

**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/2024/0124 (A)**

**To:** Taylor Wimpey UK Limited  
Co Reg No 01392762  
Gate House  
Turnpike Road  
High Wycombe  
Buckinghamshire  
HP12 3NR

Taylor Wimpey (South Wales) Plc  
Building 2  
Eastern Business Park  
Wern Fawr Lane  
St Mellons  
Cardiff  
CF3 5EA

Newydd Housing Association Limited  
Reg Soc No 28737R  
Ty Cadarn  
Unit 5, Village Way  
Tongwynlais  
Cardiff  
CF15 7NE

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:
  - a. The carrying out of development on the Land without complying with condition 26. of the outline application 2014/01505/OUT relating to Phase 2, requiring the approval of a scheme for the comprehensive drainage of the development; and
  - b. The carrying out of development on the Land without complying with condition 11. of the reserved matters application 2018/00240/RES for Phase 2, requiring the approval of a Construction Surface Water Management Plan.

Accordingly, the Council considers that the development undertaken on the Land without first discharging these conditions constitutes a 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 immediately. 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 at Darren Farm Development, Cowbridge (“the Land”), shown edged in red on the attached plan (“the Plan”).

**4. ACTIVITY TO WHICH THIS NOTICE RELATES**

The carrying out of operational development of the Land comprising:

(i) ground engineering operations including, but not limited to, site clearance, the removal of vegetation or top soil, the importation or exportation of materials, any digging or excavation, the moving and spreading of soil and materials and the re-profiling and levelling of the Land; and

(ii) any construction work on the Land including, but not limited to, the laying of foundations, the construction of any dwelling, associated building or wall and the laying of any impermeable area, hardstanding or road.

**5. THE REASONS FOR ISSUING THIS NOTICE**

The developer, Taylor Wimpey, has commenced the development of the Land but has failed to obtain approval for the discharge of two discharge of condition applications relating to drainage, firstly the discharge of condition 26. of the outline application relating to Phase 2 (2014/01505/7/CD) and secondly, the discharge of condition 11. of the reserved matters application for Phase 2 (2018/00240/1/CD). The continued development of the Land without discharging these conditions constitutes a breach of planning control and has occurred within the last 10 years.

Despite queries and concerns being raised by the Council’s Drainage Team in July 2022 in respect of application 2014/01505/7/CD, and May 2023 in respect of application 2018/00240/1/CD, the developer has not submitted the information necessary to enable either condition to be discharged. Therefore, at the present time, it has not been possible to determine whether the drainage scheme submitted is satisfactory and therefore, whether the development of the Land may cause or exacerbate any adverse conditions on the Land, adjoining properties and environment in respect of flood risk, which is considered to be unacceptable from a planning perspective.

The Council’s Drainage Team has previously raised concerns regarding the surface water strategy for Phase 2, particular as a number of properties within Phase 2 are now completed and occupied. Further concerns have also been raised following recent reports from residents regarding flooding within the central valley between Phases 1 and 2 and it is therefore questionable whether the drainage which has been provided would function during a high magnitude event. Despite more recent extensive correspondence with Taylor Wimpey and agents acting on their behalf, it has not been possible to secure the necessary information and the most recent information received, suggests that the results

of the necessary flood modelling may not be available until mid-August 2024.

The developer had been requested on two occasions to confirm that they would cease all further works on Land, including ground and construction works and the occupation of any further dwellings until the drainage details were appropriately dealt with, however they have advised that they consider the ongoing works acceptable as they are not intending to connect the new plots to the drainage system.

As identified in the most recent review undertaken by the Council's Engineering Manager, key elements of the approved drainage strategy for Phase 1 and the link road have not been constructed in accordance with the approved design which has the potential to allow more water to flow down through the development. The drainage strategy for Phase 2 of the development has also not been approved due to outstanding concerns. The state of build-out has increased concerns over the potential for the significant area of Phase 2 either not served by a formal drainage system or discharging in an unconstrained manner, to either flood properties, highways or critical infrastructure lower on the Land or increase the amount of flood water leaving the Land via Darren Farm.

It has been confirmed by the Council's Engineering Manager that any new site strip removing vegetation and/or top soil will affect the ability of the land to absorb and retain water and thus affect run-off. The construction of significant impermeable areas such as new roads will also generate increased surface water run-off. Given the lack of approved drainage strategy for Phase 2, "missing" elements of drainage infrastructure constructed to date and lack of an acceptable construction surface water management plan, it is not possible to confirm that any additional construction activities would not have a detrimental impact on flood risk either on or offsite.

It has therefore been concluded that in the absence of an approved drainage strategy for the Land, the existing development is contrary to Policies SP1, MD1, MD2 and MD7 of the LDP, as well as paragraphs 6.6.4 and 6.6.5 of PPW 12, 2024. It is also clear from the advice provided by the Council's Drainage Team that any further development of the Land has the potential to have a detrimental impact on flood risk and it is therefore considered expedient that a Temporary Stop Notice should be issued to prevent any further development from proceeding.

Finally, under the 2015 Act the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, in recommending the service of a Temporary Stop Notice, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

## 6. WHAT YOU ARE REQUIRED TO DO

Cease all operational development on the Land comprising:

- (i) the undertaking of ground engineering operations including, but not limited to, site clearance, the removal of vegetation or top soil, the importation or exportation of materials, any digging or excavation, the moving and spreading of soil and materials and the re-profiling and levelling of the Land.
- (ii) the undertaking of construction work associated with the development of the Land including, but not limited to, the laying of foundations, the construction of any dwelling, associated building or wall and the laying of any impermeable area, hardstanding or road.

## 7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 31<sup>st</sup> May 2024 when all the activity specified in this notice must cease. This notice will cease to have effect on 28 June 2024.

Dated: 31<sup>st</sup> May 2024

Signed:



**Head of Legal and Democratic Services**

**On behalf of Vale of Glamorgan Council, Docks Office, Barry Docks, CF63 4RT.**

**Nominated Officer:** Sarah Feist

**Telephone Number:** (01446) 704690

## **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 Sarah Feist on (01446) 704690.

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.