



## 2011 CHAPTER 5

### *Contaminated land*

#### **Interaction with other provisions**

**9.** In Article 70 of the 1997 Order (interaction of Part 3 with other statutory provisions) after paragraph (2) insert—

“(2A) This Part shall not apply if and to the extent that—

- (a) any significant harm, or significant pollution of waterways or underground strata, by reason of which the land would otherwise fall to be regarded as contaminated, is attributable to the final disposal by deposit in or on land of controlled waste, and
- (b) enforcement action may be taken in relation to that disposal.

(2B) A remediation notice shall not be served in respect of contaminated land if and to the extent that—

- (a) the significant harm, or significant pollution of waterways or underground strata, by reason of which the contaminated land is such land is attributable to an activity other than the final disposal by deposit in or on land of controlled waste, and
- (b) enforcement action may be taken in relation to that activity.

(2C) In paragraphs (2A) and (2B) “enforcement action” means action under regulation 24 (enforcement notices) or regulation 26(2) (power to remedy pollution) of the Pollution Prevention and Control Regulations (Northern Ireland) 2003.”.