

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

BACKGROUND AND POLICY OBJECTIVES

3. The Act makes a number of amendments to Part 2 of the Waste and Contaminated Land (Northern Ireland) Order 1997 (“the 1997 Order”). These were generated from a number of sources including previous engagement with key stakeholders and commitments made in the 2006 Northern Ireland Waste Management Strategy. They are designed to clarify and strengthen the existing statutory framework for waste on land. They also legislate for a partnership approach between the Department of the Environment (“the Department”) and local government in tackling illegal waste activity.
4. The Act also makes some changes to the legislative framework contained in Part 3 of the 1997 Order for the management of land which has been contaminated by pollution. This part of the Order has not yet been commenced; these amendments mainly reflect lessons learned through experience of operating the legislation in England and Wales. They include an amended definition of contaminated land that more accurately reflects the definition of controlled waters applicable in England and Wales; and the introduction of the notion of “significant” pollution of waterways or underground strata or the “significant possibility” of such pollution.
5. In addition, the Act includes a minor amendment to the Producer Responsibility Obligations (Northern Ireland) Order 1998 to provide an inclusive definition of the Department’s powers of entry and inspection.