

**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/2023/0275/PC (A)**

**To:** The Company Secretary  
Eclipse Hotel Cardiff Limited  
Unit 6, Coda Studios  
189 Munster Road  
London  
SW6 6AW

1. The Council considers that there has been a breach of planning control on the land described in paragraph 4 below. The breach of planning control is:

The carrying out of operational development comprising the installation of an array of solar panels on a building that is located within three kilometres of the perimeter of an airport (Cardiff International Airport).

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 REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control constituting operational development has occurred within the last 4 years.

The development that has been undertaken consists of the installation of an array of solar panels on the south-east facing roof slope of a hotel which is located in close proximity to Cardiff Airport. Whilst the location of the solar panels on the roof of the building does not raise any issues in relation to their visual impact and the appearance of the building, concerns have been raised regarding the impact that the panels could have on the safety of flight operations at the airport as a result of glint and glare. In the absence of a planning application which demonstrates that the panels do not have any implications on the safety of flight operations at Cardiff Airport, there is the potential for the solar panels to adversely affect safety at the airport which is considered unacceptable. The existing solar panels are therefore considered to be contrary to policies MD7

(Environmental Protection) and MD19 (Low Carbon and Renewable Energy Generation) of the LDP and paragraphs 5.9.20 and 5.9.21 of PPW Edition 11 (2021).

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.

**4. THE LAND TO WHICH THIS NOTICE RELATES**

Land and/or buildings at Holiday Inn Express, Port Road, Rhose ("the Land"), shown edged in red on the attached plan ("the Plan").

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

The carrying out of operational development comprising the installation of an array of solar panels on a building that is located within three kilometres of the perimeter of an airport (Cardiff International Airport).

**6. WHAT YOU ARE REQUIRED TO DO**

Cease the installation of solar panels on the buildings and land.

**(i) WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 20<sup>th</sup> September 2023 when all the activity specified in this notice must cease. This notice will cease to have effect on date 28 days after it takes effect.

Dated: 20<sup>th</sup> September 2023

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.