

## Environmental Information Regulations 2004

### Decision Notice

**Date: 16 September 2009**

**Public Authority:** New Forest National Park Authority  
**Address:** South Efford House  
Milford Road  
Lymington  
Hampshire  
SO41 0JD

#### Summary

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The complainant's representative made two requests on her behalf to the New Forest National Park Authority (NPA) for information relating to a planning matter regarding a listed property adjoining her property. The first request was for an internal memorandum held by NPA on the planning enforcement file that set out the situation at the adjoining property, against whose owner NPA had considered – but subsequently decided against - taking planning enforcement action. The second request was for the whole planning enforcement file referenced 06/123 with a comprehensive list of contents and entry dates and details of any removals before disclosure.

NPA considered the context and history of the complainant's and her representative's dealings with NPA and determined that both requests were manifestly unreasonable. It therefore applied the exception to disclosure provided by regulation 12(4)(b) of the EIR and refused the requests. Because the requests are clearly linked, the Commissioner decided to issue one Decision Notice covering both requests. He concluded that in both instances regulation 12(4)(b) was engaged and that the public interest in maintaining the exception outweighed the public interest in disclosure. The Commissioner requires no steps to be taken.

#### The Commissioner's Role

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1. The Environmental Information Regulations (EIR) were made on 21 December 2004, pursuant to the EU Directive on Public Access to Environmental Information (Council Directive 2003/4/EC). Regulation 18 provides that the EIR shall be enforced by the Information Commissioner (the Commissioner). In effect, the enforcement provisions of Part 4 of the Freedom of Information Act 2000 (the Act) are imported into the EIR.

## Background

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2. NPA took on its statutory powers and responsibilities on 1 April 2006 and at that date became the sole local planning authority for New Forest National Park. New Forest District Council had previously been the local planning authority responsible for the estate on which the property in question (the enforcement site) is located.
3. The complainant's property adjoins the enforcement site. At some point – thought by NPA to be prior to October 2004 – the interior of the enforcement site was removed and timber shoring put in place to restrain structural movement. This was done without the appropriate planning consent. NPA considered taking planning enforcement action against the owner of the enforcement site but subsequently decided not to do so. The complainant is unhappy with NPA's decision in this matter and has stated that it had adverse effects on her human rights and finances.
4. Section 38 of the Listed Building Act 1990 gives NPA, as a Local Planning Authority, a discretionary power to issue – where unauthorised works have been carried out to a listed building and if it considers it expedient to do so – listed building enforcement notices setting out the steps that must be taken to either restore the building to its former condition or to alleviate the effect of work carried out without consent.
5. The requests in this case were made by another individual on behalf of the complainant. For clarity, the Commissioner has referred to “the complainant” and “the complainant's representative” throughout the Notice. However the Commissioner has referred to “the complainants” where both individuals are acting jointly.

## The Requests

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### Request 1

6. On 27 October 2008, the complainant's representative wrote to NPA with the following request that related to the enforcement site:

*“The request concerns part of a letter from the NPA Chief Executive to [name] of the Commission for Local Administration dated 16 October 2007 which reads:*

*“The enforcement file does contain a situation report, dated 18 December 2006, in the form of an internal memorandum from the Enforcement Officer to the Solicitor which sets out the situation on site, but as this document is an internal memorandum concerning possible legal action and requesting advice this would not be disclosed, as a matter of course, on a routine inspection of the file. The authority takes the view that this information*

*would be classed as exempt information if requests were made under the Freedom of Information Act or Environmental Information Regulations.”*

*Please disclose the “internal memorandum” referred to above and the solicitor’s response.”*

7. On 28 November 2008, NPA responded and stated that it considered the request to be manifestly unreasonable and that it had applied the exception to disclosure provided by regulation 12(4)(b) of the EIR. It considered that the public interest in maintaining the exception outweighed the public interest in disclosure and refused to provide the requested information.
8. On 10 December 2008, the complainant’s representative asked NPA to reconsider its decision. NPA responded on 9 February 2009 and stated that it had decided to maintain its original refusal.

### Request 2

9. On 1 November 2008 the complainant’s representative wrote to NPA with the following request that related to the enforcement site:

*“[the complainant] telephoned the NPA to request access to the Enforcement Case File 06/1263 during a forthcoming visit to South Efford House. In reply she received a telephone message from [name], NPA Senior Enforcement Officer, asking for a Freedom of Information Request for access to that file. This is that request.”*

*I am making this request on behalf of [the complainant] and please reply to me. I have tried to make this request as simple and clear as possible, but please contact me if any clarification is required.*

*Depending on the answer I receive, I may need to make further requests.”*

10. As part of the request, the complainant’s representative asked NPA to include in the case file a comprehensive list of its contents and their entry dates. He also asked NPA to indicate on that list what material, if any, was removed from the file before access was given and asked it to justify any removals.
11. On 28 November 2008, NPA responded and stated that it considered the request to be manifestly unreasonable and that it had applied the exception to disclosure provided by regulation 12(4)(b) of the EIR. It considered that the public interest in maintaining the exception outweighed the public interest in disclosure and refused to provide the requested information.
12. On 12 December 2008, the complainant’s representative asked NPA to reconsider its decision. NPA responded on 13 February 2009 and stated that it had decided to maintain its original decision.

## The Investigation

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### Scope of the case

13. On 27 February 2009 the complainant's representative contacted the Commissioner to complain about the way NPA had handled both requests for information. He specifically asked the Commissioner to consider NPA's decision to refuse to disclose the requested information on the basis that the requests were manifestly unreasonable and stated that both requests could be dealt with as one. The specific points raised by the complainant's representative are set out in paragraph 28 below.

### Chronology

14. On 15 July 2009 the Commissioner wrote to the complainant's representative to clarify that the requests of 27 October and 1 November 2008 would be investigated together. The Commissioner advised that the EIR was the appropriate legislation under which to consider the requests, and his investigation would therefore focus on whether NPA had complied with the provisions of the EIR.
15. The Commissioner emailed NPA on 17 July 2009 to explain that he was investigating the complaints regarding these requests together and to ask it to explain its position in this matter.
16. During a telephone conversation with the Commissioner's case officer on 20 July 2009, the complainant's representative raised additional points that he wanted the Commissioner to consider. These are set out under paragraph 29 below.
17. On 11 August 2009, NPA provided the Commissioner with its substantive response, including schedules detailing requests and other correspondence it had received from the complainant and her representative regarding the enforcement site and other planning matters.

## Analysis

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### The relevant legislation

18. In their complaint to the Commissioner, the complainants queried whether EIR was the relevant legislation and stated their belief that the requests should have been considered under the Act. NPA informed the Commissioner that some of the complainants' previous requests had been incorrectly handled under the provisions of the Act and it was of the opinion that the complainants' main concern was that NPA had considered these requests under EIR in order to make it a more straightforward process to refuse them. The Commissioner therefore considered whether EIR was the correct legislation under which to consider these requests.

19. The Commissioner does not consider it necessary for the requested information itself to have a direct effect on the environment in order for it to be environmental information. Regulation 2(1)(c) of the EIR states that information on the following can be environmental information;

*“measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements.”*

In order for information on any of the above measures to be considered environmental it must be possible to link it to the elements and factors referred to in regulation 2(1)(a) and (b).

20. The action taken by the owner of the enforcement site mainly relates to the internal structure of the property but that action was substantial; NPA clarified in its letter to the Commissioner of 11 August 2009 that the whole interior of the building was removed and replaced with timber shoring to restrain structural movement. In a letter to the complainant of 7 April 2008, NPA also stated that it was actively monitoring the condition of the building and that it had *“taken action to ensure that adequate measures are taken to keep it weather-tight and structurally stable”*. Therefore, the Commissioner's view is that although any proposed enforcement action would relate to the internal structure of the building, any rebuilding ordered would be so extensive as to also impact on the exterior of the property; i.e. it would ensure that it was structurally sound.
21. The Commissioner therefore considers that the information on the proposed enforcement action is, in this case, information on a measure that would impact on the landscape - an element referred to in regulation 2(1)(a). As such, the Commissioner considers that NPA was correct to apply the provisions of EIR to these requests.

## Exception

### Regulation 12(4)(b): the request for information is manifestly unreasonable

22. NPA refused both requests on the basis that regulation 12(4)(b) was engaged and that the public interest in maintaining the exception outweighed the public interest in disclosing the information.
23. Regulation 12(4)(b) states that a public authority may refuse to disclose information to the extent that the request for information is manifestly unreasonable. There is no definition of the term *“manifestly unreasonable”* but the Commissioner's view is that the word *“manifestly”* implies that a request should be obviously or clearly unreasonable. There should not be any reason to doubt whether the request was in fact reasonable.
24. The Commissioner recognises similarities between section 14 of the Act and regulation 12(4)(b) of the EIR. In particular the Commissioner considers that a request that could be considered vexatious or repeated under section 14 of the

Act is likely to be manifestly unreasonable for the purposes of the EIR. Additionally, given that there is no separate cost limit for responses to requests that fall under the EIR, it may be possible for some exceptionally costly requests to be considered manifestly unreasonable.

25. In accordance with regulation 12(1)(b), even if an exception is engaged, public authorities can only refuse to disclose the information if the public interest in maintaining the exception outweighs the public interest in disclosing the information.

### **NPA's position**

26. NPA's view is that both the complainant and her representative would like it to take planning enforcement action against the owner of the enforcement site because they believe that action taken at the property has destabilised and devalued the complainant's home.
27. As set out in paragraph 5 above, NPA stated that the section 38 of the Listed Building Act 1990 gives it a discretionary power to issue listed building enforcement notices but in this case its decision was that it was not expedient to do so.
28. NPA believes that the two requests are part of a campaign by the complainant and her representative to attempt to force it to reopen this matter when it believes it has already explained its decision to the complainants. NPA's position is that it has investigated the concerns about alleged breaches of planning control that the complainants raised and is of the view that it is not appropriate to take any action at the present time. This, NPA states, is a view that it is entitled to take. NPA also stated that the matter had been referred to the Local Government Ombudsman who found no maladministration on its part.
29. In response to the statement that the complainant herself had only submitted seven requests since April 2006 (see paragraphs 36 and 37 below), NPA stated that it felt it reasonable to treat requests and correspondence received from both complainant and her representative together. This was because it had been made clear that the complainant's representative was acting on her behalf and they had attending meetings on the matter of the enforcement site together.
30. NPA provided the Commissioner with a schedule demonstrating that 43 requests were submitted to it by the complainants during the period 11 April 2007 to 30 June 2009. NPA stated that eight of those requests were under the name of the complainant but were signed by her representative on her behalf. The Commissioner has not viewed copies of all of the requests but notes that the two that are relevant to this complaint were submitted and signed by the complainant's representative, and clearly made on behalf of the complainant.
31. The schedule provided by NPA shows that of the 43 requests, at least 11 relate to the enforcement site (six from the complainant's representative and five from the complainant herself).



32. The schedule also shows that of the 43 requests submitted to NPA, at least 17 (14 from the complainant's representative and three from the complainant) relate to planning matters and the function / duties - e.g. how it ensures planning compliance and monitors development control, how/when it takes enforcement action etc. Other requests relate to staffing levels within NPA and the qualifications and experience of staff within its planning department.
33. NPA also provided a schedule detailing correspondence (including the requests for information detailed above) it has received from and sent to the complainants between 28 March 2006 and 31 July 2009. In total NPA stated that it received 97 pieces of correspondence from the complainant's representative and 129 from the complainant herself. During this time NPA says it issued 135 substantive responses to the complainants (not including acknowledgement letters) and has spent a substantive amount of time dealing with their requests and correspondence.
34. NPA clarified that it had referred to the Commissioner's guidance on vexatious requests under the Act and considered the following subject headings:
- (a) Context and history
  - (b) Can the request fairly be seen as obsessive?
  - (c) Is the request harassing the authority or causing distress to staff?
  - (d) Is there a significant burden in terms of expense and distraction?
35. NPA's overall decision was that the requests were manifestly unreasonable and it went on to consider the public interest test, which it concluded favoured maintaining the exception. NPA's arguments relating to the public interest test are set out below.

### **The complainants' position**

36. In the complaint to the Commissioner, the complainants asked him to take into consideration the following points:
- The requests were dealt with under the EIR but it is not an environmental matter.
  - The requests were reasonable and the need for the information has been justified to NPA.
  - All viable Planning Permissions and Listed Building Consents have now expired.
  - The number of requests made by the complainant (seven since 2006) is not excessive.
  - The requests should be considered on their own merits.
  - The requests had not been previously made or answered by NPA.
  - The meaning of "expediency" in the context of NPA's decision not to take enforcement action warrants explanation; i.e. NPA had determined that it was not expedient to take such action.
  - NPA's remarks that the requests are vexatious and obsessive are offensive and mistaken, "*they disregard [the complainant's] position as her neighbour's victim and her perception of NPA support for his alleged criminality.*"

- Dealing with enforcement files is part of a planning officer's job.
  - The complainant offered to pay for the work needed to provide the information.
37. The additional points raised in a telephone conversation with the Commissioner's case officer on 20 July 2009 were as follows:
- The requests were not submitted with the intention of being vexatious. The building adjoining the complainant's home is in a state of disrepair and is affecting her property and her health. The information is needed by the complainant to determine how NPA arrived at its decision not to take enforcement action.
  - There is an inherent public interest in disclosure because the buildings are listed and it is in the public interest to see them maintained.
  - The number of requests submitted by the complainant herself is disputed. The complainant's representative said that he had separately submitted a number of requests in his own capacity and many of them were not on the subject of the enforcement site.

### **The Commissioner's position**

#### Can the requests be considered together?

38. The Commissioner has inspected the schedules of requests and correspondence referred to above and notes that the majority of correspondence to NPA from both the complainant and her representative relates to the enforcement site or the planning and monitoring functions of the authority. He also notes that they have submitted several requests to NPA on these subjects and that they appear to be acting together in this matter.
39. The Commissioner noted that in a letter to NPA of 8 November 2008 regarding requests made on 27 October, 1 November and 13 November 2008, the complainant's representative referred to himself and the complainant as "we". The language of that letter gave a clear impression that the complainants were acting together in this matter and the Commissioner considered it reasonable that the NPA treated the requests as having come from the same source.
40. Having determined that NPA's approach of treating the requests and correspondence as having come from the same source was reasonable, the Commissioner went on to consider the other points raised by the complainants. In order to do so in structured manner the Commissioner considered the four headings set out by NPA in its response to him of 11 August 2009. These headings are taken from the Commissioner's guidance on vexatious requests<sup>1</sup>

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<sup>1</sup>[http://www.ico.gov.uk/upload/documents/library/freedom\\_of\\_information/practical\\_application/awareness\\_guidance\\_22\\_vexatious\\_and\\_repeated\\_requests\\_final.pdf](http://www.ico.gov.uk/upload/documents/library/freedom_of_information/practical_application/awareness_guidance_22_vexatious_and_repeated_requests_final.pdf).



## Context and history

41. Based on the schedules and background information provided by NPA it is clear that there is a history of correspondence and requests submitted by the complainants on the subject of the enforcement site and NPA's wider planning duties. The information provided by NPA also shows that the requests commenced in April 2007, which was around the time that the complainants became aware that planning enforcement action was unlikely to be taken against the owner of the enforcement site. Other correspondence submitted to NPA by the complainants also commenced around the same time. The Commissioner is minded to accept that there is a link between the complainants' dissatisfaction with NPA's decision regarding enforcement action and the requests.

## Can the requests fairly be seen as obsessive?

42. During his investigation, the Commissioner was provided with a letter dated 21 April 2008 sent by the complainant's representative to the Chief Executive of NPA. The letter of 21 April 2008 referred to a letter of 17 April 2008 sent to the complainant's representative by the Chief Executive of NPA, which stated that NPA considered a complaint he made about its decision not to take planning enforcement action to be closed. The complainant's representative stated that *"you have about 70 other people to whom to delegate this matter, or you could deal with it yourself. It will not be closed until the owner of [property number] has been prosecuted and it has been rebuilt. [The complainant] and I will continue to write to you, as necessary, and we will also use the many other channels of communication open to us."*
43. At the time of the above letter to NPA of 21 April 2008, the complainant and her representative were in possession of the Local Government Ombudsman's findings of 27 March 2008 in the matter of their complaint to him about NPA's decision not to take planning enforcement action and the way in which it handled enforcement matters generally. The Ombudsman's decision was that there was no evidence of maladministration on the part of NPA and he therefore stated that the complaint would be closed. In his letter to NPA's Chief Executive of 21 April 2008, the complainant's representative stated that the Ombudsman had not published his final recommendations and *"when he does so, [the complainant] may not accept them; after all, he is not infallible"*.
44. The Commissioner has no remit to comment on the findings of the Ombudsman. However his view is that correspondence with which he has been provided is evidence to support NPA's view that the complainants are unlikely to be satisfied until it takes the planning enforcement action against the owner of the enforcement site and that they are using the EIR to try to reopen a matter that has already been considered.
45. The Commissioner's view is that the reasons NPA did not take planning enforcement action in this case have been explained to the complainants and that the requests could fairly be seen as obsessive. This view is supported by the Information Tribunal's decision in *Ahilathirunayagam v Information Commissioner and London Metropolitan University (EA/2006/0070)* in which the Tribunal took

into account that the applicant seemed to want to reopen issues that had been previously disputed.

Is the request harassing the authority or causing distress to staff?

46. In the examples of correspondence provided by NPA during the Commissioner's investigation the language used by the complainants is not abusive or offensive but it is clearly hostile towards the organisation and critical of the actions of its employees. The examples provided by NPA are letters addressed to senior members of the organisation, such as the Chief Executive and Chairman, and the Commissioner would expect such individuals to have an expectation that they would from time to time receive critical correspondence. However, when taking into account the volume of correspondence and the complainants' statements that correspondence and requests will continue until NPA accedes to their wishes, the Commissioner's view is that the requests could reasonably be seen to have the effect of harassing the authority.

Significant burden in terms of expense and distraction?

47. The Commissioner's view is that the requests would take NPA officers away from their normal duties and would therefore place a significant burden on the organisation in terms of both expense and distraction. In arriving at this view the Commissioner has again considered the volume and history of correspondence the complainants submitted to NPA and the complainants' position that correspondence will continue until planning enforcement action is taken.
48. The Commissioner acknowledges the complainants' argument that dealing with planning enforcement issues is part of the day to day business of NPA's planning officers. However, the organisation has made a decision on the enforcement matter in question and it is clear that the complainants do not accept that decision. The Commissioner accepts that if NPA continues to respond to requests and correspondence from the complainants on this matter it will distract it from its core duties.
49. The Commissioner accepts NPA's argument that the complainants' offer to make a payment towards the cost of responding to the requests would not offset the distraction caused.
50. For the reasons set out above, the Commissioner's view is that the exception provided by regulation 12(4)(b) is engaged and he therefore went on to consider the public interest in disclosure as required by regulation 12(1)(b).

**Public interest arguments in favour of disclosing the requested information**

51. NPA acknowledged that there is a strong public interest in the disclosure of environmental information in general, as it promotes accountability and transparency and allows individuals to understand the decisions made by NPA.
52. The arguments put forward by the complainants mainly relate to the personal circumstances of the complainant, who is affected by NPA's decision not to take

planning enforcement action in this case, in terms of the negative effect on her human rights and her finances. While he understands that this is an emotive issue for the complainants, the Commissioner does not consider the interests of an individual to represent the public interest and the only public interest argument he identified as having been put forward by the complainants was as follows:

- There is an inherent public interest in disclosure because the buildings in question are listed and it is in the public interest to see them maintained.

### **Public interest arguments in favour of maintaining the exception**

53. The arguments put forward by NPA in favour of maintaining the exception to disclosure were as follows:

- The volume and nature of requests submitted by the complainants over a prolonged period have placed a significant burden on the organisation's resources and to continue to respond would disrupt the everyday work of NPA.
- The burden placed on NPA has been and would continue to be disproportionate to any public interest inherent in the complainants understanding the reasons why planning enforcement action has not been taken in this case.
- It does not seem likely that any information NPA discloses will satisfy the complainants and there appears no meaningful response it can give these individuals. Continued correspondence could potentially have a negative impact on the wider public as it will divert resources away from other planning matters.

### **Balance of the public interest arguments**

54. While the Commissioner appreciates that the complainants have an interest in pursuing planning enforcement action and he recognises the general argument that disclosure of environmental information by public authorities promotes openness and accountability, his position in this case is that the public interest in maintaining the exception outweighs the public interest in disclosure.

55. In arriving at his decision, the Commissioner considered the volume and nature of requests and correspondence submitted to NPA by the complainants and has determined that it was not in the public interest for NPA to respond to the requests of 27 October and 1 November 2008.

56. The Commissioner considers that the public interest is best served by a local planning authority that is free to make decisions on planning enforcement issues without having to consider the threat of a prolonged series of requests aimed at challenging that decision. He is mindful of the fact that NPA was not obliged to take planning enforcement action but had the option to do so if it felt that it was expedient to do so. The Commissioner has seen evidence that the reasons behind NPA's decision have been explained to the complainants on more than

one occasion – for example NPA's Director of Strategy and Planning wrote to the complainants on 14 June 2007 to explain the reasons for its decision and the findings of the Local Government Ombudsman dated 27 March 2008 repeated this information - and takes the view that the public interest is not served by continued questioning of this decision via the submission of requests for information.

## **The Decision**

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57. The Commissioner's decision is that the public authority dealt with the request for information in accordance with the EIR

## **Steps Required**

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58. The Commissioner requires no steps to be taken.

## Right of Appeal

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59. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal  
Arnhem House Support Centre  
PO Box 6987  
Leicester  
LE1 6ZX

Tel: 0845 600 0877  
Fax: 0116 249 4253  
Email: [informationtribunal@tribunals.gsi.gov.uk](mailto:informationtribunal@tribunals.gsi.gov.uk).  
Website: [www.informationtribunal.gov.uk](http://www.informationtribunal.gov.uk)

If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

**Dated the 16th day of September 2009**

**Signed .....**

**Anne Jones  
Assistant Commissioner**

**Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**

## Legal Annex

### The Environmental Information Regulations 2004

*"2(1) In these Regulations –*

*"the Act" means the Freedom of Information Act 2000(c);*

*"applicant", in relation to a request for environmental information, means the person who made the request;*

*"appropriate record authority", in relation to a transferred public record, has the same meaning as in section 15(5) of the Act;*

*"the Commissioner" means the Information Commissioner;*

*"the Directive" means Council Directive 2003/4/EC(d) on public access to environmental information and repealing Council Directive 90/313/EEC;*

*"environmental information" has the same meaning as in Article 2(1) of the Directive, namely any information in written, visual, aural, electronic or any other material form on*

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- (a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;*
- (b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);*
- (c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;*

*"12(1) Subject to paragraphs (2), (3) and (9), a public authority may refuse to disclose environmental information requested if –*

- (a) an exception to disclosure applies under paragraphs (4) or (5); and*
- (b) in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information."*

*"12(2) A public authority shall apply a presumption in favour of disclosure."*



*“12(4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that –*

*(b) the request for information is manifestly unreasonable.”*

Planning (Listed Buildings and Conservation Areas) Act 1990

**“38 Power to issue listed building enforcement notice**

*(1) Where it appears to the local planning authority—*

*(a) that any works have been or are being executed to a listed building in their area; and*

*(b) that the works are such as to involve a contravention of section 9(1) or (2),*

*they may, if they consider it expedient to do so having regard to the effect of the works on the character of the building as one of special architectural or historic interest, issue a notice under this section (in this Act referred to as a “listed building enforcement notice”).*

*(2) A listed building enforcement notice shall specify the alleged contravention and require such steps as may be specified in the notice to be taken within such period as may be so specified—*

*(a) for restoring the building to its former state; or*

*(b) if the authority consider that such restoration would not be reasonably practicable or would be undesirable, for executing such further works specified in the notice as they consider necessary to alleviate the effect of the works which were carried out without listed building consent; or*

*(c) for bringing the building to the state in which it would have been if the terms and conditions of any listed building consent which has been granted for the works had been complied with.”*