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## site waste management plans

You may already be aware of the government's proposal that a site waste management plan must be prepared by anyone carrying out a construction project worth more than £250,000. Any plan must record details of the amount and type of waste produced, including how the waste will be disposed of. Furthermore, details of any recycling and reuse as well as the site manager, contractors and value of the project must be recorded. The intention is for these plans to be continually updated as and when further is made available. Once the project is completed a 'lessons learnt' section will need to be added to the plan.

Importantly if a project has an estimated value of over £500,000, additional details will have to be provided. These include the movement of waste by the management contractor and its description as required by the waste duty of care regulations.

The objective of these plans is to promote recycling and reuse as well as clamp down on the illegal disposal of construction waste.

It is intended that if a project is started without a plan, it will be a criminal offence. However, the government is also considering imposing a fixed penalty notice system on those that do not comply.

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## Energy Performance Certificates

Recently there has been much publicity over the introduction of both Home Information Packs and Energy Performance Certificates (EPCs). Most of the interest has focused around what happens when a property is sold. However, what has been overlooked is that an EPC will need to be provided by a landlord to a tenant when a property is rented. Failure to do so could result in a fixed penalty from local trading standards officers.

An EPC sets out the energy rating of a property, similar to the A to G rating found on many domestic appliances. In addition, EPCs contain advice on what energy performance measures could be used to increase the energy efficiency of a property. A new EPC will need to be prepared for a property at least every ten years.

While further guidance is expected on the exact nature of the EPC, landlords need to start planning how they are going to manage this process.

The draft guidance has not currently been finalised so work cannot commence on the production of the EPCs. However, both financial and stock management issues need to be considered at an early stage.

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## environmental duties on directors

The Companies Act 2006 introduces new environmental duties on directors on companies. It states that a director must act in a way that is most likely to promote the success of a company for the benefit of the shareholders, and ensure its positive impact on the community and environment. Furthermore, all quoted companies will have to file a business review that includes information about environmental matters.

These provisions further reinforce the need for company directors to consider the impact that environmental legislation and non-compliance can have on their company.

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## packaging waste

For the last ten years, a number of obligations have been placed on businesses as to how they manage their packaging waste. Recently the Environment Agency has increased the number of prosecutions

### CONTACT

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for non-compliance with the Producer Responsibility Obligations (Packaging Waste) Regulations. Interestingly, many of those prosecuted were simply unaware of their obligations.

The majority of businesses with a turnover of over £2 million per year and who handle more than 50 tonnes of packaging waste per year will be affected. This includes not only manufacturers but also importers and sellers who handle and sell goods that are packaged. All those businesses that are affected need to take action now to ensure they are in compliance. This will include registration with a compliance scheme.

## does your insurance cover contamination?

One High Court case (Bartoline –v– Royal Sun Alliance) has highlighted the danger of assuming that general business insurance policies cover contamination. Following a fire at the claimant's premises, the Environment Agency carried out emergency works to deal with pollution that had been caused. They then served a 'works notice' requiring the company to carry out further clean-up and pay the Agency for the work they had carried out. The total costs amounted to approximately £750,000 and the Court held that their general insurance policy, although providing an indemnity against loss or damage to property and damages, did not cover the monies and works demanded by the Environment Agency.

Increasingly, insurance companies are restricting their liability for environmental incidents and contamination. Specialist environmental insurance policies are now readily available although as with all specialist insurance policies it is important to carefully read the policy wording to ensure it covers precisely what you need.

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