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Construction and Demolition Waste Strategy for Malta 2020 - 2025

PUBLIC CONSULTATION PROCESS

COMMENTS BY KAMRA TAL-PERITI

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The Environment and Resources Authority (ERA), in collaboration with the Ministry for the Environment, Sustainable Development and Climate Change has prepared a national strategy for the management of waste originating from construction, demolition and excavation operations. This document is entitled “*Construction and Demolition Waste Strategy for Malta, 2020-2025 - Managing Construction & Demolition Resources*”, and was issued for public consultation from 20 November 2019 to 22 January 2020.

ERA has stated that “*the draft strategy is in line with the European Union’s Circular Economy policy. The aim of the strategy is to identify options for the management of waste arising from construction, demolition and excavation activities. To achieve this, a number of short-term and long-term measures are included. The objectives of this strategy are to increase re-use and recycling of waste generated from construction, demolition and excavation activities, thereby reducing backfilling.*”

The Council of the *Kamra tal-Periti* regrets that it was not able to submit its comments within the set deadline, and trusts that its comments will nevertheless be considered by the Ministry and ERA.

The following are the comments of the *Kamra tal-Periti*, spread over five Sections as follows:

1. The Strategy
2. Circular Economy
3. Curtailing Waste Generation
4. Development Typologies in the Rural Area
5. Proposed Measures
6. Concluding Remarks

1. THE STRATEGY

In 2007, the *Kamra tal-Periti* had published “**The Urban Challenge – Our Quality of Life and the Built Environment**”. In this seminal publication, the *Kamra* had stated:

We have yet to move away from the traditional idea of the flow of materials from raw resource to products, consumption, and on to landfill as waste. To do this we need to promote further the polluter pays principle, to encourage the reuse of building waste and to make the industry responsible for the products they introduce to the country once they become waste.

...

Acknowledging that the construction industry causes a level of inconvenience to society through continual disturbance, pollution and the generation of waste, better site management and project administration are critical in order to minimize the impacts of development sites on their immediate neighbourhood.

The Strategy issued for public consultation mirrors, to some extent, these principles. In particular it adds an important dimension, namely that the measures “*should not just be introduced as legislation but should be followed up by further discussions with the relevant stakeholders, and accompanied by standards and adequate training, in order to ensure that a positive change is brought about. Providing only a change in legislation does not ensure compliance and will not bring about the essential behavioural change to yield positive results.*”

This is a commendable approach and one which the *Kamra* supports.

The current Waste Management Plan for the Maltese Islands proposed a strategy for the period 2014-2020. Measures outlined therein have been, or are in the process of being, implemented. Others, however, exist only on paper. Indeed, nearly all the proposals in Section 3.3 of the current plan are repeated in this current draft Strategy, signifying a complete failure to address this issue in a comprehensive way. The Ministry and the ERA must show a clear commitment to implement any proposed Strategy, and must endeavour to ensure cooperation across the industry in achieving the targets set. In this sense, the *Kamra* assures Government of its full co-operation to achieve a paradigm shift in the manner in which Construction and Demolition (C&D) Waste is treated in Malta.

The new Strategy must take into account the realities of our current economy, population, consumption patterns, infrastructure stresses and waste disposal sites before we reach a critical point that will take its toll on the quality of life of our citizens. It is therefore important that the ERA and the Ministry have embarked on this consultation process to propose a new Strategy, albeit possibly being too late.

2. CIRCULAR ECONOMY

The draft Strategy states that it is underpinned by the principles of circular economy.

The below is an extract from the Statement of the Architect's Council of Europe (ACE) titled "Designing for a Circular Economy", and which can be perused [here](#).

Like many others, the construction and building sectors operate largely within a linear economy model of "take, make and waste", assuming that resources are abundant and that we can dispose of them without consequences. Yet, there is growing awareness of the finite nature of natural resources and fragility of our environment, and thereby of the urgent need to develop more sustainable and regenerative economic models, which allow resources to flow in a circular way within the economy for as long as possible and avoid the production of waste. The construction and building sector have huge potential in terms of resource savings and waste reduction. In 2017, the construction and operation of buildings accounted for 36% of global final energy use and nearly 40% of energy-related carbon dioxide (CO2) emissions . In the European Union, the construction and use of buildings account for about half of all our extracted materials and the sector generates about one third of all waste . Action must be taken urgently to apply circular economy principles in these sectors – and architecture has a crucial role to play here.

The Kamra tal-Periti, which is affiliated with ACE, subscribes fully to this Statement, and will endorse any measures which are in line with the strategies outlined therein.

3. CURTAILING WASTE GENERATION

The proposed Strategy identifies four priority areas, namely:

- i. **Planning and Design**, targeting the construction industry, with specific measures aimed at tackling the problem at source by demolishing or constructing in a sustainable manner;
- ii. **Waste Management**, listing specific measures to improve waste logistics both at the development site as well as off-site;
- iii. **Quality Management**, focussing on measures associated with increasing the confidence in C&D waste management practices as well as improving the quality of C&D recycled materials; and
- iv. **Policy and Regulatory Framework**, dealing with improvements in policy and framework conditions in order to break the link between development and waste generation.

C&D Waste accounts for 80% of the waste generated annually in the Maltese Islands. As stated in the draft, *“this percentage share is considered as significantly high, particularly when compared to the EU average, which accounts to approximately 25% to 30% of all waste generated in the EU.”* Figure 4 is significant in this sense since it clearly indicates that a slowdown in the economy and in the construction industry in the years 2009 – 2012 was coupled with a significant reduction in the amount of waste generated. The control of construction activity is therefore key to the solution, but is not mentioned as one of the measures of the Strategy.

Moreover, the document states that 58% of all C&D Waste is generated by excavation activities, however the Strategy does not include any proposed measures to curb such waste generation. It is indeed very weak in this regard, and seems to take the approach that the generation of excavation waste is something we cannot do without, and that therefore the Strategy should focus on what to do with the waste once it is generated. This is an inherently flawed approach, and we cannot hope to address the problems our country is currently facing if this is not addressed.

Reference is here made to the *Kamra’s* position regarding the imposition by the Planning Authority of parking requirements in new projects and the increase in CPPS contributions, which can be viewed [here](#). The *Kamra* stated that *“The extraordinary increase in CPPS fees will not reduce private vehicular traffic, neither will it promote green transport practices. It will certainly encourage developers to construct ever larger under-ground car-parking facilities, involving deeper excavations, more generation of waste, and more consumption of energy to maintain adequate environmental conditions in these facilities.”*

It is therefore imperative that we rethink our approach to parking requirements, and if necessary ban underground parking altogether in certain areas and certain projects, coupled with a concerted effort to improve accessibility and to ensure a modal shift in transportation. Comprehensive development should also be encouraged, thus reducing the amount of excavation required to accommodate minimal parking requirements where these are necessary, improving on street parking availability due to the reduction of access points to underground garages, and increased safety through the reduction of excavation depths.

If this matter is not addressed in a holistic manner we will continue to dig enormous holes in the ground, and then frantically search for other holes in the ground into which to deposit the waste generated from this futile exercise.

4. PROPOSED MEASURES

The proposed measures in Section 3.2 of the document are generally positive, however it is unclear how, in practice, they are going to achieve effective results. The Strategy is not accompanied by KPIs and clear targets, and therefore risks becoming yet another set of lofty ideals which will not, in practice, serve to address the critical situation we are facing in this sector.

Some of the proposals are, in the *Kamra's* view, objectionable, namely:

- **Dimensions of internal and external apertures of residential dwellings aimed at encouraging the re-use of fittings as well as reduce diversification bringing about economies of scale:** While acknowledging that no detail is provided at this stage, it is to be noted that the sizing of external apertures is a design aspect which is also dependent of various factors such as context, orientation, and site constraints. The imposition of standard sizes would be detrimental to the quality of the built environment, and would potentially result in failure to comply with the requirements of Technical Guidance F – Conservation of Fuel, Energy and Natural Resources (Minimum requirements on the energy performance of buildings regulations, 2006).
- **Owners of abandoned dwellings that sell their property shall benefit from a tax credit equivalent to a percentage of the transfer value of the property. Moreover, a percentage reduction in the development permit application (DPA) fee will be granted to owners or buyers of abandoned dwellings who intend to redevelop the building without carrying out major alterations to the abandoned structure:** It is unclear why owners of abandoned properties should benefit from the sale of their property unless this is coupled with an obligation for a restoration and rehabilitation program to be undertaken by the purchaser, in which case it should be the latter than benefits from any incentives. It is to be noted that not all abandoned buildings are worthy of preservation, and this must be taken into account in any proposed measure. It is also noted that a significant incentive already exists for the transfer of properties within UCA (even if these are not abandoned) in the form of a reduction of stamp duty, as well as a reduction of the tax on transfer in cases where the property is restored and/or rehabilitated – it is understood that Government intends to renew this scheme for 2020. Furthermore, it is to be noted that the term “redevelop” in the proposed measure seems to be incorrect – redevelopment by definition implies major alterations, including complete demolition; restoration and/or rehabilitation on the other hand seem to be more consonant with the intent of this measure. Finally it is to be noted that no amount of incentives will encourage property owners to restore and/or rehabilitate if current planning policy continues to permit the wholesale destruction of our built heritage – this needs to be addressed without delay. It is therefore recommended that the Ministry and ERA consider this measure carefully and clearly establish what it is trying to achieve other than encouraging the trading of property.
- **The submission of pre-demolition audits (PDA) shall be made mandatory for high-density residential developments serving 16 or more units:** While this is a good measure, the *Kamra* contends that it must be extended to all types of development, not ones of a residential nature only.
- **By 2021, a minimum of 40% of excavated material shall be re-used or recycled. This shall be enforced through the compliance certificate issued pursuant to the Development Planning Act (CAP 552), whereby no such certificate shall be issued unless proof on the use of such materials is provided:** The Strategy proposes that this requirement is extended from applying solely to projects procured by Government to residential projects of 16 units or more. Again it is objectionable that residential projects are being singled out. Moreover this will merely

encourage the further fragmentation of projects into smaller portions to avoid compliance with the requirements. It is also noted that 2021 is practically tomorrow, and such requirements cannot be brought into force unless opportunities for re-use and recycling are brought into effect immediately.

- **By 2021, a minimum of 15% of construction material shall be made up of re-used material or materials recycled locally with a possibility of further re-use or recycling at the building's end of life. This shall be enforced through the compliance certificate issued pursuant to the Development Planning Act (CAP 552), whereby no such certificate shall be issued unless proof on the use of such materials is provided:** This is impossible to implement if the Construction Products Regulations are not enforced. The Construction Products (Implementation) Regulations, 2011 transposed European Regulation 205/2011 governing the safety of construction products in the European Market. Despite these regulations, there appears to be negligible oversight and enforcement of construction products manufactured locally. Indeed, virtually no products, whether masonry blocks, hollow concrete bricks, concrete precast products, wood shuttering, window apertures, timber products, asphalt mixes, aggregate, steel reinforcement, etc., are ever sold with the obligatory certification. Also, imposing the used of “re-used material or materials recycled locally” is useless if these materials are not available in the quantities they are required to sustain the current rate of construction.
- **By 2021, at least 25% of the granular material used for construction shall be made up of aggregates recycled locally in order to decrease the dependency on virgin aggregates. The percentage share of recycled aggregates used shall contribute towards attaining the 15% target for re-use and recycled materials as highlighted in indent (1). This shall also be enforced through the compliance certificate issued pursuant to the Development Planning Act (CAP 552), whereby no such certificate shall be issued unless proof on the use of such materials is provided:** Once again, this measure will be impossible to implement unless the Construction Products Regulations are enforced. Contractors and suppliers must be able to certify the materials they are using and to confirm compliance with the specifications of the designer.
- **The ERA will develop location selection criteria for potential areas for land reclamation, followed by an evaluation of the socio-economic, technical and environmental impacts associated with the feasibility and viability of land reclamation:** Land reclamation should never be seen as a solution to the waste problem. Land reclamation is a highly expensive and sensitive operation, and should only be resorted to when and where absolutely necessary to achieve specific targets such as infrastructure requirements, etc.

Apart from the above, the *Kamra* is in agreement with the other proposed measures, although it does note its concern that they may be inadequate to tackle the acute problems faced at this moment in time.

In particular it notes that its proposals for a [Modern Building and Construction Regulation Framework for Malta](#) has been positively received by all the relevant stakeholders, and the *Kamra* is in discussion with Government on the implementation of its proposals. The establishment of regulations related to waste generation and disposal forms part of this framework. It is further noted that one of the basic principles of the *Kamra's* proposed framework is the complete separation of the planning process from the building and construction process. Thus the measures outlined in the Strategy that are proposed to be regulated through the compliance process currently administered by the Planning Authority should be administered by the Building and Construction Authority which is in the process of being established by Government.

5. CONCLUDING REMARKS

While the formulation and implementation of a Strategy is important, it is felt that the proposed period of 2020 to 2025 is much too short to be effective. A Strategy up to 2050 is required and this must be accompanied by detailed plans to implement such Strategy in the short, medium and long term.

It is also noted that the Strategy seems to rely on historical data related to waste generation, but does not include any projections for future generation. This is important if we are to effectively cater for future waste streams, and must be coupled with the economic vision for our country.

In this sense, the *Kamra* reiterates its position that the Strategic Plan for the Environment and Development requires a major review, and that unless this is carried out in a holistic manner which involves all sectors of society it will once again fail to achieve any of its lofty objectives.

Finally, the *Kamra tal-Periti* acknowledges the efforts being done by the ERA and the Ministry, and remains available to discuss its position in detail as required.