

HIGHWAYS, WALES

2014 No. 20

TOWN AND COUNTRY PLANNING ACT 1990

**THE STOPPING UP OF HIGHWAYS
(GLYNDWR ROAD, ABERYSTWYTH)
ORDER 2014**

Made 4 August 2014

Coming into force 13 August 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 (Glyndwr Road, Aberystwyth) Order 2014.

(2) In this Order:-

“the Council” (“y *Cyngor*”) means Ceredigion County 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 adnewyd*”) means the plan entitled “The Stopping Up of Highways (Glyndwr Road, Aberystwyth) Order 2014” 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, 5 and 6, the Welsh Ministers authorise the stopping up of the area 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 18 December 2013 under reference A130640 as described in Schedule 4 to this

Order.

New/Improved Highways

3. There shall be created, to the reasonable satisfaction of the Council, the new highway described in Schedule 2 and shown by stipple marking on the deposited plan and the improved highway 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 area 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 area of highway is 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 highway 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 area of highway is stopped up, 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 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 4 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 4 August 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 area of highway to be stopped up under this Order

An irregularly shaped area of the north western boundary of the highway known as Glyndwr Road in Aberystwyth that has a maximum length of 68 metres, a maximum width of 16 metres and a total area of 810 square metres.

SCHEDULE 2

Description of the new highway to be provided

A roughly rectangular shaped area (currently comprising part of Drill Hall in Glyndwr Road) that adjoins the existing north western boundary of the highway known as Glyndwr Road in Aberystwyth that has a maximum length of 45 metres, a maximum width of 1.9 metres and a total area of 74 square metres.

SCHEDULE 3

Description of the area of highway to be improved

An irregularly shaped area of the south eastern boundary of the highway known as Glyndwr Road in

Aberystwyth that has a maximum length of 140 metres, a maximum width of 15 metres and a total area of 644 square metres.

SCHEDULE 4

The Development

Mixed use proposal comprising demolition, erection of two Class 1 retail stores, eight apartments, 555 space car park and ancillary works at Mill Street Car Park, Aberystwyth.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (GLYNDWR ROAD, ABERYSTWYTH) 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 (“the Act”), to authorise the stopping up of the area of highway described in Schedule 1 to this Notice, to provide for the new area of highway described in Schedule 2 to this Notice and to improve the area of highway described in Schedule 3 to this Notice.

The stopping up is authorised only in order to enable the development described in Schedule 4 to be carried out. The Stopping Up of Highways (Glyndwr Road, Aberystwyth) Order 2014 (“the Order”) ceases to have effect if planning permission in respect of the development expires or is revoked.

Copies of the Order and deposited plan may be inspected free of charge during normal office hours at Aberystwyth Library, Town Hall, Queen’s Square, Aberystwyth SY23 2EB or may be obtained free of charge from the address below quoting reference qA1141061/1.

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

that person may, within 6 weeks of 13 August 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 (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

SCHEDULES

(All measurements are approximate)

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

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SCHEDULE 3

Description of the area of highway to be improved

An irregularly shaped area of the south eastern boundary of the highway known as Glyndwr Road (to become Glyndwr Walk when development is constructed) in Aberystwyth that has a maximum length of 140 metres, a maximum width of 15 metres and a total area of 644 square metres.

SCHEDULE 4

The Development

Mixed use proposal comprising demolition, erection of two Class 1 retail stores, eight apartments, 555 space car park and ancillary works at Mill Street Car Park, Aberystwyth in accordance with planning permission granted under Part 3 of the 1990 Act by the Council, on 18 December 2013 under reference A130640.