



**defra**  
Department for Environment  
Food and Rural Affairs

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**Date:** 18 January 2010

Dear Consultee,

## **Consultation on draft guidance on the legal definition of waste and its application**

1. I am writing to invite your views on draft guidance on the legal definition of waste and its application. The aim of the draft guidance is to help businesses and other organisations take the right decisions about the classification of substances as waste, particularly in the more difficult cases. The draft guidance on which views are invited is set out in Chapter Three of the consultation document and is in three parts:-

**Part 1** is a practical guide for businesses and other organisations;

**Part 2** explains the background to and the rationale for the draft guidance; and

**Part 3** provides detailed guidance on the case law on the definition of waste and is intended for those with a specialist interest in the issue.

2. The draft guidance has been prepared by the Department for Environment, Food and Rural Affairs (Defra) in conjunction with the Welsh Assembly Government, the Department of the Environment in Northern Ireland, the Environment Agency and the Northern Ireland Environment Agency.

3. The following documents may be found on Defra's website at  
<http://www.defra.gov.uk/corporate/consult/waste-definition/index.htm>:-

- Consultation letter;
- Consultation document; and
- List of consultees.

4. These documents are also available on the websites of the Welsh Assembly Government, the Department of the Environment in Northern Ireland and the Environment Agency at:-

**Welsh Assembly Government**

<http://wales.gov.uk/consultations/environmentandcountryside/?lang=en&status=open>



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**Department of the Environment in Northern Ireland**

<http://www.doeni.gov.uk/index/information/foi/recentreleases/publications-class-results.htm?category=Cat%204%20-%20How%20we%20make%20decisions&class=Public%20consultations>

**Environment Agency**

<http://www.environment-agency.gov.uk/research/library/consultations/consultations.aspx>

5. If you wish to obtain a copy of the consultation document, please e-mail [wfd@defra.gsi.gov.uk](mailto:wfd@defra.gsi.gov.uk) or telephone 020 7238 1215.
6. Consultees are invited to submit their views on the draft guidance in Chapter 3 of the consultation document by reference to the questions set out in Chapter Two of the document.

**Responses**

7. Please send responses to:-

**Consultation On The Legal Definition Of Waste  
Waste Framework Directive Unit  
Department for Environment, Food and Rural Affairs  
Area 6D, Ergon House  
17 Smith Square  
LONDON SW1P 3JR**

**E-mail: [wfd@defra.gsi.gov.uk](mailto:wfd@defra.gsi.gov.uk)**

**Fax: 020 7238 4857**

Consultees in Wales should copy their responses to:-

**Waste Regulation Policy Branch  
Welsh Assembly Government  
Cathays Park  
CARDIFF CF10 3NQ**

**E-mail: [waste@wales.gsi.gov.uk](mailto:waste@wales.gsi.gov.uk)**

Consultees in Northern Ireland should copy their response to:-

**Waste Framework Directive Team  
Planning and Environmental Policy Group  
Department of the Environment in Northern Ireland  
Calvert House  
23 Castle Place  
BELFAST BT1 1FY**

E-mail: [Alison.simms@doeni.gov.uk](mailto:Alison.simms@doeni.gov.uk)

8. Responses should be received by **Monday 12 April 2010**.
9. When this consultation ends, we intend to put a copy of the responses in the Defra library at Ergon House, LONDON. This is so that the public can see them. Also, members of the public may ask for a copy of responses under freedom of information legislation.
10. If you do not want your response – including your name, contact details and any other personal information – to be publicly available, please say so clearly in writing when you send your response to the consultation. Please note, if your computer automatically includes a confidentiality disclaimer, that won't count as a confidentiality request.
11. Please explain why you need to keep detail confidential. We will take your reasons into account if someone asks for this information under freedom of information legislation. But, because of the law, we cannot promise that we will always be able to keep those details confidential. We will summarise all responses and place this summary on our website at [www.defra.gov.uk/corporate/consult](http://www.defra.gov.uk/corporate/consult). This summary will include a list of names of organisations that respond but not people's personal names, addresses or other contact details.
12. To see consultation responses and summaries, please contact the library at:-

Defra  
Information Resource Centre  
Lower Ground Floor  
Ergon House  
17 Smith Square  
LONDON SW1P 3JR

Telephone: 020 7238 6575

E-mail: [defra.library@defra.gsi.gov.uk](mailto:defra.library@defra.gsi.gov.uk)

Please give the library 24 hours' notice. There is a charge for photocopying and postage.

13. If you have any comments or complaints regarding the consultation process, as opposed to the contents in the consultation paper, please address them to Defra's Consultation Co-ordinator, Area 7C Nobel House, 17 Smith Square, LONDON SW1P 3JR, or e-mail [consultation.coordinator@defra.gsi.gov.uk](mailto:consultation.coordinator@defra.gsi.gov.uk).
14. Thank you for your help in this matter. If you have any queries please contact us as above.

Yours faithfully,

**John A. MacIntyre OBE**

**Department for Environment, Food and Rural Affairs**

**Web: <http://www.defra.gov.uk/corporate/consult/waste-definition/index.htm>**