

HIGHWAYS, WALES

2013 NO. 56

TOWN AND COUNTRY PLANNING ACT 1990

**THE STOPPING UP OF HIGHWAYS
(UNCLASSIFIED ROAD NEAR COEDTY
RESERVOIR, DOLGARROG, CONWY) ORDER
2013**

Made 16 August 2013

Coming into Force 22 August 2013

The Welsh Ministers make this Order in exercise of their powers under section 248 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 (Unclassified Road near Coedty Reservoir, Dolgarrog, Conwy) Order 2013.

(2) In this Order:-

“the Council” (“*y Cyngor*”) means Conwy County Borough Council;

“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 adnewydd*”) means the plan entitled “The Stopping Up of Highways (Unclassified Road near Coedty Reservoir, Dolgarrog, Conwy) Order 2013” which accompanies this Order; and

“the 1990 Act” (“*Y Ddeddf 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, 5 and 6, the Welsh Ministers authorise the stopping up of the areas of highway described in Schedule 1 shown by bold zebra hatching on the deposited plan. It appears to them expedient to do so in the interests of the safety of users of, and to facilitate the movement of traffic on, the highways proposed to be constructed pursuant to the planning permission granted under Part 3 of the

1990 Act by the Council on 05/07/2012, under reference number 0/38639 for the development described in Schedule 3 to this Order.

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

Provisions Necessary or Expedient before Stopping Up

4. The areas of highway described 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 described in Schedule 1 are to be stopped up;

(b) the developer has provided the new highways described in article 3 of this Order to the reasonable satisfaction of the Council;

(c) the development in Schedule 3 has commenced and the developer has informed the Council in writing of the necessity to stop up the highways described in Schedule 1 to allow the development to proceed; and

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

Statutory Undertakers and Providers

5. Where immediately before the areas of highway are stopped up, there is under, in, on, over, along or across the highway or private means of access 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

6. If the development in Schedule 3 has not begun within the relevant period specified in Part 3 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 16 August 2013

R Morgan

R 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

Areas of highway at Coedty reservoir, Dolgarrog,
Conwy

(All measurements are approximate)

SCHEDULE 1

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

That length of unclassified road, extending in a northerly direction from the northern extremity of Bont Newydd Bridge, near Coedty Reservoir, Dolgarrog in Conwy for 50 metres and having a width of 2.6 metres and total area of 130 square metres.

That length of unclassified road, extending in a southerly direction from the southern extremity of Bont Newydd Bridge, near Coedty Reservoir, Dolgarrog in Conwy for 155 metres and having a width of 2.8 metres and total area of 434 square metres.

SCHEDULE 2

Description of the areas of new highway to be provided under this Order

A length of unclassified road, that deviates from the existing unclassified road at the northern extremity of Bont Newydd Bridge, near Coedty Reservoir, Dolgarrog in Conwy and extending in a northerly direction for 50 metres to where it connects with the existing unclassified road, having a width of 4.5 metres and total area of 225 square metres and given the reference Y-Y on the deposited plan.

A length of unclassified road, that deviates from the existing unclassified road at the southern extremity of Bont Newydd Bridge, near Coedty Reservoir, Dolgarrog in Conwy and extending in a southerly direction for 110 metres to where it connects with the existing unclassified road, having a width of 4 metres and total area of 440 square metres and given the reference Z-Z on the deposited plan.

SCHEDULE 3

The Development

Proposed development comprising replacement of the upper Coedty pipeline, works also to include replacement of surge pipeline, construction of 3 associated structures, upgrading of access tracks and minor widening of the public road at a number of locations.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (UNCLASSIFIED ROAD NEAR COEDTY RESERVOIR, DOLGARROG, CONWY) ORDER 2013

NOTICE IS HEREBY GIVEN that the Welsh Ministers have made an Order under section 248 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 and to provide for the new areas of highway described in Schedule 2.

The stopping up is authorised in the interests of the safety of users of, and to facilitate the movement of traffic on, the highways proposed to be constructed pursuant to planning permission. If the Order is made, the stopping ups will be authorised only in order to enable the development described in Schedule 3 to this notice to be carried out. The Order will cease to have effect if the planning permission expires or is revoked.

Copies of the Order and the deposited plan may be inspected free of charge at Llanrwst Library, Plas yn Dre, Station Road, Llanrwst, LL26 0DF during normal office hours or may be obtained free of charge from the address below quoting reference qA1057934.

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. procedural requirement of the Act has not been complied with,

that person may, within 6 weeks of 22 August 2013 make an application for the purpose to the High Court.

A copy of the Order and Notice can be viewed at the Welsh Government's website 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

M D BURNELL
Transport
Welsh Government

SCHEDULES

(All measurements are approximate)

SCHEDULE 1

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

That length of unclassified road, extending in a northerly direction from the northern extremity of Bont Newydd Bridge, near Coedty Reservoir, Dolgarrog in Conwy for 50 metres and having a width of 2.6 metres and total area of 130 square metres.

That length of unclassified road, extending in a southerly direction from the southern extremity of Bont Newydd Bridge, near Coedty Reservoir, Dolgarrog in Conwy for 155 metres and having a width of 2.8 metres and total area of 434 square metres.

SCHEDULE 2

Description of the areas of new highway to be provided under the Order

A length of unclassified road, that deviates from the existing unclassified road at the northern extremity of Bont Newydd Bridge, near Coedty Reservoir, Dolgarrog in Conwy and extending in a northerly direction for 50 metres to where it connects with the

existing unclassified road, having a width of 4.5 metres and total area of 225 square metres and given the reference Y-Y on the deposited plan.

A length of unclassified road, that deviates from the existing unclassified road at the southern extremity of Bont Newydd Bridge, near Coedty Reservoir, Dolgarrog in Conwy and extending in a southerly direction for 110 metres to where it connects with the existing unclassified road, having a width of 4 metres and total area of 440 square metres and given the reference Z-Z on the deposited plan.

SCHEDULE 3

The Development

Proposed development comprising replacement of the upper Coedty pipeline, works also to include replacement of surge pipeline, construction of 3 associated structures, upgrading of access tracks and minor widening of the public road at a number of locations, in accordance with planning permission granted under Part III of the Act of 1990 by the Council on 5 July 2012 under the reference number DC/0/38639.