
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, replace the Contaminated Land (Wales) Regulations 2001 (S.I. 2001/2197 (W.157)) (“the 2001 Regulations”) and, in addition to making similar provision to that made in the 2001 Regulations, make, in relation to Wales, provision equivalent to that made in relation to England in paragraph 50 of Schedule 10 to the Pollution Prevention and Control (England and Wales) Regulations 2000 (S.I. 2000/1973) and sets out further provisions relating to the identification and remediation of contaminated land under Part 2A of the Environmental Protection Act 1990 (“the 1990 Act”).

These Regulations make provision for an additional description of contaminated land that is required to be designated as a special site : that is land which is contaminated land as a result of radioactive substances in, on or under that land.

These Regulations also remove provisions relating to appeals against remediation notices to a Magistrates' court, as a result of amendments to section 78L of the 1990 Act made by section 104 of the Clean Neighbourhoods and Environment Act 2005 (c. 16).

Regulations 2 and 3, and Schedule 1, identify those categories of site (known as “special sites”) for which the Environment Agency is to be the enforcing authority. Local authorities are the enforcing authority in relation to any other type of site.

Regulations 4 and 5 provide for the content and service of copies of “remediation notices” : that is notices served by a local authority or the Environment Agency specifying what is to be done by way of remediation and the time within which any action must be taken.

Regulation 6, and Schedule 2, make provision in relation to the compensation which is to be paid in accordance with section 78G(5) of the 1990 Act to a person who grants, or joins in granting, rights of entry etc. required to enable a person to comply with a remediation notice.

Regulations 7 to 12 make provision with respect to appeals against remediation notices, including the grounds of appeal and the procedure to be followed.

Regulation 13, and Schedule 3, prescribe the particulars of matters which are required under section 78R of the 1990 Act to be placed on a register maintained by local authorities or, in the case of special sites, by the Environment Agency.

Regulation 14 revokes the 2001 Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Contaminated Land (Wales) Regulations 2006.