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WELSH STATUTORY INSTRUMENTS

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**2006 No. 2989**

**The Contaminated Land (Wales) Regulations 2006**

**Content of remediation notices**

4.—(1) A remediation notice must state (in addition to the matters required by section 78E(1) and (3))—

- (a) the name and address of the person on whom the notice is served;
- (b) the location and extent of the contaminated land to which the notice relates (in this regulation referred to as the “contaminated land in question”) in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise;
- (c) the date of any notice which was given under section 78B(3) to the person on whom the remediation notice is served identifying the contaminated land in question as contaminated land;
- (d) whether the enforcing authority considers the person on whom the notice is served is an appropriate person by reason of—
  - (i) having caused or knowingly permitted the substances, or any of the substances, by reason of which the contaminated land in question is contaminated land, to be in, on or under that land, or
  - (ii) being the owner or occupier of the contaminated land in question;
- (e) particulars of the significant harm, harm or pollution of controlled waters by reason of which the contaminated land in question is contaminated land;
- (f) the substances by reason of which the contaminated land in question is contaminated land and, if any of the substances have escaped from other land, the location of that other land;
- (g) the enforcing authority's reasons for its decisions as to the things by way of remediation that the appropriate person is required to do, showing how any guidance issued by the National Assembly under section 78E(5) has been applied;
- (h) where two or more persons are appropriate persons in relation to the contaminated land in question—
  - (i) that this is the case,
  - (ii) the name and address of each such person, and
  - (iii) the thing by way of remediation for which each such person bears responsibility;
- (i) where two or more persons would, apart from section 78F(6), be appropriate persons in relation to any particular thing which is to be done by way of remediation, the enforcing authority's reasons for its determination as to whether any, and if so which, of them is to be treated as not being an appropriate person in relation to that thing, showing how any guidance issued by the National Assembly under section 78F(6) has been applied;
- (j) where the remediation notice is required by section 78E(3) to state the proportion of the cost of a thing to be done by way of remediation which each of the appropriate persons in relation to that thing is liable to bear, the enforcing authority's reasons for the proportion which it has determined, showing how any guidance issued by the National Assembly under section 78F(7) has been applied;

- (k) where known to the enforcing authority, the name and address of—
    - (i) the owner of the contaminated land in question, and
    - (ii) any person who appears to the enforcing authority to be in occupation of the whole or any part of the contaminated land in question;
  - (l) where known to the enforcing authority, the name and address of any person whose consent is required under section 78G(2) before any thing required by the remediation notice may be done;
  - (m) where the notice is to be served in reliance on section 78H(4), that it appears to the enforcing authority that the contaminated land in question is in such a condition, by reason of substances in, on or under the land, that there is imminent danger of serious harm or serious pollution of controlled waters being caused;
  - (n) that a person on whom a remediation notice is served may be guilty of an offence for failure, without reasonable excuse, to comply with any of the requirements of the notice;
  - (o) the penalties which may be applied on conviction for such an offence;
  - (p) the name and address of the enforcing authority serving the notice; and
  - (q) the date of the notice.
- (2) A remediation notice must explain—
- (a) that a person on whom it is served has a right of appeal against the notice under section 78L;
  - (b) how, within what period and on what grounds an appeal may be made; and
  - (c) that, where an appeal is duly made, a notice is suspended until the final determination or abandonment of the appeal.

**Changes to legislation:**

There are currently no known outstanding effects for the The Contaminated Land (Wales) Regulations 2006, Section 4.