

Consultation on the Legal Definition of Waste

Comments by

Northern Ireland Environment Link

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Northern Ireland Environment Link (NIEL) is the networking and forum body for non-statutory organisations concerned with the environment of Northern Ireland. Its 58 Full Members represent over 90,000 individuals, 262 subsidiary groups, have an annual turnover of £70 million and manage over 314,000 acres of land. Members are involved in environmental issues of all types and at all levels from the local community to the global environment. NIEL brings together a wide range of knowledge, experience and expertise which can be used to help develop policy, practice and implementation across a wide range of environmental fields.

These comments are agreed by Members, but some members may be providing independent comments as well. If you would like to discuss these comments further we would be delighted to do so.

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Introduction

We welcome the consultation process and commend the effort to involve stakeholders in the proactive development of policy work to ensure the many benefits that involvement of and input from stakeholders can achieve. The process takes time, but when done in a true spirit of collaboration saves time in the long term by identifying and addressing concerns of citizens, non-governmental organisations and other government departments and agencies at an early stage.

Northern Ireland Environment Link publishes its Policy Priorities annually in our document titled *The Way Ahead*. This consultation relates to all four of the main themes within that report; climate change, sustainable development, environmental protection and planning.

There is an urgent need to address waste in Northern Ireland both as part of our obligations under the Waste Framework Directive and as part of our necessity to reduce greenhouse gas emissions. Waste management addresses many of the issues which face the environment and offers an excellent opportunity to encourage people to think carefully about their lifestyles and impacts on the environment both locally and globally. It is therefore a prime area for action and awareness raising.

We are rapidly moving from an attitude of ~~managing waste~~ to ~~reducing the waste of resources~~. This is a fundamental shift and will take many years to fully penetrate all sectors of society. Increasing costs of dealing with waste and impending increasing costs for energy (CRC, EU ETS, carbon targets, peak oil, etc.) plus energy security issues put an increasing focus on waste from several different perspectives. This means that ~~traditional~~ definitions need to be readdressed and this consultation attempts to do this, but ~~without changing the definition~~. Thus this consultation does not seem to actually address the legal definition, but only ask for comments on the Guidance, and we have accordingly restricted our comments to this.

As our attitudes to waste change it is vital that waste is identified as a potential resource, as stated in the Waste FD and G2.2 and G3.11 of your document. Therefore it is vital that the definition allows for and indeed encourages this shift of emphasis; currently application of existing definitions of waste can actually inhibit reuse and recycling of it because of the need for Waste Exemption Certificates, payment for movement and other restrictions. Definitions must be framed to encourage, not discourage, reuse and recycling of waste materials to future beneficial uses. Definitions which result in materials being unable to remove materials from the waste stream and put them back into productive use are counterproductive to the goals of the WFD.

A clear definition of waste and guidance to all involved which makes it easy to understand and deal with the issues involved are required if people are to make the necessary switch to looking at all ~~waste~~ as a potential resource. This is often at a much more basic level than the detail involved in this document; household ~~waste~~ that could easily have a second life after refurbishment should not fall foul of regulations designed first and foremost to protect the public health from toxic products.

Specific Comments

Q1, 2, 3. Scope of practical guide. The guide is very comprehensive, indeed its detail is potentially counter-productive as it may be difficult for businesses to take the time required to analyse its applicability to their waste. A much shorter and simpler guidance note, with illustrations, is required. The Diagrams are much clearer and a strong point of the document.

Q4. Background and rationale. This section is clear, but again a shorter and more user-friendly presentation could well make this easier to use.

Q5, 6,7, 8,9. We support this section in general, and in particular understand the reason for specifying the need for recovery to allow for regulation. We also support the clear definition of recycling and reuse to allow clarity in what is and is not waste. We particularly welcome the assertion that if an item is certain to be reused it ceases to be waste; however in some instances (e.g. furniture in a charity shop) while reuse is likely it is not guaranteed; this should not bar it from being considered as reusable. This seems also to apply for byproducts and residues (para 3.110)

Q10 – 13. This analysis is extremely thorough, but it is not clear and easily understood by those not in the legal profession. We would suggest that a much shorter and clearer plain English version of this Guidance be drafted for general use. The current document has a very definite place, but there is also the need for a more easily understood and straightforward document that organizations such as charities can easily understand and comply with in their daily dealings with household castoffs.