

SCHEDULE 3

Regulation 13(1)

PARTICULARS PRESCRIBED FOR THE PURPOSE OF SECTION 78R(1)

Remediation notices

- 1.—(1) In relation to a remediation notice served by the enforcing authority—
 - (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 sufficient detail to enable it to be identified, whether by reference to a plan or otherwise;
 - (c) the significant harm, harm or pollution of controlled waters by reason of which the contaminated land in question is contaminated land;
 - (d) 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;
 - (e) the current use of the contaminated land in question;
 - (f) what each appropriate person is to do by way of remediation and the periods within which they are required to do each of the things; and
 - (g) the date of the notice.

Appeals against remediation notices

2. Any appeal against a remediation notice served by the enforcing authority.
3. Any decision on such an appeal.

Remediation declarations

4. Any remediation declaration prepared and published by the enforcing authority under section 78H(6).
5. In relation to any such remediation declaration—
 - (a) the location and extent of the contaminated land in question in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise; and
 - (b) the matters referred to in sub-paragraphs (c), (d) and (e) of paragraph 1.

Remediation statements

6. Any remediation statement prepared and published by the responsible person under section 78H(7) or by the enforcing authority under section 78H(9).
7. In relation to any such remediation statement—
 - (a) the location and extent of the contaminated land in question in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise; and
 - (b) the matters referred to in sub-paragraphs (c), (d) and (e) of paragraph 1.

Appeals against charging notices

8. Any appeal under section 78P(8) against a charging notice served by the enforcing authority.
9. Any decision on such an appeal.

Designation of special sites

10.—(1) In the case of [^{F1}the Natural Resources Body for Wales], as respects any land in relation to which it is the enforcing authority, and in the case of a local authority, as respects any land in its area—

- (a) any notice given by a local authority under section 78C(1)(b) or (5)(a), or by the National Assembly under section 78D(4)(b), which, by virtue of section 78C(7) or 78D(6) respectively, has effect as the designation of any land as a special site;
- (b) the provisions of regulation 2 or 3 by virtue of which the land is required to be designated as a special site;
- (c) any notice given by [^{F1}the Natural Resources Body for Wales] under section 78Q(1)(a) of its decision to adopt a remediation notice; and
- (d) any notice given by, or to, the enforcing authority under section 78Q(4) terminating the designation of any land as a special site.

F1 Words in Sch. 3 para. 10(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 5 para. 40** (with Sch. 7)

Notification of claimed remediation

11. Any notification given to the enforcing authority for the purposes of section 78R(1)(h) or (j).

Convictions for offences under section 78M

12. Any conviction of a person for any offence under section 78M in relation to a remediation notice served by the enforcing authority, including the name of the offender, the date of conviction, the penalty imposed and the name of the Court.

Guidance issued under section 78V(1)

13. In the case of [^{F2}the Natural Resources Body for Wales], the date of any guidance issued by it under section 78V(1) and, in the case of a local authority, the date of any guidance issued by the Agency to it under that subsection.

F2 Words in Sch. 3 para. 13 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 5 para. 40** (with Sch. 7)

Other environmental controls

14. Where the enforcing authority is precluded by virtue of section 78YB(1) or 78YB(2B) ^{M1} from serving a remediation notice—

- (a) the location and extent of the contaminated land in question in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise;
- (b) the matters referred to in sub-paragraphs (c), (d) and (e) of paragraph 1; and
- (c) any steps of which the authority has knowledge, carried out under section 27 ^{M2} or by means of enforcement action (within the meaning of section 78YB(2C) ^{M3}), towards remedying any significant harm, harm or pollution of controlled waters by reason of which the land in question is contaminated land.

Marginal Citations

- M1** Sub-section (2B) of section 78YB was inserted, in relation to England and Wales, by [S.I. 2000/1973, regulation 39](#) and Schedule 10, Part 1, paragraphs 2 and 6.
- M2** [Section 27](#) was amended by the [Environment Act 1995 \(c. 25\)](#), [section 120](#) and Schedule 22, paragraph 60.
- M3** Sub-section (2C) of section 78YB was inserted, in relation to England and Wales, by [S.I. 2000/1973, regulation 39](#) and Schedule 10, Part 1, paragraphs 2 and 6.

15. Where the enforcing authority is precluded by virtue of section 78YB(3) from serving a remediation notice in respect of land which is contaminated land by reason of the deposit of controlled waste or any consequences of its deposit—

- (a) the location and extent of the contaminated land in question in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise;
- (b) the matters referred to in sub-paragraphs (c), (d) and (e) of paragraph 1; and
- (c) any steps of which the enforcing authority has knowledge, carried out under section 59^{M4}, in relation to that waste or the consequences of its deposit; and in a case where a waste collection authority (within the meaning of section 30(3)^{M5}) took those steps or required the steps to be taken, the name of that authority.

Marginal Citations

- M4** [Section 59](#) was amended, in relation to England and Wales, by the [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [section 43\(2\)](#).
- M5** Subsection (3) of section 30 was amended by the [Local Government \(Wales\) Act 1994 \(c. 19\)](#), [sections 22\(3\)](#) and 66(8) and Schedule 9, paragraph 17(3) and Schedule 18.

16. Where, as a result of a consent given under [^{F3}an environmental permit granted under regulation 13 of [^{F4}the Environmental Permitting (England and Wales) Regulations 2016]], the enforcing authority is precluded by virtue of section 78YB(4) from specifying in a remediation notice any particular thing by way of remediation which it would otherwise have specified in such a notice—

- (a) the [^{F5}environmental permit];
- (b) the location and extent of the contaminated land in question in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise; and
- (c) the matters referred to in sub-paragraphs (c), (d) and (e) of paragraph 1.

- F3** Words in Sch. 3 para. 16 substituted (6.4.2010 immediately after S.I. 2009/3381 comes into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1), [Sch. 26 para. 33\(3\)\(a\)](#) (with reg. 1(2))
- F4** Words in Sch. 3 para. 16 substituted (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), [Sch. 29 para. 24\(3\)\(a\)](#) (with regs. 1(3), 77-79, Sch. 4)
- F5** Words in Sch. 3 para. 16(a) substituted (6.4.2010 immediately after S.I. 2009/3381 comes into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1), [Sch. 26 para. 33\(3\)\(b\)](#) (with reg. 1(2))

Changes to legislation:

There are currently no known outstanding effects for the The Contaminated Land (Wales) Regulations 2006, SCHEDULE 3.