
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations re-enact with amendments the Town and Country Planning (Enforcement Notices and Appeals) Regulations 1991.

They contain provisions relating to—

- (a) the contents of enforcement notices issued under section 172 of the Town and Country Planning Act 1990 and the information to be provided by local planning authorities when serving copies of such notices (Part 2);
- (b) the procedure to be followed in relation to appeals against such notices and against listed building and conservation areas enforcement notices issued under section 38(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Part 3); and
- (c) the application of the Regulations to such notices issued by the National Assembly for Wales (Part 4).

In addition to minor and drafting amendments, the Regulations make the following changes of substance—

- (a) regulation 3(b) requires the local planning authority to additionally specify details of all policies and proposals in the development plan relevant to the decision to issue an enforcement notice;
- (b) regulation 4 sets out what matters should be dealt with in the explanatory note accompanying the enforcement notice. Additional matters to be included are the fee payable for a deemed application for planning permission and a list of names and addresses on whom a copy of the enforcement notice has been served;
- (c) regulation 6 contains an additional requirement for the National Assembly for Wales to notify the local planning authority that an appeal has been made against the enforcement notice and to copy the appellant's statement of appeal to the local planning authority;
- (d) regulation 8 additionally requires the local planning authority to send a copy of its statement to all persons on whom a copy of the enforcement notice was served;
- (e) the local planning authority's statement under regulation 8 must be sent within 6 weeks of the National Assembly for Wales' written notice given under regulation 9 or notifying the parties that an inquiry or hearing is to be held, whichever is later;
- (f) regulation 9 contains an additional requirement for the National Assembly for Wales to notify the appellant and the local planning authority when it considers that it has received all the documents required to enable it to entertain the appeal; and
- (g) regulation 12 authorises documents, which are sent in accordance with these Regulations, to be sent by means of electronic communication.