



# Infrastructure (Wales) Act 2024

2024 asc 3

## PART 7

### ENFORCEMENT

#### *Compliance with notices of unauthorised development*

#### **116 Recovery of costs of compliance with notice of unauthorised development**

- (1) Where a relevant planning authority or the Welsh Ministers exercise the power under section 115(1) to enter land and take a step required by a notice of unauthorised development, the planning authority or the Welsh Ministers (as the case may be) may recover from a person who is then an owner of the land the costs reasonably incurred in doing so.
- (2) If a relevant planning authority or the Welsh Ministers seek to recover costs under subsection (1) from an owner of land who—
  - (a) is entitled to receive the rack rent of the land merely as agent or trustee for another person (the “principal”), and
  - (b) does not have, and has not had at any time since the day payment of the costs was demanded, enough money on behalf of the principal to pay the costs in full,the liability of the agent or trustee is limited to the total amount of money that the agent or trustee has had on behalf of the principal since that day.
- (3) If subsection (2) prevents a relevant planning authority or the Welsh Ministers recovering the whole of its or their costs from an agent or trustee, the relevant planning authority, or the Welsh Ministers may recover the costs from the principal, or partly from the principal and partly from the agent or trustee.
- (4) Where a notice of unauthorised development has been served in respect of development—
  - (a) costs incurred by the owner or occupier of the land for the purpose of complying with the notice, and

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (b) amounts paid by the owner of the land under subsection (1) in respect of costs incurred by the relevant planning authority, or the Welsh Ministers, in taking steps required by it or them,  
are to be deemed to be incurred or paid for the use and at the request of the person found guilty of the offence under section 103 or 104.
- (5) The costs recoverable by a relevant planning authority or the Welsh Ministers under subsection (1) are, until recovered, a charge on the land to which the notice of unauthorised development relates.
- (6) The charge takes effect as a local land charge at the beginning of the day after the day the planning authority or the Welsh Ministers complete the step to which the costs relate.
- (7) Subsection (8) applies where—
  - (a) a relevant planning authority or the Welsh Ministers remove materials from land in the course of taking steps required by a notice of unauthorised development, and
  - (b) the owner of the materials does not, within 3 days after the day they are removed, claim the materials and take them away.
- (8) The relevant planning authority or the Welsh Ministers—
  - (a) may sell the materials, and
  - (b) if it or they do so, must pay the proceeds to the person who owned the materials, after deducting any costs recoverable by them from the person.
- (9) Costs may not be recovered under this section from the Crown.