

HIGHWAYS, WALES

2013 NO. 14

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (LAND FRONTING NOS. 13 – 23 TARWICK DRIVE, TROWBRIDGE, CARDIFF) ORDER 2013

Made 3 July 2013

Coming into Force 10 July 2013

The Welsh Ministers make this Order in exercise of their powers under section 247 of the Town and Country Planning Act 1990(1).

Title, Interpretation and Commencement

1. (1) The title of this Order is the Stopping Up of Highways (Land Fronting Nos. 13 – 23 Tarwick Drive, Trowbridge, Cardiff) Order 2013.

(2) In this Order:-

“the Council” (“*y Cyngor*”) means the Council of the City and County of Cardiff;

“the developer” (“*y datblygwr*”) means the person carrying out the development for which the planning permission has been given;

“the deposited plan” (“*y plan a adnewyd*”) means the plan entitled “The Stopping Up of Highways (Land Fronting Nos. 13 – 23 Tarwick Drive, Trowbridge, Cardiff) Order 2013” which accompanies this Order; and

“the 1990 Act” (“*Deddf 1990*”) means the Town and Country Planning Act 1990.

(3) This Order comes into force on the date on which notice that it has been made is published in accordance with section 252(10) of the 1990 Act.

Stopping Up

2. Subject to articles 3, 4 and 5, the Welsh Ministers authorise the stopping up of the areas of highway described in Schedule 1 shown by zebra hatching on the deposited plan. The Welsh Ministers are satisfied that the stopping up is necessary to enable development to be carried out in accordance with planning permission granted under Part III of the 1990

Act by the Council on 8 January 2013 under reference number 12/01995/DCO and described in Schedule 2 to this Order.

Provisions Necessary or Expedient before Stopping Up

3. The areas of highway in Schedule 1 must not be stopped up until:-

(a) the developer has provided, to the reasonable satisfaction of the Council, plans showing the means whereby the areas of highway are to be stopped up;

(b) the development in Schedule 2 has commenced and the developer has informed the Council in writing of the necessity to close the highways to allow the development to proceed; and

(c) the Council has confirmed in writing to the developer that paragraphs (a) and (b) are satisfied.

Statutory Undertakers and Providers

4. Where immediately before the areas of highway are stopped up, there is under, in, on, over, along or across the highways any apparatus of statutory undertakers or public communications providers then (subject to section 261(4) of the 1990 Act) the undertakers or providers continue to have the same rights in respect of the apparatus as they had before the stopping up.

Duration of this Order

5. If the development in Schedule 2 has not begun within the relevant period specified in Part III of the 1990 Act as being the duration of the planning permission, or the permission is revoked before the end of such period, this Order ceases to have effect upon the cessation of the planning permission.

Signed under authority of the Minister for Economy, Science and Transport, one of the Welsh Ministers.

Dated

3 July 2013

RICHARD MORGAN

Head of Asset Management and Standards
Welsh Government

(1) 1990 c. 8. By virtue of S.I. 1999/672, article 2 and Schedule 1, the functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales

and are now exercisable by the Welsh Ministers by virtue of section 162 of and paragraph 30(2) of Schedule 11 to the Government of Wales Act 2006.

(2) 1980 c.66

SCHEDULES

SCHEDULE 1

(All measurements are approximate)

Description of the areas of highway to be stopped up under this Order

A rectangular shaped area of all purpose highway totalling 182.4 square metres, with a maximum length of 33.5 metres and a maximum width of 5.9 metres, fronting Nos.13 to 23 Tarwick Drive and opposite Nos.16 to 26 Tarwick Drive, Trowbridge, Cardiff (marked 'A' on the deposited plan.)

An irregularly shaped area of all purpose highway totalling 114.4 square metres, with a maximum length of 26.7 metres and a maximum width of 6 metres, which extends from the northern end of the front of No.13 Tarwick Drive to the southern end of the front of No.23 Tarwick Drive, Trowbridge, Cardiff (marked 'B' on the deposited plan).

SCHEDULE 2

The Development

Extension of the front gardens to Nos.13 to 23 Tarwick Drive, Trowbridge, Cardiff and the provision of a private driveway for each of the said properties.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (LAND FRONTING NOS 13-23 TARWICK DRIVE, TROWBRIDGE, CARDIFF) ORDER 2013

NOTICE IS HEREBY GIVEN that the Welsh Ministers have made an Order under section 247 of the Town and Country Planning Act 1990 to authorise the stopping up of the areas of highway described in Schedule 1 to this Notice.

The stopping up is authorised to enable the development in Schedule 2 to be carried out. The Stopping up of Highways (Land Fronting Nos.13 – 23 Tarwick Drive, Trowbridge, Cardiff) Order 2013 (“the Order”) ceases to have effect if planning permission in respect of the development expires or is revoked.

Copies of the Order and the deposited plan may be inspected free of charge during normal office hours at Development Control, Cardiff Council, City Hall, Cathays Park, Cardiff CF10 3ND or may be obtained free of charge from the address below quoting reference qA1057595/1.

If a person is aggrieved by the Order, on the ground that:

- a. it is not within the powers of the Town and Country Planning Act 1990; or
- b. a procedural requirement of the Act has not been complied with;

that person may, within 6 weeks of 10 July 2013 make an application for the purpose to the High Court.

A copy of the Order and Notice can be viewed at www.wales.gov.uk (Select: Legislation/Subordinate legislation/Non-Statutory Instruments/Transport Wales/TCPA Stopping Up Orders, 2013).

A copy of this Notice in larger print can be obtained from Transport, Orders Branch, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

M D BURNELL
Transport
Welsh Government

SCHEDULES

SCHEDULE 1

(All measurements are approximate)

Description of the areas of highway to be stopped up under this Order

A rectangular shaped area of all purpose highway totalling 182.4 square metres, with a maximum length of 33.5 metres and a maximum width of 5.9 metres, fronting Nos.13 to 23 Tarwick Drive and opposite Nos.16 to 26 Tarwick Drive, Trowbridge, Cardiff (marked 'A' on the deposited plan.)

An irregularly shaped area of all purpose highway totalling 114.4 square metres, with a maximum length of 26.7 metres and a maximum width of 6 metres, which extends from the northern end of the front of No.13 Tarwick Drive to the southern end of the front of No.23 Tarwick Drive, Trowbridge, Cardiff (marked 'B' on the deposited plan).

SCHEDULE 2

The Development

Extension of the front gardens to Nos.13 to 23 Tarwick Drive, Trowbridge, Cardiff and the provision of a private driveway for each of the said properties in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 by Cardiff Council on 8 January 2013 under reference number 12/01995/DCO.