

*These notes refer to the Waste and Contaminated Land (Amendment) Act
(Northern Ireland) 2011 (c.5) which received Royal Assent on 10 February 2011*

Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Contaminated land

Section 7 – Contaminated land: pollution of waterways and underground strata

This section revises the definition of “contaminated land” for the purposes of Part 3 of the 1997 Order. The contaminated land regime now covers substances causing significant harm in, on or under the land and significant pollution of waterways and waters within underground strata in the saturation zone but does not cover those waters in direct contact with the ground or subsoil within the unsaturated zone.

Section 8 – Appeals against remediation notices

This section provides for an appeal against a remediation notice, issued by either the Department or a council, to be heard by the Planning Appeals Commission. It also provides for an appeal fee to be charged.

Section 9 – Interaction with other provisions

This section means that the contaminated land regime cannot be used in circumstances where land has been contaminated by the final deposit of controlled waste and enforcement action can be taken under Regulations 24 and 26(2) of the Pollution Prevention and Control Regulations (Northern Ireland) 2003.