

## HIGHWAYS, WALES

### 2014 No. 18

#### TOWN AND COUNTRY PLANNING ACT 1990

#### THE STOPPING UP OF HIGHWAYS (ABERTHAW ROAD AND PENKIN HILL, NEWPORT) ORDER 2014

*Made* 14 July 2014

*Coming into force* 17 July 2014

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 (Aberthaw Road and Penkin Hill, Newport) Order 2014.

(2) In this Order:-

“the Council” (“*y Cyngor*”) means Newport City 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 adnewwyd*”) means the plan entitled “The Stopping Up of Highways (Aberthaw Road and Penkin Hill, Newport) Order 2014” 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 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 3 of the 1990 Act by the Council, on 9 December 2009 under reference 09/0910 as described in Schedule 3 to this Order.

### **New/Improved Highways**

3. There shall be created, to the reasonable satisfaction of the Council, the new highways described in Schedule 2 and shown by stipple marking on the deposited plan and the improved highways described in Schedule 3 and shown by cross hatching on the deposited plan, which are highways that, for the purposes of the Highways Act 1980(2) are highways maintainable at the public expense and the Council will 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 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 developer has provided the new and improved highways described in Schedules 2 and 3 to the reasonable satisfaction of the Council;
- (c) the development in Schedule 4 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
- (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 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**

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 14 July 2014

*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**

**(All measurements are approximate)**

### **SCHEDULE 1**

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

An irregularly shaped area of verge and footway on the northern boundary of the highway known as Aberthaw Road extending in an easterly direction from a point 12.4 metres northeast of its junction with Aberthaw Rise, having a maximum length of 76 metres, maximum width of 5 metres and a total area of 262 square metres and given the reference A on the deposited plan.

An irregularly shaped area of verge and footway on the southern boundary of the highway known as Penkin Hill extending in an easterly direction from its junction with Ladyhill Road, having a maximum length of 73 metres, maximum width of 9 metres and a total area of 277 square metres and given the reference B on the deposited plan.

### **SCHEDULE 2**

#### **Description of the new highways to be provided**

A new access road extending in an easterly direction from the eastern kerbline of Aberthaw Rise situated 77.5 metres from its junction with Aberthaw Road, having a maximum length of 64 metres, maximum width of 5.5 metres and a total area of 435 square metres and given the reference C on the deposited plan.

A new access road extending in a westerly direction from the western kerbline of Aberthaw Rise situated 34 metres from its junction with Aberthaw Road, having a maximum length of 37 metres, maximum width of 4.5 metres and a total area of 229 square metres and given the reference D on the deposited plan.

### **SCHEDULE 3**

#### **Description of the areas of highway to be improved**

An irregularly shaped area of verge and footway on the northern boundary of the highway known as Aberthaw Road extending in an easterly direction from a point 10.9 metres east of its junction with Aberthaw Rise, having a maximum length of 76 metres, maximum width of 4.2 metres and a total area of 238 square metres and given the reference E on the deposited plan.

An irregularly shaped area forming part of the south western boundary of the highway known as Penkin Hill, having a maximum length of 23.2 metres, maximum width of 4.8 metres and a total area of 96.2 square metres and given the reference F on the deposited plan.

An irregularly shaped area forming part of the south western boundary of the highway known as Penkin Hill, having a maximum length of 5.5 metres, maximum width of 4.8 metres and a total area of 18.2 square metres and given the reference G on the deposited plan.

An irregularly shaped area of verge and footway on the southern boundary of the highway known as Penkin Hill and on the south-eastern boundary of the highway known as Ladyhill Road, having a maximum length of 110 metres, maximum width of 4.3 metres and a total area of 295 square metres and given the reference H on the deposited plan.

A rectangular shaped area of the highway now comprised within new highway known as Aberthaw Rise having a maximum length of 7.8 metres, maximum width of 1.6 metres and a total area of 11.1 square metres and given the reference I on the deposited plan.

An irregularly shaped area of the eastern boundary of the highway now comprised within new highway known as Aberthaw Rise from its junction with Aberthaw Road, having a maximum length of 49.5 metres, maximum width of 2.7 metres and a total area of 105 square metres and given the reference J on the deposited plan.

## **SCHEDULE 4**

### **The Development**

Erection of 64 dwellings comprising of 46 two, three and four bedroom houses and 18 one and two bedroom flats.

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **THE STOPPING UP OF HIGHWAYS (ABERTHAW ROAD AND PENKIN HILL, NEWPORT) ORDER 2014**

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, to provide the new areas of highway as described in Schedule 2 to this Notice and to improve the areas of highway as described in Schedule 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 during normal office hours at Streetscene, Newport City Council, Civic Centre, Newport NP20 4UR or may be obtained free of charge from the address below quoting reference qA1125279/1.

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,

a person may, within 6 weeks of 17 July 2014 make an application for the purpose to the High Court.

A copy of the Order and Notice can be viewed on the Welsh Government's website at [www.wales.gov.uk](http://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 Burnell*

**M D BURNELL**  
Transport  
Welsh Government

### **SCHEDULES**

**(All measurements are approximate)**

#### **SCHEDULE 1**

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An irregularly shaped area of verge and footway on the southern boundary of the highway known as Penkin Hill extending in an easterly direction from its junction with Ladyhill Road, having a maximum length of 73 metres, maximum width of 9 metres and a total area of 277 square metres and given the reference B on the deposited plan.

#### **SCHEDULE 2**

##### **Description of the new highways to be provided**

A new access road extending in an easterly direction from the eastern kerblineline of Aberthaw Rise situated 77.5 metres from its junction with Aberthaw Road, having a maximum length of 64 metres, maximum width of 5.5 metres and a total area of 435 square metres and given the reference C on the deposited plan.

A new access road extending in a westerly direction from the western kerblineline of Aberthaw Rise situated 34 metres from its junction with Aberthaw Road, having a maximum length of 37 metres, maximum width of 4.5 metres and a total area of 229 square metres and given the reference D on the deposited plan.

#### **SCHEDULE 3**

### **Description of the areas of highway to be improved**

An irregularly shaped area of verge and footway on the northern boundary of the highway known as Aberthaw Road extending in an easterly direction from a point 10.9 metres east of its junction with Aberthaw Rise, having a maximum length of 76 metres, maximum width of 4.2 metres and a total area of 238 square metres and given the reference E on the deposited plan.

An irregularly shaped area forming part of the south western boundary of the highway known as Penkin Hill, having a maximum length of 23.2 metres, maximum width of 4.8 metres and a total area of 96.2 square metres and given the reference F on the deposited plan.

An irregularly shaped area forming part of the south western boundary of the highway known as Penkin Hill, having a maximum length of 5.5 metres, maximum width of 4.8 metres and a total area of 18.2 square metres and given the reference G on the deposited plan.

An irregularly shaped area of verge and footway on the southern boundary of the highway known as Penkin Hill and on the south-eastern boundary of the highway known as Ladyhill Road, having a maximum length of 110 metres, maximum width of 4.3 metres and a total area of 295 square metres and given the reference H on the deposited plan.

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An irregularly shaped area of the eastern boundary of the highway now comprised within new highway known as Aberthaw Rise from its junction with Aberthaw Road, having a maximum length of 49.5 metres, maximum width of 2.7 metres and a total area of 105 square metres and given the reference J on the deposited plan.

### **SCHEDULE 4**

#### **The Development**

Erection of 64 dwellings comprising of 46 two, three and four bedroom houses and 18 one and two bedroom flats, in accordance with the planning permission granted under Part III of the Town and Country Planning Act 1990 by Newport City Council on 9 December 2009 under reference number 09/0910.

