

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(As amended by the Planning and Compulsory Purchase Act 2004)**



TEMPORARY STOP NOTICE

ISSUED BY VALE OF GLAMORGAN COUNCIL herein after referred to as “the Council”.

COUNCIL REFERENCE NUMBER:ENF/2023/0087/PRO (B)

To: Henry Danter
Symonds Yat Amusement and Leisure Park,
Symonds Yat,
Ross-on-Wye,
HR9 6BY

1. The Council considers that there has been a breach of planning control on the land described in paragraph 3 below. The breach of planning control is:

The carrying out of operational development comprising the undertaking of ground engineering operations, including the excavation, moving and spreading of materials and the re-profiling and levelling of the Land.

Accordingly, the Council considers that development undertaken on the Land is unauthorised and in breach of planning control.

2. This temporary stop notice is issued by the Council, in exercise of their power in section 171E of the 1990 Act, because they think that it is expedient that the activity specified in this notice **should cease** on the land described in paragraph 4 below. The Council **now prohibits** the carrying out of the activity specified in this notice. Important additional information is given in the Annex to this notice.

3. THE LAND TO WHICH THIS NOTICE RELATES

Land and/or buildings at Land on Hayes Road, Sully (“the Land”), shown edged in red on the attached plan (“the Plan”).

4. ACTIVITY TO WHICH THIS NOTICE RELATES

Without planning permission the carrying out of operational development comprising the undertaking of ground engineering operations, including the excavation, moving and spreading of materials and the re-profiling and levelling of the Land.

5. THE REASONS FOR ISSUING THIS NOTICE

- (1) The uncontrolled operations on the land comprising the clearance of scrub vegetation and the consequential regrading of the ground through the use of heavy machinery has resulted in the continued loss of habitat and green infrastructure and has re-profiled the surface of the ground in the areas that have been worked. This is having an uncontrolled detrimental impact on biodiversity, in the absence of any proposed mitigation or management of the impacts, contrary to Policy MD9 of the Vale of Glamorgan LDP as well as Chapter 6 of Planning Policy Wales (Edition 11 2021). There is also no evidence that the site won material being disturbed and spread over the surface is not unearthing pre-existing contamination, which could be polluting the natural environment contrary to Policy MD7 of the LDP. The uncontrolled operations are also taking place in the vicinity of noted archaeological points of interest and the recommencement of work in this area may therefore cause harm to the historic environment, contrary to Policies SP10 and MD8 of the LDP.
- (2) It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

6. WHAT YOU ARE REQUIRED TO DO

Cease the carrying out of operational development comprising the undertaking of ground engineering operations, including the excavation, moving and spreading of materials and the re-profiling and levelling of the Land, save for where those works are directly related to the implementation of the planning permission granted under reference number 2023/00775/FUL.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 21st December 2023 when all the activity specified in this notice must cease. This notice will cease to have effect on 18th January 2024.

Dated: 21st December 2023

Signed: 

Head of Legal and Democratic Services
On behalf of Vale of Glamorgan Council, Docks Office, Barry Docks, CF63 4RT.

Nominated Officer: Mr. Marc Stephens

Telephone Number: (01446) 706185

ANNEX

WARNING - THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN PARAGRAPH 7. THERE IS NO RIGHT OF APPEAL TO THE WELSH MINISTERS AGAINST THIS NOTICE.

It is an offence to contravene a temporary stop notice after a site notice has been displayed or the temporary stop notice has been served on you (section 171G(1) of the 1990 Act). If you then fail to comply with the temporary stop notice you will be at risk of prosecution in the Magistrates' Court, for which the maximum penalty is £20,000 on summary conviction for a first offence and for any subsequent offence.

The fine on conviction on indictment is unlimited. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with Mr. Marc Stephens on (01446) 706185.

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters.

If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

Section 171G – Town and Country Planning Act 1990

Temporary stop notice: offences

- (1) A person commits an offence if he contravenes a temporary stop notice:
 - (a) which has been served on him, or
 - (b) a copy of which has been displayed in accordance with section 171E(5).
- (2) Contravention of a temporary stop notice includes causing or permitting the contravention of the notice.
- (3) An offence under this section may be charged by reference to a day or a longer period of time.
- (4) A person may be convicted of more than one such offence in relation to the same temporary stop notice by reference to different days or periods of time.
- (5) A person does not commit an offence under this section if he proves:
 - (a) that the temporary stop notice was not served on him, and
 - (b) that he did not know, and could not reasonably have been expected to know, of its existence.
- (6) A person convicted of an offence under this section is liable on summary conviction, or on conviction on indictment, to a fine.
- (7) In determining the amount of the fine the court must have regard in particular to any financial benefit which has accrued or has appeared to accrue to the person convicted in consequence of the offence.