



Infrastructure (Wales) Act 2024

2024 asc 3

PART 7

ENFORCEMENT

Temporary stop notices

117 Power to issue temporary stop notice

- (1) A relevant planning authority may issue a temporary stop notice if it considers that—
 - (a) an activity has been or is being carried out in relation to land in its area that constitutes an offence under section 103 or 104, and
 - (b) the activity (or any part of that activity) ought to be stopped immediately.
- (2) A temporary stop notice must—
 - (a) specify the activity that the planning authority considers to constitute an offence,
 - (b) prohibit the carrying out of the activity (or of so much of the activity as is specified in the notice),
 - (c) set out the authority's reasons for issuing the notice, and
 - (d) state the effect of section 120 (offence of breaching temporary stop notice).
- (3) The planning authority must display a copy of the temporary stop notice on the land to which it relates; and the copy must specify the date on which it is first displayed.
- (4) But if it is not reasonably practicable to display a copy of the notice on the land, the planning authority may instead display a copy in a prominent place as near to the land as is reasonably practicable.
- (5) The planning authority may serve a copy of a temporary stop notice on any person the authority considers—
 - (a) to be carrying out the activity that the notice prohibits,
 - (b) to be an occupier of the land to which the notice relates,
 - (c) to have an interest in the land, or

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- (d) to be a person who has the benefit of an infrastructure consent order to which the notice relates.

118 Restrictions on power to issue temporary stop notice

- (1) A temporary stop notice may not prohibit—
 - (a) the use of a building as a dwelling, or
 - (b) the carrying out of an activity of a kind, or in circumstances, specified in regulations.
- (2) A temporary stop notice may not prohibit the carrying out of an activity that has been carried out (whether or not continuously) for at least 4 years before the day on which a copy of the notice is first displayed in accordance with section 117.
- (3) Subsection (2) does not prevent a temporary stop notice prohibiting—
 - (a) activity consisting of or incidental to building, engineering, mining, or other operations, or
 - (b) the deposit of waste.

119 Duration etc. of temporary stop notice

- (1) A temporary stop notice takes effect when a copy of it is first displayed in accordance with section 117.
- (2) A temporary stop notice ceases to have effect—
 - (a) at the end of the period of 28 days beginning with the day the copy of it is first displayed in accordance with section 117,
 - (b) if it specifies a shorter period beginning with that day, at the end of that period, or
 - (c) on the date on which the court grants an injunction under section 122.
- (3) But if the planning authority withdraws the notice before the end of the period for which it would otherwise have effect, the notice ceases to have effect when it is withdrawn.
- (4) A planning authority may not issue a second or subsequent temporary stop notice in relation to the same activity unless the authority has, since issuing the previous notice, taken other enforcement action in relation to the activity referred to in section 117(1).
- (5) In subsection (4) the reference to taking other enforcement action is a reference to—
 - (a) issuing a notice of unauthorised development under section 113;
 - (b) obtaining an injunction under section 122.

120 Offence of breaching temporary stop notice

- (1) A person commits an offence if, at any time when a temporary stop notice has effect, the person carries out an activity prohibited by the notice or causes or permits such an activity to be carried out.
- (2) A person may be charged with an offence under this section by reference to a day or a longer period, and may be convicted of more than one offence in relation to the same temporary stop notice by reference to different periods.

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- (3) In proceedings against a person for an offence under this section, it is a defence for a person to prove that—
 - (a) a copy of the temporary stop notice was not served on the person, and
 - (b) the person did not know, and could not reasonably have been expected to know, of the existence of the notice.
- (4) A person guilty of an offence under this section is liable on summary conviction, or on conviction on indictment, to a fine.

121 Compensation for loss due to notice

- (1) This section applies where—
 - (a) an activity specified in a temporary stop notice is, at the time the notice takes effect, authorised by an infrastructure consent order granted before the day the notice takes effect, or
 - (b) a relevant planning authority withdraws a temporary stop notice after it has taken effect.
- (2) This section does not apply by virtue of subsection (1)(b) where—
 - (a) an activity specified in the temporary stop notice is authorised by an infrastructure consent order granted on or after the day the notice takes effect, or
 - (b) the planning authority withdraws the notice after the grant of that consent.
- (3) Any person who has an interest in the land to which the notice relates on the day the notice takes effect is entitled, on making a claim to the relevant planning authority, to be paid compensation by the authority for any loss or damage suffered by the person that is directly attributable to the effect of the notice.
- (4) The loss or damage for which compensation is payable includes any amount payable by the claimant in respect of a breach of contract caused by taking action necessary to comply with the notice.
- (5) No compensation is payable under this section in respect of the prohibition of an activity which, at any time when the temporary stop notice has effect, constitutes or contributes to an offence under section 103 or 104.
- (6) No compensation is payable under this section for loss or damage that the claimant could have avoided by—
 - (a) providing information that the claimant was required to provide by a notice served by the planning authority under section 111 of this Act or section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57), or
 - (b) co-operating with the planning authority in any other way when responding to the notice.
- (7) A claim for compensation under this section must be made in writing within 12 months beginning—
 - (a) in a case falling within subsection (1)(a) but not within subsection (1)(b), with the day the temporary stop notice takes effect;
 - (b) in a case falling within subsection (1)(b), with the day the notice is withdrawn.

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122 Injunction to restrain prohibited activity

- (1) A planning authority may apply to the High Court or the county court for an injunction restraining an actual or expected activity that constitutes an offence under section 103 or 104 in relation to land in the area of the planning authority.
- (2) The Welsh Ministers may apply to the High Court or the county court for an injunction restraining an actual or expected activity that constitutes an offence under section 103 or 104 in relation to land in Wales.
- (3) On an application under this section the court may grant an injunction on any terms it considers appropriate for the purpose of restraining the activity.
- (4) An injunction may not be issued under this section against the Crown.