

HIGHWAYS, WALES

2013 NO. 20

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (BEAUFORT BRIDGE, MORRISTON, SWANSEA) ORDER 2013

Made 26 July 2013

Coming into force 1 August 2013

The Welsh Ministers make this Order in exercise of their powers under section 247 of the Town and Country Planning Act 1990(1) (hereinafter referred to as "the Act of 1990") and of all other enabling powers(2).

1. In this Order:-

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

“the deposited plan” (“*y plan a adnewwyd*”) means the plan entitled “The Stopping Up Of Highways (Beaufort Bridge, Morriston, Swansea) Order 2013” which accompanies this Order;

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

2. Subject to the provisions of articles 3, 4, 5 and 6 of this Order, the Welsh Ministers authorise the stopping up of the area of highway described in Schedule 1 to this Order and shown by zebra hatching on the deposited plan, being satisfied that the stopping up is necessary to enable development to be carried out as described in Schedule 3 to this Order, in accordance with planning permission granted by the Council under Part III of the Act of 1990, on 24 January 2013 under reference 2012/1376.

3. There shall be created, to the reasonable satisfaction of the Council, the new area of highway described in Schedule 2 to this Order and shown by stipple marking on the deposited plan, which is to be highway which, for the purposes of the Highways Act 1980(3) is highway maintainable at the public expense and the Council is to be the highway authority for it.

4. The area of highway described in Schedule 1 to this Order may not be stopped up until:-

- (a) the developer has provided to the reasonable satisfaction of the Council, plans showing the means whereby the area of highway is to be stopped up;
- (b) the developer has provided the new highway described in Schedule 2 to this Order to the reasonable satisfaction of the Council;
- (c) the development referred to in Schedule 3 of this Order has commenced and the developer has informed the Council in writing of the necessity to close the area of highway to allow the development to proceed; and
- (d) the Council has confirmed in writing to the developer that the provisions of (a), (b) and (c) of this article have been fulfilled.

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

6. If the development referred to in Schedule 3 of this Order has not begun within the relevant period specified in Part III of the Act of 1990 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.

7. This Order will come into operation on the date on which notice that it has been made is first published in accordance with section 252(10) of the Act of 1990 and will be called The Stopping Up of Highways (Beaufort Bridge, Morriston, Swansea) Order 2013.

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

Dated 26 July 2013

R Morgan

R MORGAN
Head of Asset Management and Standards
Welsh Government

- (1) 1990 c.8.
- (2) By virtue of S.I.1999/672, article 2 and Schedule 1 and paragraph 30(1) of Schedule 11 to the Government of Wales Act 2006, these powers are now exercisable by the Welsh Ministers in relation to Wales.
- (3) 1980 c.66

SCHEDULES

(All measurements are approximate)

SCHEDULE 1

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

That irregularly shaped area of highway known as Beaufort Bridge at Morryston in Swansea, that abuts Beaufort Road to the west and Swansea Enterprise Park to the east, having a maximum length of 73 metres (40 metres bridge span), a maximum width of 5 metres and a total area of 450 square metres.

SCHEDULE 2

Description of the area of new highway to be provided

An irregularly shaped area of new highway situated south of the existing Beaufort Bridge at Morryston in Swansea that will abut Beaufort Road in the west and Swansea Enterprise Park in the east, having a maximum length of 62 metres (46 metres bridge span), a maximum width of 5.1 metres and a total area of 475 square metres.

SCHEDULE 3

Proposed Development

Proposed development consisting of the construction of the Lower Swansea Valley Flood Risk Management Project along the banks of the River Tawe involving the re-alignment of the existing Swansea Vale North Embankment and creation of a wetland habitat, to include new flood defence walls, protection works, landscaping and cycleway/footpath reinstatement.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (BEAUFORT BRIDGE, MORRISTON, SWANSEA) 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 area of highway described in Schedule 1 to this Notice and to provide for the new area of highway as described in Schedule 2 to this Notice.

The stopping up will is authorised to enable the development described in Schedule 3 to be carried out. The Stopping Up of Highways (Beaufort Bridge, Morryston, Swansea) 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 at the offices of the City and County of Swansea, Civic Centre, Oystermouth Road, Swansea, SA1 3SN during normal opening hours or may be obtained free of charge from the address below.

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,

a person may, within 6 weeks of 1 August 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 Orders Branch, Transport, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

M D Burnell

M D BURNELL
Transport
Welsh Government

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