 5 | Anonymous 6 | Agree. Contents should be scaled depending on the size of the development and the resources available. | <p>Agreement and comments noted.</p> <p>It is agreed that the contents of SWMPs must be scaled to reflect the nature of each development project, and this is acknowledged in para. 9.4 of the draft guidance.</p> | No change. |
| 3 6 | Anonymous 7 | Disagree. Need to specify where waste / materials will be received. If appropriate, by a site with a Waste Management Licence. Web-based system for tracking? | <p>Comments noted.</p> <p>Section 12 SWMP Process, Step 9, para. 12.27 sets out what is involved in implementing a SWMP. It makes it clear that for waste that is removed from the site, the plan should be updated to <i>record "the date waste is removed, the type and quantity of waste removed, the person/company removing the waste, the site the waste is being taken to and whether it is licensed or exempt from the need for such a licence"</i>.</p> <p>The proforma / template for monitoring waste movement records in Annex 3, also</p> | No change. |

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| | | | makes provision for recording where waste materials are taken off-site to and whether the facility is licensed or exempt. | |
| Q7. The proposed basic steps for planning and preparing, monitoring and implementing site waste management plans are appropriate (see Section 12). | | | | |
| 3 7 | Anonymous 1 Local architect | Strongly disagree. Current system adequate. | See response 23 (re SWMP Process) and 16 (re 'current system'). | No change. |
| 3 8 | Mike Waddington Local architect | Strongly disagree. Current system adequate. | See response 23 (re SWMP Process) and 16 (re 'current system'). | No change. |
| 3 9 | Carlo Riva President AJA | Agree. The concern we have is that the management of this system will potentially create a new job, which will in turn create the need to generate funds to pay for the position. This process is inflationary and ought to be discouraged. | Agreement and comments noted. There is no intention to create a new job the Department of Environment to manage the SWMP system. Site waste management planning is one of the many material considerations in the planning application process, which are addressed by planning case officers. These officers will be responsible for assessing each required SWMP as an integral part of the planning application. They will also have responsibility for reviewing SWMPs and discharging the relevant planning conditions. In view of the concerns expressed, it is considered there would be merit in amending the text in Section 13 (Planning conditions and enforcement) to more clearly explain the planners' role in reviewing the progress of SWMPs and their overall performance. Recommendation: It is recommended that the following text be added to Section 13: "Checking on progress <i>Given the limitations on staff resources and the need to reduce administrative</i> | Make amendment as per officer response. |

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| | | | <p><i>burdens, wherever possible on both staff and construction companies, it is important that the level of scrutiny by planning case officers of how SWMPs are being implemented during construction should be proportionate to the potential risks involved. The supporting text to Island Plan Policy WM1 suggests that the level of scrutiny should be “light touch” and involve the minimum frequency of officer site visits. In many cases, checks on progress (e.g. evidence of waste management actions and how these are being reconciled against estimates) will coincide with visits needed to address other site issues.</i></p> <p><i>As alluded to in the Island Plan, however, officer checks may increase where:</i></p> <ul style="list-style-type: none"> ▪ <i>there are proposals for large-scale waste management activity;</i> ▪ <i>progress against the SWMP is not being properly evidenced and documented;</i> ▪ <i>irregularities have been identified;</i> ▪ <i>planning controls associated with the plans (e.g. planning conditions) are being breached; and</i> ▪ <i>compliance issues and/or illegal waste movements are suspected.</i> <p><i>Planning case officers will normally be responsible for discharging waste management related planning conditions on behalf of the Minister (e.g. conditions requiring the submission of a detailed SWMP prior to commencement of works, or a final version of the SWMP upon completion of the project).</i></p> <p><i>Where it becomes clear that planning controls associated with the approved SWMP have or are being breached, the developer may be asked to agree and implement remedial steps to resolve the breach.”</i></p> | |
| 40 | Anonymous 4 | <p>Strongly disagree.</p> <p>Planning and Environment are absolutely useless at implementing current measures, so not sure how any changes will improve this.</p> | <p>Comments noted.</p> <p>See response 39.</p> | No change. |

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| 4 1 | Anonymous 5 | Disagree. Too complex. A good theoretical document, but needs to be simplified. Think November in a gale! | Comments noted. Recommendation: In order to help simplify and de-clutter the text in Section 12 on the SWMP Process, and the 'example proforma' in the annex and to minimise any unnecessary confusion, it is recommended that: <ul style="list-style-type: none"> ▪ the details on site waste management options and possible actions for reducing waste production are included in separate annexes; ▪ many of the examples set out in the proforma are omitted. | Make amendment as per officer response. |
| 4 2 | Anonymous 6 | Agree. Good check-list. | Agreement and comments noted. | No change. |
| 4 3 | Anonymous 7 | Agree. Also needs indication of when process will be checked + by whom? At the moment, it is a box ticking exercise – developers know that all they have to do is submit to get approval – there are no checks. | Agreement and comments noted. It is acknowledged that historically, SWMPs have been something of a paper exercise, used primarily to secure planning permission. There has been no formal monitoring and no way of knowing whether they have been successfully implemented or largely ignored. The adopted 2011 Island Plan heralds a change in approach to SWMPS. The new policy (Policy WM1) looks to tighten control on SWMPs to ensure they are treated as continually evolving 'living documents' (i.e. documents that are regularly monitored and updated, properly implemented and then reviewed at completion of the project). It is accepted that provision for checks will be necessary to help ensure that satisfactory SWMPs are approved and complied with. See response 39 and the recommended changes to the draft SPG in relation to the planning case officer's role in reviewing progress and performance. | See decision 39. |
| Q8. It is important to start preparing site waste management plans at an early pre-planning stage, to help secure opportunities for waste minimisation, reuse and recycling. | | | | |
| 4 | Anonymous | Strongly disagree. | Do not agree. | No change. |

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| 4 | 1 Local architect | Current system adequate. | <p>The local construction industry is a major producer of waste and a great consumer of resources. Left unchecked, this has significant adverse implications for the environment and the competitiveness of construction companies.</p> <p>To address these adverse implications, it is considered essential to re-think attitudes to waste and the way it is managed in the construction industry. SWMPs provide a vehicle for helping to achieve sustainable waste management, whilst saving the construction industry money. In addition to encouraging waste minimisation and resource efficiency, SWMPs will record how waste is re-used, recycled, recovered and disposed of.</p> <p>Starting the SWMP at the earliest opportunity and preferably at the conception and design stage is likely to produce the most effective plan. For example, it will enable consideration of materials and methods of construction in minimising waste as an integral part of the design from the outset and, in so doing, positively inform the design process. Consideration can also be given at an early stage to other opportunities for waste minimisation, such as whether there are any buildings on site that could be incorporated into the new design to reduce the generation of demolition waste.</p> <p>To do otherwise would mean trying to bolt-on considerations about waste management after key decisions about design have been taken that could easily compromise certain opportunities for waste minimisation and sustainable waste management.</p> <p>In designing proposals for new development it is good practice to think in a holistic manner from the outset. Clients and agents should consider all the material aspects and requirement of a new development and not just emphasise a few at the expense of others.</p> <p>See also response 16 re. 'current system'.</p> | |
| 4 5 | Mike Waddington Local architect | Strongly disagree. Current system adequate. | See response 44. | No change. |
| 4 | Carlo Riva | Agree. | Agreement and comments noted. | No change. |

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| 6 | President AJA | This indeed is happening already, and attitudes towards waste reduction are changing. This is essentially market led, as value engineering assessments are carried out at the inception stage of projects. | | |
| 4 7 | Anonymous 4 | Strongly agree. Fed up of all the “greenwash” coming from the industry and planning, a total waste of money and time. | Agreement and comments noted. | No change. |
| 4 8 | Anonymous 6 | Strongly agree. The earlier waste management is considered, the more chance to positively implement. | Agreement and comments noted. | No change. |
| 4 9 | Anonymous 7 | Agree. Yes, because it can inform the design process. | Agreement and comments noted. See response 44. | No change. |
| Q9. It is important to ensure that implementation of a site waste management plan begins as soon as work commences on site. | | | | |
| 5 0 | Mike Waddington Local architect | Strongly disagree. Current system adequate. | Do not agree. The new approach to SWMPs set out in the adopted 2011 Island Plan requires the plans to be ‘living documents’, which are regularly updated, monitored and properly implemented throughout the construction project. Following commencement of work, the SWMP needs to be updated as often as necessary to give a current picture of how work is progressing against the waste estimates contained in the plan. This will involve recording details of the actual volumes of various waste types that have been managed on- and off-site on appropriate data sheets, as described in the draft SPG. | No change. |

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| | | | <p>By so doing, clients, contractors and planners will be able to track the progress in real time, identify changes in circumstances and any potential difficulties arising, flag up potential planning breaches, and generally measure the effectiveness of the plan and whether targets are likely to be met. It will also help to identify what remedial waste management actions, if any, need to be taken.</p> <p>This is good practice, which is widely used throughout the UK and is promoted by a range of authoritative organisations, including: Department for Environment, Food and Rural Affairs (Defra), Envirowise and Netregs.</p> <p>See also response 16 re 'current system'.</p> | |
| 5 1 | Anonymous 2 | <p>Strongly agree.</p> <p>Why is this not already in place? Is this why I have seen rubble and other waste dumped on our beaches?</p> | <p>Agreement and comments noted.</p> <p>This only became a requirement following the adoption of the 2011 Island Plan</p> | No change. |
| 5 2 | Carlo Riva President AJA | <p>Agree.</p> <p>This will set the context for the whole of the project.</p> | Agreement and comments noted. | No change. |
| 5 3 | Anonymous 6 | <p>Agree.</p> <p>Sets good discipline.</p> | Agreement and comments noted. | No change. |
| 5 4 | Anonymous 7 | <p>Notify in advance of commencement. Need to make sure infrastructure is in place to enable plans to be implemented.</p> | <p>Responsibility for preparing and implementing SWMPs lies with the client or principal contractor.</p> <p>Depending on the nature of the project, they need to submit satisfactory SWMPs for approval as part of the planning application, or prior to commencement of works on site.</p> <p>It is clear from Island Plan Policy WM1 and the draft SPG that:</p> <ul style="list-style-type: none"> ▪ the SWMP must be a 'living document'; and ▪ provision will need to be made for updating the SWMP once work starts on site, including recording all waste management actions and | <p>Make amendment as per officer response.</p> |

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| | | | <p>transactions.</p> <p>It is also clear from the draft SPG that the SWMP will need to make provision for a whole range of measures necessary to enable effective implementation. These are referred to in Section 12 (Site waste management plan process); Annex 2 (Checklist) and Annex 6 (Example proforma for a detailed SWMP).</p> <p>In view of the above, it is not considered necessary for the Department to be notified of commencement on-site, in addition to the current notification under the Building Byelaws.</p> <p>Recommendation:</p> <p>In order to further emphasise the importance of regularly up-dating the SWMP following commencement of works, it is recommended that 'Waste management undertaking' in the example proforma be expanded to include the following:</p> <p><i>"The client and principal contractor will take all reasonable steps to ensure that: ... (iii) following commencement of works, all waste management actions and transactions are regularly and accurately recorded and the Site Waste Management Plan is updated as often as is necessary to give a current picture of how work is progressing against the waste estimates contained in the plan."</i></p> | |
| <p>Q10. It is important to continually monitor and update the implementation of the site waste management plan during the construction to measure progress, identify any unforeseen issues and provide a current picture.</p> | | | | |
| 5 5 | Mike Waddington Local architect | Strongly disagree. Current system adequate. | See response 50. | No change. |
| 5 6 | Anonymous 2 | Strongly agree. Again, why doesn't this already happen? Health and safety/Environmental issues. | Agreement and comments noted. See response 51. | No change. |
| 5 7 | Carlo Riva President | Agree. We feel this to be a natural | Agreement and comments noted. | No change. |

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| | AJA | development of this dynamic process. The main issue becomes one of policing shortfalls in expectation. We see no reason why the current situation where poor practices penalise the developer with increased construction costs. The proposed procedures will assist to increase awareness and introduce a managed/disciplined practice regime. | | |
| 58 | Anonymous 4 | Disagree. Changes in procedure normally favour the developer, so best to cover all options from the outset. Changes should only be allowed in exceptional circumstances. | See response 50. | No change. |
| 59 | Anonymous 5 | Agree. Who is going to monitor / police this? | Agreement noted. See response 39. | No change, but see decision 39. |
| 60 | Anonymous 6 | Agree. Acts as a constant reminder – should be an agenda item on project management meetings. | Agreement and comments noted. | No change. |
| 61 | Anonymous 7 | Strongly agree. Yes. Ensure that identified waste streams are being used + any changes identified. | Agreement and comments noted. | No change. |

Q11. It is important that the final version of a site waste management plan is made available to the Minister for review within 3 months of completion of the project, so that lessons can be learnt, issues highlighted and the policy performance can be reviewed.

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| 6 2 | Mike Waddington Local architect | Strongly disagree. Current system adequate. | <p>Policy WM1 of the adopted 2011 Island Plan makes it a specific requirement for the developer to provide the Minister with a final version of the completed SWMP at the end of the project.</p> <p>This will show how effectively materials have been managed during the project and how well the targets for waste management have been met.</p> <p>The information will be valuable for the Department of Environment in measuring the effectiveness of planning policies and how they might be improved upon to better meet aims for environmental protection.</p> <p>It should also be beneficial for construction companies in learning lessons and developing action points for future projects. Companies might also use this opportunity to determine the level of cost savings they have made through their waste management activities.</p> <p>Providing a final version of the SWMP should be a relatively straightforward process, because of the need for regular updating of the plan during the construction phase.</p> <p>See also response 16 re. 'current system'.</p> | No change. |
| 6 3 | Anonymous 2 | Disagree. Why after completion? Why not before, so that guidelines and rules will be adhered to? | <p>There are other requirements in place and opportunities for checks to ensure that approved SWMPs are monitored and updated / implemented during construction works.</p> <p>Providing a final version of the completed SWMP at the end of the project is a last opportunity to reconcile all the waste management actions undertaken during the project with what was planned before work commenced. It is about reviewing overall performance and learning lessons for the future.</p> | No change. |
| 6 4 | Carlo Riva President AJA | Agree. Further information will be required about the structure of such a post completion assessment. While we support this as an educational tool, | <p>Agreement noted.</p> <p>The purposes of submitting the final version of the completed SWMP and the nature of the information required are addressed in Section 12 (SWMP Preparation Process) Step 11 and the example proforma in Annex 3.</p> | No change. |

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| | | we do NOT sanction this as a method to apply FINES or further TAXES!! | <p>It is primarily about:</p> <ul style="list-style-type: none"> ▪ reviewing the overall performance of the SWMP, ▪ reconciling all the waste management activities undertaken during the project with what was planned for before work commenced, and ▪ the Department of Environment and construction companies learning lessons for the future, in relation to the aims of protecting the environment and saving money. <p>It is not intended as a method to apply fines or further taxes.</p> <p>Of course, if it becomes clear at any time during construction or post construction that planning controls associated with SWMPs have been breached and there has been intentional non-compliance with the SWMP or any required remedial action, the Minister may (depending on the circumstances) decide to use his powers to enforce planning control.</p> <p>See also response 62.</p> | |
| 6 5 | Anonymous 4 | Strongly disagree. The Minister does not act on issues now – not sure he will in this case. Better off getting a professional person or body involved. | Comments noted. | No change. |
| 6 6 | Anonymous 5 | Don't know. At the current speed of planning decisions, 3 months is unrealistic – try 3 years. | Comments noted. | No change. |
| 6 7 | Anonymous 6 | Agree. Lessons learnt should be published at regular intervals – say twice yearly. | Agreement and comments noted. There should be opportunities in future to include key findings from completed SWMPs in annual monitoring reports on the performance of Island Plan policies. These monitoring reports will be published on the Department's website. | No change. |

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| 6 8 | Anonymous 7 | Strongly agree. And made publically available – publish them on web-site. | Agreement and comments noted. See response 67. | No change. |
| Other issues raised. | | | | |
| 6 9 | Anonymous 7 | Resources for implementing this – Building Control / Enforcement Section? | There will be resource implications for clients and principal contractors in preparing and implementing / updating SWMPs. The intention is to use existing staff resources for checking the content of SWMPs and performance during and after construction, and for any enforcement actions that may arise. See also response 39 re. The role of the planning case officer. | No change, but see decision 39. |
| 7 0 | Anonymous 7 | Making information publically available – ties in with the spirit of European legislation regarding environmental improvements. | See response 67. | No change. |
| 7 1 | Dandara Jersey Ltd | The requirement for SWMPs, fundamentally is a positive measure. However, care must be taken not to introduce a burdensome policy which creates additional workload and bureaucracy for little added value. Clients, contractors, consultants and developers without the resources to adequately provide SWMPs in accordance with the adopted guidance and policies will find themselves struggling to provide the required level of information and, therefore, have additional financial burden on their business. | There are clearly significant benefits to be had from introducing requirements for SWMPs. In particular, they can protect the environment by helping to manage and reduce the amount of waste that construction projects produce. They can also help clients and developers to save money, through encouraging better management of materials supply, better storage and handling of materials, reduced waste and more recycling and re-use of waste materials. The States of Jersey has recognised these advantages in adopting Island Plan Policy WM1 (Waste minimisation and new development). The adopted policy already imposes a number of administrative / workload requirements regarding SWMPs on those proposing and implementing 'major developments' and developments which involve the generation of significant amounts of waste material. These requirements were regarded as reasonable and balanced given the benefits set out above. The draft supplementary guidance has to reflect and complement the existing policy framework. It does not set out to add additional unnecessary burdens onto business. On the contrary, it aims to assist clients, designers, developers, | No change. |

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| | | | <p>contractors etc. to:</p> <ul style="list-style-type: none"> ▪ comply with Island Plan policy requirements; ▪ roll out effective SWMPs; and ▪ engage in good waste management practice. <p>It should be borne in mind that similar requirements are in place throughout the UK. Since April 2008 in England, SWMPs have been a legal requirement for all applications for development projects worth more than £300,000 under the 'Site Waste Management Plans Regulations', 2008.</p> | |
| 7 2 | Dandara Jersey Ltd. | <p>It is stated that one of the main purposes of the proposed guidance is to help prevent / reduce illegal disposal of waste (e.g. fly tipping), however, as this guidance is predominantly aimed at larger projects, which would be undertaken by professional and responsible businesses, it is suggested that this would not really assist in this purpose at all. Fly tipping is generally undertaken by smaller business and individuals where regulation and monitoring is not really undertaken and audit trails of waste materials do not feature in a client's requirements, Planning Department's conditions or contractor's corporate responsibility strategy. The larger companies and businesses that would be undertaking works where these SWMPs will be required would already not undertake any form of fly tipping and, therefore,</p> | <p>Section 3 of the guidance sets out its main purposes, which include helping to "<i>prevent/reduce illegal disposal of waste (e.g. fly-tipping) by providing an audit trail of any waste that is removed from construction sites</i>".</p> <p>A similar purpose for SWMPs is cited by the Department for Environment, Food and Rural Affairs (Defra) in its report '<i>Non-statutory guidance for site waste management plans</i>', April 2008.</p> <p>Fly-tipping is the illegal disposal of waste onto land without the necessary licence or permission and can vary in scale significantly from a bin bag of rubbish to large quantities of waste dumped from trucks. It is a serious problem in England and Wales and whilst most fly-tipping there involves household waste, large amounts of waste from construction and excavation activities are sometimes dumped. Such uncontrolled waste disposal is a threat to humans and wildlife, damages the environment and spoils enjoyment of the countryside and urban areas. It also undermines legitimate waste businesses, where illegal operators undercut those operating within the law.</p> <p>It is acknowledged that fly-tipping in the Island does not currently present a serious problem, but there is the potential for this to become more of a problem as requirements for waste management become more onerous and the costs for disposing of waste continue to rise. There is a risk that fly-tipping could become an increasingly appealing option for builders, traders and waste carriers who are removing waste from sites, in order to avoid paying waste disposal fees. The cost of dealing with any such incidents would then fall to taxpayers and private landowners.</p> | No change. |

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| | | <p>the introduction of these new policies and procedures as they are currently written would not address this issue.</p> <p>Extending the requirement to provide SWMPs to works that include refurbishments where an amount of 'strip out' works are required and any project at all where the presence of asbestos is identified, no matter how small the project, would, however, begin to address the fly tipping issue. It is these types of works that generate the waste streams currently that fall 'under the radar' and which present the opportunities for fly tipping to occur.</p> | <p>It is true that the current policy and the draft guidance are generally aimed at larger developments which are undertaken by responsible businesses. However, SWMPs are also required where a site is to be cleared of major structures before construction occurs. It is now recommended that these major structures are defined a house or houses and any buildings or structures of an equivalent or greater size (see response 30). SWMPs may, therefore, be required for smaller developments involving the replacement of existing buildings, which will be undertaken by smaller businesses and individuals which would not otherwise be concerned with waste monitoring and audit trails of waste materials and this might present opportunities for fly tipping to occur.</p> <p>It is accepted that extending the requirement to provide SWMPs to refurbishment projects (where 'strip out' works are required) would address an area where the potential risk for fly-tipping is high. The current Policy WM1 does not, however, allow for this.</p> <p>Of course, the performance of the Island Plan and its policies is to be regularly monitored and this will inform future reviews of policy.</p> <p>Regarding the point about asbestos, see Response 75.</p> | |
| 7 3 | Dandara Jersey Ltd. | <p>The Waste Hierarchy is noted; however, in order to effectively achieve this greater flexibility with regard to the crushing of materials on site, the mobile licensing of this type of plant is required. Crushing materials for re-use at the place of their origin is much more sustainable and should be actively encouraged. In addition, the crushing and transporting of materials generated on one site and then transported to another must be actively encouraged and made easier through legislation, not more difficult.</p> | <p>The Department is fully supportive of the Waste Hierarchy. It would also encourage in principle proposals to crush suitable inert waste materials such as tiles, concrete and stone arising from demolition on development sites, to ensure their reuse as aggregates, hardcore, fill etc. The preference would be for re-use as part of the project in question, but re-use at a development project elsewhere is also likely to be supported as a sustainable option.</p> <p>Such proposals and any required environmental controls can be dealt with as part of the planning application process under the Planning and Building (Jersey) Law. The SWMP provides the opportunity to show details of proposals for the crushing and re-use of waste materials.</p> <p>These activities are exempt from the need to be authorised by a licence under the Waste Management (Jersey) Law, subject to various provisos. It is only where mixed construction, demolition and excavation waste are imported to a development site which needs screening and separation prior to crushing, that a Licence is needed under the Waste Management Law. This is because it would</p> | No change. |

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| | | <p>There must be joined up thinking with regard to the various transportation, licensing and waste regulations that govern these procedures to ensure the easiest route to dispose of materials is to re-use either on the same site in a different form, or on another site within the contractor's / developer's control, prior to landfill being utilised.</p> | <p>be creating a 'waste treatment site'. All this is addressed in Annex 1 of the draft supplementary planning guidance.</p> <p>The Environment Division is not aware of any licenses required for mobile crushing plant per se.</p> | |
| 7 4 | Dandara Jersey Ltd. | <p>At present there seems to be little consideration for 'operational waste' within the SWMP's (i.e. – how much, what type and how is it stored and treated once the development / building has been constructed. In some cases, these buildings will be operational for in excess of 100 or so years – generating tremendous amounts of waste over their lifetime. This waste generation and treatments should be actively considered as part of the design stage of a new building.</p> | <p>The Environment Department is fully aware of the need to ensure that new developments have adequate provision for operational waste storage and recycling. Like many wealthy communities, Jersey is a wasteful community, which produces too much municipal waste from households and commercial premises.</p> <p>This issue is addressed in separate Island Plan Policy WM5 (Recycling centres and waste collection) and will be the subject of separate supplementary design guidance.</p> | No change. |
| 7 5 | Dandara Jersey Ltd. | <p>The requirement for the submission of SWMPs should be extended so that it is not just the size of a project that is the identifying requirement, but the type of waste to be generated. As stated above, projects that involve the handling of hazardous substances, such as</p> | <p>The requirement to submit a SWMP is largely determined by the criteria included in adopted Island Plan Policy WM1, which is primarily about using SWMP to reduce waste volumes and which generally address the size of a development and the amount of waste material likely to be generated.</p> <p>The policy does not currently require the submission of a SWMP simply because the development will generate hazardous waste.</p> <p>The draft supplementary guidance must be consistent with and complement the</p> | No change. |

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| | | <p>asbestos or chemicals should be required to provide a SWMP. Similarly, refurbishment projects often generate a mix and wide range of waste materials, which are more likely to be hazardous as the exact nature of these materials is often unknown until the removal process begins, and therefore should be included within the SWMP requirements.</p> | <p>Island Plan policy and must not conflict with it. It cannot be used to change or alter the policy, which has been examined by an Inspector and approved by the States.</p> <p>However, this issue can be reconsidered when the Island Plan policies are next reviewed.</p> <p>Notwithstanding the above, the management and disposal of hazardous wastes such as asbestos are presently regulated in the Island by the Waste Management (Jersey) Law, 2005. This is summarised in Annex 1 of the supplementary guidance. Those involved in carrying hazardous waste or managing it have to be licensed. Carriers of such waste should be registered and a consignment note must be completed. Before moving hazardous wastes via the Island's roads, companies / bodies must pre-notify Environmental Protection and await approval for that movement. Pre- notification to the Department is via prescribed forms, which are available from Environmental Protection, or from Transport and Technical Services.</p> <p>At present, all asbestos is taken to La Collette where the intention is that it be securely contained and buried in the short term, before being exported for treatment.</p> <p>There are also other regulations governing the management of asbestos in the workplace – see Health and Safety at Work (Jersey) Law, 1989 and Health and Safety at Work (Asbestos-Licensing) (Jersey) Regulations, 2008.</p> | |
| 7 6 | Dandara Jersey Ltd. | <p>The greater emphasis on monitoring and recording will generate additional burdens on resources. Whilst larger companies may well have the capabilities to cope with this increased burden, many will not and, therefore, the frequency, methods and mediums for undertaking this recording and proof of compliance must be re-considered in order to simplify the process and not create an</p> | <p>Keeping records of movements of waste within and from the site is critical for measuring the progress being made and the effectiveness of the SWMP. This is essential in creating SWMPs which are 'living documents' (rather than a paper exercise to secure planning approval), as required by Island Plan Policy WM1. Indeed, Policy WM1 specifically calls for all waste transactions to be "accurately and clearly recorded in the plan..."</p> <p>Annex 6 of the guidance includes an example proforma for a SWMP, including two example data sheets for recording when waste is actually processed or taken away following commencement of work. Logging this information in a simple table is not considered to be particularly onerous.</p> <p>It should be noted also that the two data sheets in question are similar to those put</p> | No change |

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| | | <p>additional burden on business. The easier the reporting procedures, the more likely they are to be successful.</p> | <p>forward by: Defra's 'Non-statutory guidance for site waste management plans', 2008; and the NHBC Foundation's 'Site waste management – guidance and templates for effective site waste management plans', 2008.</p> <p>See also response 41 and the recommendation to de-clutter the 'example proforma in the guidance.</p> | |
| 7 7 | Dandara Jersey Ltd. | <p>It is noted that within step 10 – Monitor the implementation, reference is made to differences between the SWMP and the actual waste quantities generated. It must be recognised that, due to the early stage that the SWMP is required, together with the nature of the construction works, there will always be a difference between the early estimated quantities and the final quantities of waste streams. Therefore, the requirements of the policies to apply for variations to a submitted SWMP must be considered quickly and approved expeditiously in order to not delay a building project. There will always be differences between the early estimates and the quantities of waste that are subsequently generated and this must be fully recognised otherwise the early SWMPs will just end up over compensating for waste that 'may' be generated, in order to avoid the requirement to re-visit once a building project is underway in order to avoid more paperwork,</p> | <p>These points are well made. There will nearly always be differences between early estimated quantities of waste and final quantities. It is also acknowledged that applications to vary SWMP in the light of unforeseen circumstances need to be dealt with expeditiously to avoid unnecessary delays to building projects.</p> <p>The first point is addressed to some extent in response 6.8 Table C, which recommends introducing a staged submission process system for SWMPs. This allows for the submission of an 'Outline SWMP' with planning applications when not all the required details are available. It then allows for the later submission of a fully detailed SWMP, prior to the commencement of works on site. The recommendation proposes standard planning conditions to support the two-tier system.</p> <p>Also see response 4.12, Table C. This recommends that requests to vary detailed SWMPs need only be made when there are substantial changes (i.e. where the quantity of waste to be managed in a particular way is more than 10% above or below that originally planned in the SWMP).</p> <p>Recommendation:</p> <p>The importance of expeditiously dealing with requests to substantially vary detailed SWMPs will be impressed upon the Development Control Team.</p> | As per officer recommendation. |

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| | | procedures and delays. | | |
| 7 8 | Dandara Jersey Ltd. | Para 12.32 notes the post construction monitoring proof requirements. This will have severe resource implications to many businesses. | <p>The submission of a final version of the SWMP at the post-construction stage is a specific requirement of Island Plan Policy WM1, as agreed by the States.</p> <p>See response 62, re. the benefits of this requirement to the Department of the Environment and to the relevant construction companies.</p> <p>This should be a relatively straightforward process, if (as required) the SWMP has been regularly updated throughout the project.</p> <p>Recommendations:</p> <p>That, in submitting post-completion details for SWMPs, it will only be necessary to explain variations between planned and actual waste arrangements, where waste forecasts or targets have been exceeded or not met by 10% or more.</p> <p>That the text of para 12.32 be amended accordingly.</p> | As per office recommendation. |
| 7 9 | Dandara Jersey Ltd. | Section 13 details the proposed general planning condition to be applied to future development works. It is noted that this begins with the phrase “no development”. It is suggested that any such condition should be split into pre-demolition requirements and pre-development requirements. At the early stages of a project the full project information is generally not finalised. Attempting to create an accurate SWMP at such an early stage is not feasible. Any pre-commencement requirements should be split to allow the demolition of existing buildings under a separate SWMP than from | <p>It is acknowledged that it may not be feasible to provide a fully detailed SWMP at the planning application stage and that there is merit in introducing a more flexible staged submission process that is more accommodating to when different waste management details become available.</p> <p>This issue is addressed in some detail in response 6.8, Table C. As part of that response, it is recommended that:</p> <ul style="list-style-type: none"> ▪ additional wording be added to Section 8 (Waste management considerations throughout the project) to allow for the submission of ‘Outline SWMPs’ at the planning application stage and to require the subsequent submission of detailed SWMPs, prior to commencement of works onsite. ▪ the draft standard planning conditions in Section 13 (Planning conditions and enforcement) be amended to reflect this; and ▪ an example proforma for an ‘Outline SWMP’ be included in an annex to the guidance. <p>There is considered to be merit in amending the above recommendations, in the</p> | Make amendments as per officer response. |

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| | <p>new development works. An alternative would be for separate demolition and building planning applications to be made, but this would prove even more resource hungry.</p> <p>The approach should be to allow for a 'staged' SWMP approach (i.e. a starting point from ground clearance or demolition SWMP, which can then be extended to a construction stage plan and finally further extended to include operational waste considerations. This will allow the much more efficient timing of bringing consultants and contractors on board to a project at the relevant time, rather than attempting to obtain the required information from all parties at the planning stage, when not all of these parties are required to be appointed. Again, this approach would streamline the process to reduce the additional burden that changing the currently approved plan will ultimately and inevitably place upon business.</p> | <p>interests of avoiding unnecessary delays to approved development projects (i.e. by allowing for site clearance and demolition works to take place when satisfactory waste management details have been submitted for the enabling works phase, even though details for the construction phase have yet to be made available.</p> <p>There is, however, no intention to address operational waste (once the building project is complete) as part of a SWMP (see Response 74).</p> <p>Recommendations:</p> <p>That the following amendments be made to the recommendations in Response 6.8, Table C:</p> <ol style="list-style-type: none"> 1) include the following additional paras. To Section 8: <p>“8.9 To avoid major development projects being unnecessarily delayed, when full project information is not finalised, applicants may, as an interim measure, submit a detailed SWMP which only provides details of waste minimisation and management proposals up to the end of the enabling works phase of the project. Where these details are satisfactory, there will not normally be any planning objections on waste management grounds to commencing and completing ground clearance and demolition works.</p> <p>8.10 In such circumstances, planning conditions will be attached to permissions requiring the submission of a satisfactory detailed SWMP for the entire project, prior to the commencement of permitted construction works”.</p> 2) insert the following additional text in Section 13, before para 13.3 as recommended in Response 6.8 <p>“13.3 It is recognised that there may be occasions where a planning application for major development is supported by a detailed SWMP that only provides details of waste minimisation and management proposals up to the end of the enabling works phase of the project. Where this is deemed satisfactory, a planning condition will be attached to any subsequent permit effectively requiring approval of a detailed SWMP for the entire project, including the construction works, prior to the commencement of the construction phase. The following draft standard condition is proposed:</p> | |
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| | | | <div style="border: 1px solid black; padding: 5px;"> <p>Condition – Requirement for a detailed site waste management plan for the entire project</p> <p>No construction works hereby permitted shall take place until a satisfactory detailed Site Waste Management Plan (SWMP), which includes the steps to be taken to minimise and manage waste generation both on and off site during the construction phase of the project, has been submitted to and approved by the Minister for Planning and Environment.</p> <p><i>Reason: To ensure that the proposed development minimises waste production and optimises the reuse, recycling and recovery of waste resources generated during the works, in accordance with Policy WM1 of the Jersey Island Plan 2011.</i></p> </div> <p>3) add boxes to the example proforma for a detailed SWMP, to identify the type of detailed plan being submitted (i.e. a plan for enabling works only, or for the entire project, including construction works).</p> | |
| 80 | Dandara Jersey Ltd. | It must be accepted that at the very early stages of a building project, even when a planning application is made, it may only be an Architect and a Client that are involved at that point in time. These two parties will not be aware of all of the construction techniques, materials, methods of construction etc. that will be utilised throughout the build stages and will not have the expertise to formulate a SWMP at this very early stage. It is therefore suggested that a 'planning stage' SWMP may be required, again | The need to make provision for staged SWMP submissions is acknowledged. See response 79. | See decision 79 and decision 6.8, Table C. |

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| | | <p>which can be expanded and added to as the development design evolves and as the engineers, contractor, specialist contractors etc. etc. all become involved with the development during the project programme.</p> | | |
| 8 1 | Dandara Jersey Ltd. | <p>Para 13.4 relates to the provision of CEMPs. The requirement as written at present states that these are likely to be required for large scale developments and which may also involve remediation / removal of contaminated land. It should be a requirement of any development where remediation / removal of contaminated land is required to provide a SWMP, not just where this is required as part of a large scale development.</p> | <p>The need for strict controls over the remediation or removal of contaminated land is accepted and Island Plan Policy GD6 (Contaminated land) is specifically designed to address this. Policy GD6 requires that a rigorous process be followed in assessing the extent of contamination and that a satisfactory programme of works takes place to treat or remove the contamination. The Minister has also issued supplementary planning guidance in this regard (Advice Note 2: 'Development of potentially contaminated land', 2005), which will be reviewed in due course.</p> <p>With regard to SWMPs, however, Island Plan Policy WM1 only requires them to be submitted where proposed developments are likely to generate significant quantities of waste. There is no strategic policy requirement to provide a SWMP for smaller developments just on the grounds that they will involve the removal of contaminated land.</p> <p>The guidance on SWMPs must be consistent with and complement Island Plan Policy WM1 and not conflict with it. Most notably, it cannot be used to change or alter the policy which has been examined by an Inspector and approved by the States.</p> | No change |
| 8 2 | Dandara Jersey Ltd. | <p>Overall consistency must be required when administering the SWMP policy. When viewing the wide range of SWMPs currently submitted they vary in their content. A recent SWMP for a development of 20 new bungalows was witnessed to contain only two, two-line paragraphs. One saying that</p> | <p>It is acknowledged that there have been wide variations in the quality of SWMPs which have been submitted to-date with relevant planning applications, since they became a requirement in 2002.</p> <p>The example referred to in the representation is clearly inadequate for purpose.</p> <p>It is hoped that the new Island Plan Policy and the new guidance on SWMPs will help to ensure a far more effective and consistent approach to waste management planning and to the formulation of SWMPs.</p> | No change. |

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| | <p>there will be some waste generated, albeit not quantifying how much, and the second paragraph stating that some of the soils removed may be re-used and some won't. This is an extreme case of a lack of the information required by current policy. However, it was deemed accepted and a planning approval passed and the single page being stamped approved as the SWMP for the entire development.</p> | | |
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C) Response to comments from key consultees

| No | Consultee | Comments | Officer Response | Minister's Decision |
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| 1. | AJA President | See comments and responses in Table B: 'Response to representations received with the questionnaire returns'. | | |
| 2. | Environmental Health | No further comments, but did comment during the formulation of the draft guidance. | No comment. | No change |
| 3.1 | Environmental Protection | Enforcement of the SPG and Policy – It is not clear throughout this document who will be responsible for enforcing the SPG and SWMPs. This needs to be decided up front of the policy being introduced. Without defined roles for reviewing and enforcement the SPG is inherently flawed. It is Environmental Protection's (EP) view that principal responsibility must sit with the relevant Planner, who will ultimately be responsible for discharging the condition. Whilst EP can advise on specific issues associated with hazardous wastes and the Waste Management (Jersey) Law, 2005, we have no capacity or willingness to review and enforce SWMPs. | Section 13 of the draft SPG deals with planning conditions and enforcement powers and was intended to address the issues raised. It is accepted, however, that it would be beneficial to further clarify the role of the planning case officer in checking the progress and performance of SWMPs and discharging relevant planning conditions. See Table B, response 39. | See Table B, decision 39. |
| 3.2 | Environmental Protection | SPG on Contaminated Land – Is in need of updating ASAP. This has been identified by the contaminated land working group and we are happy to discuss further. | The need to update the SPG on Contaminated land is noted. This SPG dates from October 2005 and was based on the approach to the development of potentially contaminated sites set out in Policy G17 of the 2002 Island Plan. The timing of any review will be dependent on resource availability and the prioritisation of the Department of Environment's work programme for assessing existing supplementary planning guidance and developing new | No change |

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| | | | guidance. | |
| 3.3 | Environmental Protection | Paragraph 8.5 ‘Annex 1on’ – typing error. | Noted. Recommendation: Correct typing error. | Correct typing error. |
| 3.4 | Environmental Protection | Table 2: Waste management options for non-hazardous waste – Canteen waste – “Segregating and sending to farmers for animal feed”. There are obvious risks associated with feeding livestock animal by-products. This should be <u>removed</u> from the table, as this type of activity (or risks associated with it) will be prohibited by the impending animal by-products regulations, which are being brought forward for debate by the Department. The activity is currently controlled by the Diseases of Animals (Waste Foods) (Jersey) Order 1958. | The risks associated with feeding animal by-products to livestock are acknowledged, as are the constraints to be imposed by the impending by-products regulations. The call for removing the reference to sending canteen waste to farmers for animal feed is, therefore, supported. Recommendation: The option in question for offsite management of canteen waste should, therefore, be amended to read: “ <i>Segregate and send to waste management contractor for composting</i> ”. | Amend the option for managing canteen waste, to exclude references to animal feed, as set out in Officer response. |
| 3.5 | Environmental Protection | Table 3: Waste management options for hazardous waste – Contaminated soil – “Segregate and send off-Island to a licensed waste management contractor to remediate.*1” - This is not a realistic or feasible option for the type of contamination that the Island will have to deal with (other than some very specific heavy industry sites such as the gasworks). Additionally, the footnote, whilst technically correct at the moment (there are mobile plant licenses held by two companies at the moment), it is likely that in the near future the footnote will be out of date and, therefore, unhelpful. EP | The limitations of the option for sending contaminated soil off-Island to a licensed waste management contractor to remediate are acknowledged. So to, is the potential future change in circumstances, regarding the availability of contractors locally who are able to remediate or dispose of contaminated soil. Recommendation: In the light of Environmental Protection’s comments, it is recommended that the option in question for offsite management of contaminated soil and the associated footnote are omitted, and replaced by the following options: “ <i>Possible future option to segregate and send to a licensed contractor in Jersey to remediate or dispose of.</i> ” “ <i>For some very specific heavy industry sites (e.g. the gasworks),</i> | Omit option for offsite management of contaminated soil and footnote and introduce two replacement options as per Officer response. |

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| | | would suggest you remove the footnote. | <i>segregate and send off-Island to a licensed waste management contractor to remediate.”</i> | |
| 3.6 | Environmental Protection | Useful Contacts – can you include EP’s general email address: envprotection@gov.je | Noted and agreed. Recommendation: Accept suggested change. | Include EP’s general email address under ‘Useful Contacts’. |
| 3.7 | Environmental Protection | Annex 1: Waste Management (Jersey) Law – We have suggested an amendment to para. 5, p.25 so that it reads: <i>“Where it is necessary to import material, auditable records should be kept of the sources of such material and verification of its clean, uncontaminated and inert nature. In consultation with Environmental Protection through the planning application process, a risk assessment of the hydrogeological setting in which the material is to be deposited may be necessary, in order to protect the environment (e.g. nearby groundwater, abstraction boreholes, surface water courses). Imported material must provide a benefit to the environment and not result in lower quality or contaminated material being deposited in a development.”</i> | Noted and agreed. Recommendation: Accept suggested change. | Amend text, as suggested by Environmental Protection. |
| 3.8 | Environmental Protection | They strongly agree that minimising and properly managing demolition and construction waste should be central to the planning of new development, because <i>“appropriate and sustainable</i> | Agreement noted. | No change. |

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| | | <i>management of waste arisings should be a fundamental requirement of any development”.</i> | | |
| 3.9 | Environmental Protection | <p>They agree that SWMPs have an important role to play in helping to minimise waste production and improve waste management during development projects. This is because: <i>“historically, SWMPS have been just a paper exercise to satisfy planning requirements with no post decision monitoring by the Department. Whilst it is unknown how useful the plans are to the developers themselves, a more robust process with ongoing requirements and sign off before discharge of condition should give the public of Jersey more reassurance that issues of wider public interest (sustainability etc.) are being followed”.</i></p> <p><i>“Our main concern is who is responsible for enforcing this SPG. Bringing in new guidance without deciding on who will be responsible for enforcing it is inherently flawed and leads to a poor process”.</i></p> | <p>Agreement and comments noted.</p> <p>It is accepted that there is a need to further clarify the role of planning case officers in checking the progress and performance of SWMPs and discharging relevant planning conditions.</p> <p>See response 3.1 and Table B response 39.</p> | See Table B, decision 39. |
| 3.10 | Environmental Protection | They agree that there is a need for planning guidance on SWMPs, because: <i>“developers will need guidance if the SPG is more onerous”.</i> | Comments noted and agreed. | No change. |
| 3.11 | Environmental Protection | They agree that the form of guidance is <i>“reasonably clear from their perspective”.</i> | Comments noted. | No change. |
| 3.12 | Environmental Protection | They disagree with the proposed categories of development which are likely to require SWMPs, because: <i>“in</i> | Island Plan Policy WM1 makes it clear under what circumstances SWMPs will be required. The thresholds relate to proposed developments with the potential to generate significant quantities of waste. There is no strategic | No change. |

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| | | <p><i>addition, sites which have hazardous waste arisings should also be required to demonstrate that the waste has been dealt with appropriately. These sites will not always be covered by a contaminated land condition and are potentially the highest risk. Notwithstanding our view, we appreciate that this is not described within the Island Plan WM1 policy”.</i></p> | <p>planning policy requirement to submit a SWMP where sites have hazardous waste arisings per se.</p> <p>The role of this supplementary planning guidance is to provide more detailed information and guidance about the way in which Island Plan Policy WM1 is likely to be operated, interpreted and applied in decision making. The guidance must be consistent with and complement the policy in the Island Plan and not conflict with it. Most notably, it cannot be used to change or alter the policy which has been examined by an Inspector and approved by the States.</p> <p>Notwithstanding the above, the Island Plan includes a policy which is specifically designed to address proposals for development on contaminated land (Policy GD6). This requires that a rigorous process is followed in assessing the extent of contamination and that a satisfactory programme of works takes place to treat or remove the contamination.</p> <p>The Minister has issued supplementary planning guidance in this regard (Advice Note 2: ‘Development of potentially contaminated land’, 2005), which will be reviewed in due course.</p> | |
| 3.13 | Environmental Protection | They agree that the suggested content for SWMPs is appropriate. | Agreement noted. | No change. |
| 3.14 | Environmental Protection | They agree <i>in principle</i> with the proposed basic steps for planning and preparing, monitoring and implementing SWMPs, <i>“although the steps contain a lot of detail, which may prove complicated to a ‘non-expert’”</i> .. | <p>Agreement in principle noted.</p> <p>It is proposed to de-clutter the text in Section 12 (SWMP Process), by relocating the detailed tables on site waste management options to an annex. See Table 2, response 41.</p> | See Table 2, decision 41. |
| 3.15 | Environmental Protection | They agree that it is important to start preparing SWMPs at an early pre-planning stage, to help secure opportunities for waste minimisation, reuse and recycling. | Agreement noted. | No change. |
| 3.16 | Environment | They agree that it is important to ensure implementation of a SWMP begins as | Agreement noted. | No change. |

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| | al Protection | soon as work commences on site, because <i>“opportunities should not be lost”</i> . | | |
| 3.17 | Environment al Protection | They don't know whether it is important to continually monitor and update the implementation of the SWMP during construction to measure progress, identify any unforeseen issues and provide a current picture. They say <i>“it depends how it will be used by all parties”</i> and ask <i>“who will review?”</i> | <p>Comments noted.</p> <p>See Table 2 response 50 re. importance of regular monitoring and updating of SWMPs.</p> <p>See Table 2 response 54 re. responsibility for preparing and implementing SWMPs.</p> <p>See Table 2 response 39 re. responsibility of planning case officers for checking progress of SWMPs and discharging conditions.</p> | See Table 2 decisions 39 and 54. |
| 3.18 | Environment al Protection | They agree it is important that the final version of the SWMP is made available to the Minister for review within 3 months of completion of the project, so that lessons might be learnt, issues highlighted and policy performance can be reviewed. In doing so they make it clear <i>“there is no point having them if they are not going to be used by the developer or by Planning to drive improvements in sustainability”</i> and again ask <i>“who will review them?”</i> | <p>Agreement and comments noted.</p> <p>See Table 2 response 50 re. importance of regular monitoring and updating of SWMPs.</p> <p>See Table 2 response 39 re. responsibility of planning case officers for checking progress of SWMPs and discharging conditions.</p> <p>See Table 2 responses 62, 63 and 64 re. the importance of reviewing the completed SWMP.</p> | See Table 2 decision 39. |
| 4.1 | Transport and Technical Services | <p>We had a pretty good go at this in the early stages, so only a few suggestions – marked up in attached.</p> <p>On the whole, we feel it reads well and hopefully will add greatly to the Waste Management Plan process.</p> | Support and assistance welcomed. | No change. |

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| 4.2 | Transport and Technical Services | Para. 1.2, p.3 - Add further bullet point to list of what SWMPs are primarily intended to do – To read: <i>“act as a tool for monitoring the successful implementation of sustainable waste management during development projects”</i> . | Noted and supported. Recommendation: Accept suggested change. | Make changes as requested by TTS and supported by Officer. |
| 4.3 | Transport and Technical Services | Para. 8.5, p.7 – Add further bullet point to list of what developers should do at the ‘project planning stage’. – To read: <i>“seek to use suppliers with recognised environmental credentials such as the States of Jersey Eco Active Business accreditation.”</i> | Noted and supported. Recommendation: Accept suggested change. | Make changes as requested by TTS and supported by Officer. |
| 4.4 | Transport and Technical Services | Para 9.2, p.8 – Amend 9 th bullet point in list of what SWMPs will typically record – To read: <i>“details of how each waste type is to be managed in accordance with the Waste Hierarchy (including priorities for larger developments and targets);</i> | Noted and supported. Recommendation: Accept suggested change. | Make changes as requested by TTS and supported by Officer. |
| 4.5 | Transport and Technical Services | Para 12.1, p.10 – suggestion that a 12 th step be added to the typical SWMP Process – <i>“Reporting (and feedback to change earlier stage if required?)”</i> | It is not considered necessary to add a further step (i.e. on reporting) to the SWMP Process, as suggested, because: <ul style="list-style-type: none"> ▪ none of the best practice guidance in the UK includes such a step; ▪ it would add unnecessarily to the complexity of the process; ▪ learning from the review process (for the client, principal contractor and the Department of Environment) is already implicit in Step 11 of the SPG; ▪ the Department will, in any event, look to report on the key findings from the completed SWMPs in annual monitoring reports; ▪ the Department will use the findings to inform future reviews of Island Plan policies; | Make changes as officer recommends. |

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| | | | <ul style="list-style-type: none"> ▪ the Department will use its powers (including enforcement powers) where appropriate to address any breaches of planning controls or intentional non-compliance with SWMPs; and ▪ the guidance places the onus on clients and principal contractors to learn lessons which can be used in future development projects...lessons which are in their economic interests to achieve beneficial impacts on construction costs, as well as better protection of the environment. ▪ any findings from the review of the completed SWMP will not negate the need to go through the earlier step in the SWMP Process. <p>Recommendation:</p> <p>To further emphasise the need to learn from the completed SWMP, it is recommended that the title of Step 11 is changed to read:</p> <p><i>“Review and learn.”</i></p> | |
| 4.6 | Transport and Technical Services | Tables 1, 2 and 3, Waste management options, p.p. 12 – 14 – swap headings around to read: <i>“Onsite re-use/recycling”</i> and <i>“Offsite re-use/recycling”</i> . | <p>Noted and supported – positioning re-use before recycling in the headings reflects their order of priority in the Waste Hierarchy.</p> <p>Recommendation:</p> <p>Accept suggested change.</p> | Make changes as requested by TTS and supported by Officer. |
| 4.7 | Transport and Technical Services | Table 1: Waste management options for inert waste, p.12 – under ‘glass’ waste, they point out that the option of segregating and selling waste glass to concrete and road surface asphalt providers for crushing to use as aggregate replacement, is not currently available in Jersey. | <p>Noted, but it is not inconceivable that this might become an option in the future, as it is in the UK.</p> <p>Recommendation:</p> <p>Suggest rewording of option to read:</p> <p><i>“Possible future option of segregating and selling to concrete and road surface asphalt providers for crushing to use as aggregate replacement”.</i></p> | Amend wording of option as suggested by Officer. |

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| 4.8 | Transport and Technical Services | <p>Table 1: Waste management options for inert waste, p.12 – under ‘sand’ waste, they question the option to “<i>sell to building or waste management contractor for recycling and onward sale to the construction industry</i>”. They are concerned that the word “sell” may raise expectations about material value and say that in most cases, a gate fee is involved to pass this material on.</p> | <p>Noted and the problems of using the word “sell” are acknowledged.</p> <p>Recommendation:</p> <p>Suggest rewording of option to read:</p> <p><i>“send to building or waste management contractor for recycling and onward sale to the construction industry”.</i></p> | <p>Amend option wording, by substituting the word “send” for “sell”, as suggested by Officer.</p> |
| 4.9 | Transport and Technical Services | <p>Table 2: Waste management options for non-hazardous waste, p.13 – under ‘canteen waste’, they question the option of “<i>segregating and sending to farmers for animal feed, or to waste management contractor for composting.</i>” They point out that food waste cannot go to animal feed in Jersey, as there are no compliant animal by-products standard composters. Accordingly, they suggest removing the reference to sending canteen waste to farmers for animal feed.</p> | <p>Noted and agreed.</p> <p>Recommendation:</p> <p>The option in question for offsite management of canteen waste should, therefore, be amended to read:</p> <p><i>“Segregate and send to waste management contractor for composting”.</i></p> | <p>Amend option for managing canteen waste to exclude reference to animal feed, as set out by Officer.</p> |
| 4.10 | Transport and Technical Services | <p>Table 2: Waste management options for non-hazardous waste, p.13 – under ‘plasterboard’ waste, they question the “<i>possible future options for sending to a waste management operator for recycling...</i>” They point out that by the time the SPG is published, they will be recycling plasterboard. They suggest the wording of the option is amended to read: “<i>Send to approved site for recycling...</i>”</p> | <p>The change in circumstances for managing plasterboard waste is noted and the suggested change in wording is supported.</p> <p>Recommendation:</p> <p>Accept suggested change.</p> | <p>Amend wording of option for managing plasterboard waste, as suggested by TTS and supported by Officer.</p> |

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| 4.11 | Transport and Technical Services | <p>Table 2: Waste management options for non-hazardous waste, p.13 – under ‘timber’ waste, they question the option to “segregate and send to a centralised reuse and recycling centre”. They point out that they no longer recycle and suggest that the option be removed.</p> | <p>The change in circumstances regarding the local recycling of timber is noted and the removal of the option in question for timber recycling is, therefore, supported.</p> <p>Recommendation: Accept suggested change.</p> | Remove option in question, as suggested by TTS and supported by Officer. |
| 4.12 | Transport and Technical Services | <p>Site waste management plan process, Step 10: Monitor the implementation, p.16 – They would like to see a reference to ‘tolerance’ in here – i.e. what is acceptable by way of deviation from the original plan – to avoid the plan being aspirational then not followed or only partly implemented.</p> | <p>Para. 12.30 under Step 10, points out that during the construction period there may be unforeseen circumstances which make it difficult to comply with the approved SWMP and, in some cases, may warrant a substantial revision to the plan. It goes on to suggest that any proposals for substantial changes to a SWMP during construction should be submitted to and approved by or on behalf of the Minister.</p> <p>This provision looks to introduce flexibility into the SWMP process.</p> <p>It is accepted that there would be merit in the guidance providing an indication of “<i>what is acceptable by way of deviation from the original plan</i>” (i.e. what are considered to be “<i>substantial changes</i>”).</p> <p>Recommendation:</p> <p>In view of the above, it is recommended that the last sentence of para. 12.30 be amended to read:</p> <p><i>“Any proposals for substantial changes to a SWMP during the construction process (e.g. where the quantity of waste to be managed in a particular way is more than 10% higher or lower than originally planned), should be submitted to and approved by, or on behalf of, the Minister for Planning and Environment.”</i></p> | Amend wording as officer recommends. |
| 5.1 | Environment Section of Société Jersiaise | <p>They have no one in the Section that can draw on practical experience in waste management, but would make a small suggestion. This relates to paras. 12.5 and 12.6, p.11 and the references to the appointment of an individual with responsibility for compliance with the</p> | <p>It is acknowledged that this is an important issue, but it is considered that this is already sufficiently well addressed in the draft SPG, because:</p> <ul style="list-style-type: none"> ▪ Para. 9.2 of the guidance describes what SWMPs should typically record, including “who is responsible for waste management”; ▪ Step 2 of the SWMP Process highlights the importance of | No change |

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| | | SWMP and the possible appointment of a 'waste champion'. They question whether there might be a benefit if those individuals (or at least one of them) were named when the plan is first drawn up and submitted, so that the responsibility is formally registered as early as possible in the process. | <p>appointing someone to take overall responsibility for implementing the SWMP;</p> <ul style="list-style-type: none"> ▪ The Checklist asks if someone has been "assigned overall responsibility for implementing the SWMP; and ▪ The example proforma for a SWMP includes a section on 'Management Responsibility', which makes provision for listing the name and contact details of the person responsible for waste management on-site. | |
| 6.1 | Jersey Construction Council | They agree that minimising and properly managing demolition and construction waste should be central to the planning of new development. <i>"Dealing with demolition and construction waste at the planning stage should be an integral part of the planning approval process. Definitive quantities of waste material, whether arising from demolition or site waste should be determined after the planning process. A statement of intent on how waste material will be treated should be sufficient at the planning stage. The quantity of waste materials can be developed during the construction process within a document which is constantly updated and monitored and concludes with the completion of the development."</i> | <p>Agreement and comments noted.</p> <p>It is accepted that for some planning applications it may not be feasible to provide a fully detailed SWMP until after the planning application stage, when the experience and knowledge of a principal contractor is available.</p> <p>In such circumstances, there is merit in allowing for the submission of an outline SWMP with the planning application, which provides preliminary estimates of waste production and outline proposals for waste management. This outline SWMP can then be substituted by a fully detailed SWMP prior to the commencement of works on-site.</p> <p>See response 6.8.</p> | See decision 6.8. |
| 6.2 | Jersey Construction Council | They agree that SWMPs have an important role to play in helping to minimise waste production and improve waste management during development projects. <i>"Early recognition of potential waste and its disposal is a fundamental</i> | Noted. | No change. |

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| | | <i>element of the construction process”.</i> | | |
| 6.3 | Jersey Construction Council | They agree that there is a need for planning guidance on SWMPs, because <i>“guidance notes give all parties within the construction process a clear understanding of the responsibilities from client to contractor”.</i> | Agreement noted. There would be merit in adding the reason given the list of purposes for the guidance set out in Section 3, as follows: <i>“Give all parties within the construction process a clear understanding of the responsibilities for site waste management from client to contractor”.</i> | Add bullet point to para. 3.1 (i.e. setting out the main purposes of the guidance), as per officer response. |
| 6.4 | Jersey Construction Council | They agree that the form of planning guidance is clear and easy to understand and use and that <i>“the guidance note explains the process adequately”.</i> | Noted. | No change. |
| 6.5 | Jersey Construction Council | They disagree with the categories of development which are likely to require SWMPs. They argue that <i>“the proposed guidance notes should be adopted for <u>all</u> sites”</i> and that <i>“the prescribed threshold levels are too high”.</i> | The categories of development which are likely to require SWMPs are defined by approved Island Plan Policy WM1. These categories include: <ul style="list-style-type: none"> ▪ major new developments; or ▪ developments which would involve the demolition of major structures or the potential generation of significant quantities of waste material. <p>The supplementary guidance must be consistent with these categories.</p> <p>Major developments are defined in the supporting text and throughout the Island Plan as <i>“developments of 10 or more dwellings, or with a floorspace of more than 1,000m², or where the development is on a site of more than 1 hectare”.</i></p> <p>Major structures are not defined in the Island Plan and there is merit in offering more guidance on this. It would normally be considered reasonable to expect SWMPs to be prepared for applications where the site is to be cleared of existing buildings and structures, before</p> | See Table 2, decision 30. |

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| | | | <p>construction occurs.</p> <p>This issue is addressed in Table 2 response 30, which recommends that <i>“Major structures include a house or houses and any buildings or structures of an equivalent or greater size”</i>.</p> | |
| 6.6 | Jersey Construction Council | <p>They agree that the suggested content for SWMPs is appropriate, but state <i>“the timing for this document at the planning stage is extremely difficult. The templates generated by the guidance notes are a good starting point, but need to be flexible enough to incorporate changes as development progresses”</i>.</p> | <p>Agreement and comments noted.</p> <p>It is acknowledged that for some projects it will not always be feasible to provide a fully detailed SWMP at the planning application stage and that in such circumstances there is merit in introducing a staged submission process for SWMPs (see responses 6.1 and 6.8).</p> <p>The draft guidance does provide scope for flexibility in addressing site waste management throughout the project (based on regular monitoring, updating and review) and the flexibility will be increased by the introduction of the opportunity for a staged submission of the SWMP, as recommended in response 6.8.</p> | See decision 6.8. |
| 6.7 | Jersey Construction Council | <p>They agree that the proposed basic steps for planning and preparing, monitoring and implementing SWMPs are appropriate, but make the point that <i>“this process should be used as a guide only and be flexible to change, if needed”</i>.</p> | <p>Agreement and comments noted.</p> <p>Para. 12.1 of the draft SPG makes it clear that the basic steps set out in the SWMP preparation process are typical of what is involved. They are not written on ‘tablets of stone’ and are intended as a simple guide to ensure an appropriate SWMP is prepared and that sufficient time is set aside for this process.</p> <p>It is acknowledged that each SWMP will need to be developed to suit the particular project in question.</p> <p>See Table 2 response 23, which recommends additions to the text at para. 12.1 that reflect the points raised above.</p> | See Table 2, decision 23. |

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| 6.8 | Jersey Construction Council | <p>They strongly agree that it is important to start preparing SWMPs at an early pre-planning stage, to help secure opportunities for waste minimisation, reuse and recycling. However, they make the point that <i>“to get greater rewards from the SWMP, obtaining responses from the contractor is invaluable” and that “clients may not have secured the principal contractor at the planning stage, when the plan needs to be submitted”.</i></p> <p>They say <i>“a two stage submission should be adopted – the first stage with outline principles – then a more detailed second stage which encapsulates the full construction team’s experience.”</i></p> | <p>Agreement and comments noted.</p> <p>It is acknowledged that for some projects it will not always be feasible to provide a fully detailed SWMP at the planning application stage and that in such circumstances there is merit in introducing a staged submission process system for SWMPs (see responses 6.1 and 6.6).</p> <p>Recommendations:</p> <p>1. In Section 8 (Waste management considerations throughout the project), The planning application stage, amend and extend the text to read:</p> <p><i>“8.6 For development proposals which will generate a significant amount of waste and major new developments (see Section 6 on Island Plan Policy WM1 and Section 10 on when a SWMP is required), the application must include a SWMP.</i></p> <p><i>8.7 It is recognised that for some planning applications it may not be feasible to submit a fully detailed SWMP, because clients may not have secured the principal contractor at that stage and not all of the required detailed information will be available.</i></p> <p><i>8.8 In such circumstances, applicants may submit an ‘Outline SWMP’ in the interim, as part of a staged submission process. The Minister will then make use of planning conditions to require the submission of a satisfactory detailed and up-dated SWMP, prior to the commencement of works on site.”</i></p> <p>2. In Section 13 (Planning conditions and enforcement) the text is altered to read:</p> <p><i>“13.1 Ensuring that requirements for proper waste management are carried out is a key concern for the Minister for Planning and Environment.</i></p> <p>Conditional approval</p> | <p>Amend SPG as officer recommends.</p> <p>See also response 79, Table B and the related recommendations.</p> |
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a planning condition will be attached to any planning permit requiring approval of a detailed SWMP prior to the commencement of approved works on-site. The following draft standard condition is proposed:

Condition: Requirement for a detailed site waste management plan

No development hereby permitted shall take place until a satisfactory detailed Site Waste Management Plan (SWMP), confirming the steps to be taken to minimise and manage waste generation both on and off site during the enabling and construction phases of the project, has been submitted to and approved by the Minister for Planning and Environment.

Reason: To ensure that the proposed development minimises waste production and optimises the reuse, recycling and recovery of waste resources generated during the works, in accordance with Policy WM1.

13.3 Where a satisfactory detailed SWMP for the entire project has been submitted and approved, a planning condition will be attached to the planning permit requiring regular updating of the plan to demonstrate progress and overall compliance. The following draft standard condition is proposed:

Condition: Implementation of Site Waste Management Plan

The approved Site Waste Management Plan (SWMP) and/or any substantive revision subsequently agreed by or on behalf of the Minister shall be implemented in full to the satisfaction of the Minister.

During the development process, the approved SWMP shall be updated as often as is necessary to give a current picture of how waste management work is progressing and how this compares with waste estimates and waste management actions contained in the plan.

Within three months of completion of the project, the developer shall

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| | | | <p><i>submit to the Minister a copy of the completed SWMP, which shall include:</i></p> <ul style="list-style-type: none"> <i>(1) evidence and confirmation that the plan has been monitored on a regular basis to ensure that work was progressing according to the plan and that the plan was updated appropriately;</i> <i>(2) the reasons for any revisions made to the plan; and</i> <i>(3) an explanation of any significant differences between the approved plan and the actual performance.</i> <p><i>Reason:</i> <i>To ensure that the proposed development minimises waste production and optimises the reuse, recycling and recovery of waste resources generated during the works, in accordance with Policy WM1."</i></p> | |
| | | | 3. A new Annex is added to the SPG, providing an example proforma for an 'Outline SWMP'. | |
| 6.9 | Jersey Construction Council | They agree that it is important to ensure that implementation of a SWMP begins as soon as work commences on site. | Noted. | No change. |
| 6.10 | Jersey Construction Council | They agree that it is important to continually monitor and update the implementation of the SWMP during the construction, to measure progress, identify any unforeseen issues and provide a current picture. However, they ask, " <i>who will monitor the SWMP externally, or is it deemed to be self policed?</i> " | <p>Agreement and comments noted.</p> <p>Clearly, the onus is on the developer to ensure that SWMPs are monitored and updated during the construction process.</p> <p>The SWMP process does, however, allow for monitoring by planners as appropriate.</p> <p>See Table 2 response 39 re. the responsibility of planning case officers for checking the progress / performance of SWMPs and discharging planning conditions.</p> | See Table 2, decision 39. |
| 6.11 | Jersey | They agree that the final version of the | Noted. | No change. |

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| | Construction Council | SWMP is made available to the Minister for review within 3 months of completion of the project, so that lessons might be learnt, issues highlighted and policy performance can be reviewed. They say <i>“lessons learnt are a good gauge for future developments”</i> . | | |
| 7.1 | Jersey Chamber of Commerce | They agree that minimising and properly managing demolition and construction waste should be central to the planning of new development. However, they make the point that <i>“this should not detract from other benefits of development”</i> . | Agreement and comments noted. | No change. |
| 7.2 | Jersey Chamber of Commerce | They agree that SWMPs have an important role to play in helping to minimise waste production and improve waste management during development projects, <i>“as long as all contributors subscribe to its implementation and are aware of the benefits”</i> . | Agreement and comments noted. The onus is on the client or principal contractor to ensure that relevant parties are aware of the SWMP and play their part as required. | No change. |
| 7.3 | Jersey Chamber of Commerce | They agree that there is a need for planning guidance on SWMPs and say <i>“the Checklist is helpful”</i> . | Noted. | No change. |
| 7.4 | Jersey Chamber of Commerce | They do not agree that the form of the planning guidance is clear and easy to understand and use, or that the basic steps for planning and preparing, monitoring and implementing SWMPs are appropriate. They say <i>“Section 12 (i.e. SWMP Process) is unnecessarily complicated”</i> and <i>“could be reduced to a maximum of 5 points”</i> . | Comments noted. See Table 2 response 23, which looks to justify why an 11-stage process is set out in the SPG and recommends additional explanatory text. Essentially the steps are generic and reflect good practice. The SPG describes these as typical basic steps in the SWMP preparation process and the recommended additional text recognises that each SWMP will need to be developed to suit the particular project in question. See also Table 2 response 41, which looks to declutter Section 12 by recommending that the tables on waste management options are included | See Table 2, decisions 23 and 41. |

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| | | | in a separate annex. | |
| 7.5 | Jersey Chamber of Commerce | They agree that the proposed categories of development which are likely to require SWMPs are appropriate, saying <i>“this process is not appropriate for all developments and could be a barrier for smaller schemes for which there is a wider benefit.”</i> | <p>Agreement and comments noted.</p> <p>It is important not to lose sight of why SWMPs are important.</p> <p>Without proper controls, site waste is harmful to the environment and to businesses.</p> <p>It is considered important that those involved in proposing and implementing projects that are likely to generate significance quantities of waste, should play their part in reducing, reusing and recycling their waste.</p> | No change. |
| 7.6 | Jersey Chamber of Commerce | They disagree that the suggested content for SWMPs is appropriate, stating <i>“all appropriate with the exception of specifying contractors in the plan”</i> . They say <i>“this is rarely known at an early stage”</i> . | <p>The general agreement with all but one aspect of the suggested content for SWMPs is noted.</p> <p>It is acknowledged that for some projects clients will not have secured a principal contractor at the planning application stage.</p> <p>In such circumstances, the introduction of a staged submission system that allows for the interim submission of an ‘Outline SWMP’ at the planning application stage and a detailed SWMP prior to commencement of works, should address the concern raised (see response 6.8).</p> <p>The proforma for an ‘Outline SWMP’ recommended in response 6.8 does not include provision for details of or the signature of the Principal Contractor, or any identified sub-contractors.</p> | See decision 6.8. |
| 7.7 | Jersey Chamber of Commerce | They agree that it is important to start preparing SWMPs at an early pre-planning stage, to help secure opportunities for waste minimisation, reuse and recycling. | Noted | No change. |

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| 7.8 | Jersey Chamber of Commerce | They agree that it is important to ensure that implementation of a SWMP begins as soon as work commences on site. | Noted | No change. |
| 7.9 | Jersey Chamber of Commerce | They agree that it is important to continually monitor and update the implementation of the SWMP during the construction to measure progress, identify any unforeseen issues and provide a current picture. | Noted | No change. |
| 7.10 | Jersey Chamber of Commerce | They agree it is important that the final version of a SWMP is made available to the Minister for review within 3 months of completion of the project, so that lessons might be learnt, issues highlighted and the policy performance can be reviewed. | Noted | No change. |
| 8.1 | Environment Scrutiny Panel | No formal comments received. | No comment. | No change. |
| 9.1 | Save our Shoreline | No formal comments received. | No comment. | No change. |
| 10.1 | Development Control | No formal comments received. | No comment. | No change. |
| 11.1 | Building Control | No formal comments received. | No comment. | No change. |
| 12.1 | Abbey Plant Hire Ltd. | No comments received. | No comment. | No change. |
| 13.1 | WP Recycling and Skip Hire | No formal comments received | No comment. | No change. |