



Group Chief Environmental Health Officer: **SAM KNOX**

28<sup>th</sup> May 2010

The Environment Committee  
Room 247  
Parliament Buildings  
Stormont Estate  
BELFAST  
BT4 3XX

Dear Sirs and Madams,

**RE: WASTE AND CONTAMINATED LAND (AMENDMENT) BILL – COMMITTEE  
STAGE**

I refer to your letter to councils dated 27<sup>th</sup> April 2010 inviting views on the proposed Waste and Contaminated Land (Amendment) Bill and welcome the opportunity to make comment.

It is welcomed that councils will be given powers to address some illegal waste disposal issues within their localities and it is hoped that by working with the Department on these matters we can control illegal activity and deliver the high level of environmental protection we all desire. However, it is imperative that the scope and scale of illegal deposit to be addressed by each organisation is clearly laid out in an agreed enforcement protocol well in advance of the commencement of these powers. This will enable efficient working within councils and the Department as well as avoiding the public gaining the perception that neither organisation is willing to respond or worse still that both organisations are unclear in their role.

I wish to draw your attention to the substantial comments provided by The Chief Environmental Health Officers Group to the Department's 2009 consultation on the Bill. In summary these comments request that along with an enforcement protocol, adequate resources and guidance are provided to allow councils to take on this challenge.

Additionally, I note that the consultation proposal to amend the "knowingly permit" element of Article 4 offences has not been carried through to the draft Bill. I would still be in support of the burden of proof in such cases resting with the accused which would assist in the effective operation of the legislation and I would ask that the Committee give due consideration to re-introducing this proposal.

As the Committee is aware illegal waste disposal is an issue of major public concern due to environmental damage and loss of amenity and in addition we must not forget that legitimate waste business operations are threatened by such illegal activity. Therefore whilst the Bill is welcomed I would ask that the Committee consider these comments in order to aid the application of the proposed provisions.

Yours faithfully

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