

Natural Resources Wales Enforcement and Sanctions Policy

Annex 3 Grounds of Appeal for RES Act sanctions

The grounds of appeal for the individual RES Act sanctions are listed below.

1. Fixed Monetary Penalties (FMPs)

- That the decision was based on an error of fact;
- That the decision was wrong in law;
- That the decision was unreasonable;
- Any other reason.

2. Variable Monetary Penalties

- That the decision was based on an error of fact;
- That the decision was wrong in law;
- That the amount of the penalty is unreasonable;
- In the case of a non-monetary requirement, that the nature of the requirement is unreasonable;
- That the decision was unreasonable for any other reason;
- Any other reason.

3. Compliance and restoration notices

- That the decision was based on an error of fact;
- That the decision was wrong in law;
- In the case of a non-monetary requirement, that the nature of the requirement is unreasonable;
- That the decision was unreasonable for any other reason;

4. Non-compliance penalties

- That the decision to serve the notice was based on an error of fact;
- That the decision was wrong in law;
- That the decision was unfair or unreasonable for any reason;
- That the amount of the penalty was unreasonable;
- Any other reason.

5. Enforcement Cost recovery notices

- Against our decision to impose the requirement to pay costs;
- Against our decision as to the amount of those costs;
- Any other reason.

6. Enforcement Undertaking completion certificate

- That the decision to not to issue a certificate was based on an error of fact;
- That the decision was wrong in law;
- That the decision was unfair or unreasonable;
- That the decision was wrong for any other reason.

7. Stop notices

- That the decision was based on an error of fact;
- That the decision was wrong in law;
- That the decision was unreasonable;
- That any step specified in the notice is unreasonable;
- That the person has not committed the offence and would not have committed it had the stop notice not been served;
- That the person would not, by reason of any defence, have been liable to have been convicted of the offence had the Stop Notice not been served;
- Any other reason.

8. Stop notice completion certificate

- That the decision to not to issue a completion certificate was based on an error of fact;
- That the decision was wrong in law;
- That the decision was unfair or unreasonable;
- That the decision was wrong for any other reason.

9. Compensation

A person may appeal against a decision not to award compensation or the amount of compensation:

- On the grounds that our decision was unreasonable;
- On the grounds that the amount offered was based on incorrect facts;
- For any other reason.