

HIGHWAYS, WALES

2014 No. 16

TOWN AND COUNTRY PLANNING ACT 1990

**THE STOPPING UP OF HIGHWAYS (LAND
WEST OF KINGSMILLS ROAD, HIGHTOWN,
WREXHAM) ORDER 2014**

Made 24 June 2014

Coming into force 27 June 2014

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).

Title, Interpretation and Commencement

1. In this Order:-

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

“the deposited plan” (“*y plan a adnewwyd*”) means the plan entitled “The Stopping Up Of Highways (Land West of Kingsmills Road, Hightown, Wrexham) Order 2014” 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.

Stopping Up

2. Subject to the provisions of articles 3, 4, 5 and 6 of this Order, the Welsh Ministers authorise the stopping up of the areas of highway described in Schedule 1 to this Order and shown by zebra hatching on the deposited plan, being satisfied that the stopping ups are necessary to enable development to be carried out as described in Schedule 4 to this Order, in accordance with planning permissions granted by the Council under Part III of the Act of 1990, on 2 March 2012 under reference WRO P/2011/0854 and on 12 April 2012 under reference WRO P/2012/0179.

New/Improved Highway(s)

3. There shall be created, to the reasonable satisfaction of the Council, the new areas of highway described in Schedule 2 to this Order and shown by stipple marking on the deposited plan and the areas of improved highway described in Schedule 3 to this

Order and shown by cross hatching on the deposited plan, which are to be highways which, for the purposes of the Highways Act 1980(3) 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 and for the Provision or Improvement of the Highways

4. The areas 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 areas of highway are to be stopped up;
- (b) the developer has provided the new and improved highways as described in Schedules 2 and 3 to this Order to the reasonable satisfaction of the Council;
- (c) the development referred to in Schedule 4 of this Order has commenced and the developer has informed the Council in writing of the necessity to close the areas 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.

Statutory Undertakers and Providers

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.

Duration of this Order

6. If the development referred to in Schedule 4 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.

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

Dated 24 June 2014

R Morgan

RICHARD 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 areas of highway to be stopped up under this Order

An irregularly shaped area of footway of highway known as Bryn-Y-Cabanau Road together with unnamed highway extending in an easterly direction from Bryn-Y-Cabanau Road having a total area of 250 square metres and given the reference 'A' on the deposited plan.

An irregularly shaped area of unnamed highway south west of Kingsmills Road having a total area of 380 square metres and given the reference 'B' on the deposited plan.

An irregularly shaped area of unnamed highway situated midway between Bryn-Y-Cabanau Road and Kingsmills Road having a total area of 21 square metres and given the reference 'C' on the deposited plan.

An irregularly shaped area of footway of highway known as Bryn-Y-Cabanau Road having a total area of 5 square metres and given the reference 'D' on the deposited plan.

An irregularly shaped area of highway known as Nelson Street adjacent to Kingsmills Road having a total area of 95 square metres and given the reference 'E' on the deposited plan.

An irregularly shaped series of footpaths south west of Kingsmills Road having a total area of 604 square metres and given the reference 'F' on the deposited plan.

An irregularly shaped series of footpaths south west of Kingsmills Road having a total area of 137 square metres and given the reference 'G' on the deposited plan.

An irregularly shaped area of footpath south west of Kingsmills Road having a total area of 49 square metres and given the reference 'H' on the deposited plan.

A roughly triangular shaped area of footpath south west of and adjoining Kingsmills Road having a total area of 12 square metres and given the reference 'I' on the deposited plan

An irregularly shaped area of footpath south west of Kingsmills Road having a total area of 111 square metres and given the reference 'J' on the deposited plan.

An irregularly shaped area of footpath north east of Bryn-Y-Cabanau Road and north of Nelson Street having a total area of 83 square metres and given the reference 'K' on the deposited plan.

An roughly triangular shaped area of footpath south west of and adjoining Kingsmills Road having a total area of 9 square metres and given the reference 'L' on the deposited plan.

An irregularly shaped area of unnamed highway situated midway between Bryn-Y-Cabanau Road and Kingsmills Road having a total area of 26 square metres and given the reference 'M' on the deposited plan.

An irregularly shaped series of footpaths north east of Bryn-Y-Cabanau Road having a total area of 64 square metres and given the reference 'N' on the deposited plan.

An irregularly shaped area of footpath north east of Bryn-Y-Cabanau Road and north of and adjoining Nelson Street having a total area of 6 square metres and given the reference 'O' on the deposited plan.

SCHEDULE 2

Description of the areas of new highway to be provided

An irregularly shaped area of unnamed highway situated midway between Bryn-Y-Cabanau Road and

Kingsmills Road having a total area of 26 square metres and given the reference 'M' on the deposited plan.

A new all purpose highway north east of Bryn-Y-Cabanau Road having a total area of 64 square metres and given the reference 'N' on the deposited plan.

An irregularly shaped area of footpath north east of Bryn-Y-Cabanau Road and north of and adjoining Nelson Street having a total area of 6 square metres and given the reference 'O' on the deposited plan.

An irregularly shaped new all purpose highway extending from Nelson Street in a generally north westerly direction having a total area of 1422 square metres and given the reference 'P' on the deposited plan.

An irregularly shaped new all purpose highway extending from Bryn-Y-Cabanau Road in a generally easterly direction having a total area of 397 square metres and given the reference 'Q' on the deposited plan.

Irregularly shaped series of new footpaths extending from Bryn-Y-Cabanau Road in a generally easterly direction having a total area of 479 square metres and given the reference 'R' on the deposited plan.

An irregularly shaped new footpath extending from new all purpose highway 'P' in a generally north easterly direction having a total area of 92 square metres and given the reference 'S' on the deposited plan.

SCHEDULE 3

Description of the areas of highway to be improved

An irregularly shaped area of unnamed highway situated between approximately midway Bryn-Y-Cabanau Road and Kingsmills Road having a total area of 210 square metres and given the reference 'T' on the deposited plan.

An irregularly shaped area of footway of the highway known as Bryn-Y-Cabanau Road extending in a north westerly direction from its junction with Nelson Street to its junction with Kingsmills Road having a total area of 533 square metres and given the reference 'U' on the deposited plan.

An irregularly shaped area of footway of the highway known as Kingsmills Road extending in a south easterly direction from its junction with Bryn-Y-Cabanau Road having a total area of 624 square metres and given the reference 'V' on the deposited plan.

That irregularly shaped area of highway known as Nelson Street having a total area of 1932 square metres and given the reference 'W' on the deposited plan.

An irregularly shaped footpath south west of Kingsmills Road having a total area of 6 square metres and given the reference 'X' on the deposited plan.

An irregularly shaped footpath south west of Kingsmills Road having a total area of 5 square metres and given the reference 'Y' on the deposited plan.

An irregular shaped footpath south west of Kingsmills Road having a total area of 5 square metres and given the reference 'Z' on the deposited plan.

SCHEDULE 4

Proposed Development

Proposed demolition of existing community resource centre, erection of 92 dwellings to comprise a mix of houses and flats and formation of Vehicular and Pedestrian Accesses, together with new Community Resource Centre and associated external works, on land forming site of former Hightown Flats, land west of Kingsmills Road, Hightown, Wrexham LL13 7YB.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (LAND WEST OF KINGSMILLS ROAD, HIGHTOWN, WREXHAM) ORDER 2014

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 and to provide for the new and improved areas of highway as described in Schedules 2 and 3 to this Notice.

The stopping up will be authorised only in order to enable the development described in Schedule 4 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 the offices of Wrexham County Borough Council, The Guildhall, Wrexham LL11 1AY 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 27 June 2014 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', '2014').

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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