



ECOLAW

A Guide to Environmental Regulations for Housing Associations

"Appreciate your words or actions may have legal implications even when you don't realise it"



www.ha-ecolaw.org.uk

EcoLaw has been prepared for the Housing Corporation

- ◆ to assist housing associations to meet their environmental obligations
- ◆ to place environmental legislation in context

It helps you to

- ◆ develop awareness of the relationship of housing association activities with environmental law
- ◆ maintain your reputation
- ◆ reduce risk
- ◆ prevent pollution of the environment
- ◆ promote sustainability in practice

Features:

- ◆ easy to use
- ◆ key issues for different audiences
- ◆ easy to understand
- ◆ comprehensive
- ◆ concise
- ◆ risk assessment of key legislation

Further investigation through legal references or authorities is required if you think the notes apply.

The guide is presented in two formats:

- ◆ as a loose leaf folder
- ◆ as a web-site www.ha-ecolaw.org.uk

The web-site

- ◆ fast routes for different users
e.g. Maintenance, Housing Managers
- ◆ easy to cross reference key topics
- ◆ preview of 'coming' legislation
- ◆ links to key government and legal sites
- ◆ read on-screen or download pages or sections
- ◆ e-mail alert service

All updates will be done through the web-site.

The loose-leaf binder

Section 1

- ◆ explanation of the purpose of the guide
- ◆ how to use it
- ◆ the structure of law
- ◆ how certain UK Policies and Strategies may have the force of law
- ◆ definitions of 'environment', 'pollution' and 'harm'
- ◆ 'Duty of Care' in environmental legislation
- ◆ reference section

Section 2

Sample page shown opposite

- ◆ single page analysis of key legislation for England and Wales
- ◆ likely impact of environmental legislation on associations
- ◆ likelihood and magnitude of risk
- ◆ suggestions for compliance or avoidance of risk
- ◆ categories cover biodiversity (the animal world and habitats), energy, noise, pollution and waste.

Section 3

Brief outline of other legislation which is not 'environmental' by the definition in the first section but which may impact on association management and the quality of life in the local environment

- ◆ Aarhus Convention on environmental information
- ◆ environmental connotations of the Human Rights Declaration
- ◆ the Rio Declaration and the Kyoto convention
- ◆ specifics such as Tree Protection Orders, CFCs and radon

Section 4

Assesses implications of the Housing Corporation's Regulation, Inspection and Scheme Development Standards for General Management, Housing Management, Maintenance, Design and Development.

Section 5

A guide to Environmental Reporting

The Guide comes with a comprehensive Index.

Waste – Domestic & Residential

WASTE MANAGEMENT LICENSING REGULATIONS 1994			
<i>supporting Environmental Protection Act 1990</i>			
<p>The EPA 1990 defines 'waste' and the Waste Management Licensing Regulations support it to implement the EU Directives on waste. Household waste is that arising from domestic property, caravans, residential homes, schools, universities, hospitals and nursing homes. Commercial waste is waste from premises for trade or business or sport, recreation or entertainment, excluding household, industrial, quarry or agricultural waste. Household, industrial and commercial wastes are classed as 'controlled' waste. The EPA also sets the requirement for the UK Waste Management Strategy which was published as "Making Waste Work" in 1995. This encourages reduction of waste production and recycling or recovery of waste to minimise landfill.</p> <p>Under the Waste Management Licensing Regulations, permits are required to manage and dispose of waste. It also sets the specifications for landfill including the imposition of charges on waste sent to landfill (implemented as "Landfill Tax")</p>			
<p>Relevant features for Housing Associations</p> <p>Most waste is classed as domestic waste and is handled under local authority (or waste authority where the two are different bodies) procedures. Waste electrical items will increasingly come under special provisions. At present only fridges have to be specially disposed of to prevent CFC emissions. Packaging waste arising from delivery of goods to housing associations, but not to tenants, is recoverable by the supplier under the Packaging Waste Regulations.</p> <p>Housing associations should be aware that by handling waste on behalf of tenants they become waste operators and require a licence. This could lead to implications for storage and handling as well as disposal of waste. Duty of Care Regulations then come into effect.</p>			
<p>Risk Analysis:</p> <p>The principal issue is disposal of effects of tenants who have died or otherwise vacated the premises. If the tenant or their family or friends dispose of effects it is normal household waste; there is a view that associations could become liable as commercial operators if they perform a clearance function themselves.</p> <p>Housing associations who operate care homes may give rise to clinical waste. In the quantities likely to arise it is classed as domestic waste, but advice should be sought from the local waste authority</p>			
<i>Impact/Likelihood</i>	<i>Highly likely</i>	<i>Medium</i>	<i>Less likely</i>
<i>High impact</i>		<i>Poor waste management during maintenance and refurbishment operations</i>	
<i>Medium</i>	<i>Liability as a waste operator if disposing of effects.</i>		
<i>Low</i>			
<p>Compliance / Avoidance strategy suggestion</p> <p>Consult the Environment Agency or local waste management authority for guidance on domestic waste handling and setting up any handling schemes, including fridge clearance and waste from care homes. Identify those suppliers who are responsible for their own packaging and ensure waste collection is carried out as appropriate.</p> <p>Implement proper waste management procedures as a feature of an environmental management system.</p>			
<p>See also: Regulations – waste</p>			
<p><i>Information given in this guide is given in good faith but does not constitute legal advice. Check with an authoritative source and take legal advice as necessary.</i></p>			

EcoLaw is written to alert housing associations to environmental risks associated with their operations.

EcoLaw is freely available on the web-site. It is updated on a quarterly basis to reflect changes in legislation and in regulations. Sign up to the e-mail updating service to get news delivered to your desk.

Further copies of the EcoLaw loose-leaf binder are available while stocks last from:

Sustainable Homes

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