

CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 9: Miscellaneous

Pollution

Section 104 Contaminated Land: appeals against remediation notices

264. **Section 104** amends the arrangements for appeals against remediation notices which are served under section 78E of Part 2A of the Environmental Protection Act 1990 (contaminated land).
265. The section amends section 78L to provide that the person on whom a remediation notice is served by a local authority in England may appeal to the Secretary of State, and in Wales to the National Assembly for Wales. This replaces the previous arrangement in section 78L under which magistrates' courts considered appeals where the notice had been served by the local authority, and the Secretary of State considered appeals where the notice had been served by the Environment Agency. The section will therefore provide a single appellate authority for remediation notices under Part 2A, whether served by the local authority or the Environment Agency.
266. Appeals to the Secretary of State and the National Assembly for Wales are heard by Inspectors appointed for the purpose. Cases may be decided by the Inspector, or "recovered" for decision by the Secretary of State or the National Assembly for Wales on the basis of the Inspector's report