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FERMANAGH

DISTRICT COUNCIL

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17 October 2006

Mr Robert Gray *18.10.06*
Department of the Environment
Environmental Policy Division
20-24 Donegall Street
BELFAST
BT1 2GP

Dear Mr Gray

Consultation Paper The Draft Waste (Amendment) (Northern Ireland) Order 2006

The Environmental Health Committee of Fermanagh District Council considered the Draft Waste (Amendment) (Northern Ireland) Order 2006 at its meeting on 12 October 2006.

The Committee were particularly supportive of a number of proposals viz. Articles 4 and 7. The indication that this Court has power to require the offender to pay the occupier/owner or Department the costs incurred by them in removing waste that has been illegally deposited or disposed of, in or on land, is particularly welcomed. Fermanagh District Council remain convinced that the Department of Environment should clearly specify what clean up works are required and should be responsible for ensuring that clean up is satisfactorily completed, either by owner/occupier or themselves.

In the past, Customs and Excise has shown no interest in attempting to recover landfill tax in respect of waste which had been illegally deposited. Fermanagh District Council feel that the Court should take this into consideration when reaching their decisions in respect of an appropriate penalty.

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With regard to Article 12 (Power to require owner of land to remove waste) the Council felt that the person responsible for depositing the waste should be able to be required to remove the waste/be prosecuted. In some cases neither owner nor occupier of the land might be aware of the waste being deposited until after the event.

The failure to furnish documentation with a resultant fixed penalty of £300 (Article 5) is something which Fermanagh District Council feel should be used with common sense and discretion as there are instances where £300 would be excessive for minor infringements of the law with regard to purely administrative detail.

These comments by the Environmental Health Committee are subject to ratification by the full Council at its meeting to be held on 6 November 2006. I will write to you again after that date.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robert C Forde', with a stylized flourish at the end.

Robert C Forde
Director of Environmental Health