



## Site Waste Management Plans Regulations 2008

This client information sheet outlines the obligations of the 'client' and 'principal contractor' under the Site Waste Management Plans Regulations 2008 (SWMP Regulations).

### When do the SWMP Regulations apply?

From the 6 April 2008, the 'client' must have a site waste management plan (SWMP) for all new construction projects worth more than £300,000 (excluding VAT). This includes any building or 'construction work', building maintenance, alteration, decoration and demolition. The SWMP must be in place before the construction works begin.

The definitions of 'client' and 'construction work' for the purposes of the SWMP Regulations mirror those definitions within the Construction (Design and Management) (CDM) Regulations 2007 – please refer to our CDM Regulations client information sheet which can be found at [http://www.blaw.co.uk/sectors/construction/client\\_information\\_sheets.aspx](http://www.blaw.co.uk/sectors/construction/client_information_sheets.aspx).

If a project was planned before 6 April 2008 and construction begins before 1 July 2008, the client will not need to produce a SWMP. If the site is within a nuclear licensed site with a construction waste strategy in place or is a pollution prevention and control permit site then a SWMP is not needed.

### Who is responsible for the SWMP?

The client must produce the initial SWMP before the construction work begins. If he does not intend to manage the project himself he must appoint a principal contractor and pass the SWMP to him.

The principal contractor must obtain any further relevant information, update the SWMP as the project progresses, keep on site and allow access to the SWMP and at the end of the project return the completed SWMP back to the client, retaining a copy for himself.

### What should the SWMP contain?

Before construction work begins, the SWMP must contain the identity of the client, principal contractor and author of the SWMP. It must describe the site, the estimated costs of the project and any prior discussions regarding construction methods, design and materials. There must be a description of the type and quantity of waste expected to be produced and an explanation of how each type of waste will be dealt with. It should also contain a declaration that all reasonable steps will be taken to ensure all waste is dealt with in accordance with the Environmental Protection (Duty of Care) Regulations 1991 and that all materials will be handed efficiently and waste managed properly.

The principal contractor must update the SWMP at least every three months during the project to include details of the types of waste removed from the site, identity of the person who removed the waste and where the waste was taken.

For projects estimated at over £500,000 (excluding VAT), the SWMP should also detail the waste carrier registration number of the person who removed the waste, the environmental permit or exemption held by the site where the material was taken, the amount of waste recycled and the amount taken to landfill.

## **What must be done on the completion of the project?**

The client must review the SWMP and record the reasons for any differences between the SWMP and what actually happened. An estimate of cost savings that were achieved by implementing the SWMP should also be recorded.

The SWMP must be kept on site for two years after the completion of a project.

## **What are the penalties for non-compliance?**

A breach of the Regulations can be punishable by an unlimited fine. There is also a £300 fixed penalty for failure to produce a SWMP on demand.

## **Contact**

For further information or advice, please contact:

Richard Wade	E: <a href="mailto:richard.wade@bllaw.co.uk">richard.wade@bllaw.co.uk</a>	T: 01865 254244
Andrew Wiseman	E: <a href="mailto:andrew.wiseman@bllaw.co.uk">andrew.wiseman@bllaw.co.uk</a>	T: 01489 555016

This publication is not a substitute for detailed advice on specific transactions and problems and should not be taken as providing legal advice on any of the topics discussed.

Blake Laphorn Tarlo Lyons uses the information it holds about you to contact you where necessary if (for instance) you have registered to attend a seminar that we are hosting or have requested information regarding the services that we provide. We will also use it to administer, support, improve and develop our business and to contact you for your views on our services, as well as to let you know about other products and services which we offer which may be of interest to you. We may send them by post, telephone or fax, email or SMS. If you would rather NOT receive further information by any particular format, or at all, or if your details need updating, please contact John Parkinson on 01489 555278 or by email at [john.parkinson@bllaw.co.uk](mailto:john.parkinson@bllaw.co.uk).

We will not disclose any of your personal identifiable information to any third parties without your express permission to do so, unless we believe that we should do so to comply with the law.