

PRIFYRDD, CYMRU

2014 RHIF 22

DEDDF CYNLLUNIO GWLAD A THREF 1990

**GORCHYMYN CAU PRIFYRDD (HEOL Y
PLWYF, CWM-GWRACH, (SAFLE GLOFA
ARWYNEB SELAR) GER GLYN-NEDD,
CASTELL-NEDD PORT TALBOT) 2014**

Gwnaed 26 Awst 2014

Yn dod i rym 28 Awst 2014

Mae Gweinidogion Cymru wedi eu bodloni bod caniatâd cynllunio wedi ei roi at y diben o alluogi i fwynau gael eu cloddio ar yr arwyneb, a'i bod yn ofynnol, at y diben hwnnw, gau priffordd, y gellir ei hadfer wedi hynny, ar ôl i'r mwynau gael eu cloddio, i gyflwr nad yw'n sylweddol llai cyfleus i'r cyhoedd.

Mae Gweinidogion Cymru yn gwneud y Gorchymyn hwn drwy arfer eu pwerau o dan adrannau 247 a 261 o Ddeddf Cynllunio Gwlad a Thref 1990(1).

Enwi, Dehongli a Chychwyn

1. (1) Enw'r Gorchymyn hwn yw Gorchymyn Cau Priffyrdd (Heol y Plwyf, Cwm-gwrach, (Safle Glofa Arwyneb Selar) Ger Glyn-nedd, Castell-nedd Port Talbot) 2014.

(2) Yn y Gorchymyn hwn:-

ystyr "y cyfnod" ("*the period*") yw'r cyfnod a bennir yn erthygl 2 o'r Gorchymyn hwn;

ystyr "y Cyngor" ("*the Council*") yw Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot;

ystyr "Deddf 1990" ("*the 1990 Act*") yw Deddf Cynllunio Gwlad a Thref 1990;

ystyr "y Gweithiwr Mwynau" ("*the Mineral Worker*") yw Celtic Energy Ltd; ac

ystyr "y plan a adnewwyd" ("*the deposited plan*") yw'r plan sy'n dwyn yr enw "Gorchymyn Cau Priffyrdd (Heol y Plwyf, Cwm-gwrach, (Safle Glofa Arwyneb Selar) Ger Glyn-nedd, Castell-nedd Port Talbot) 2014" sy'n dod gyda'r Gorchymyn hwn.

(3) Daw'r Gorchymyn hwn i rym ar y dyddiad

HIGHWAYS, WALES

2014 NO. 22

TOWN AND COUNTRY PLANNING ACT 1990

**THE STOPPING UP OF HIGHWAYS (PARISH
ROAD, CWMGWRACH, (SELAR SURFACE
MINE SITE) NEAR GLYNNEATH, NEATH
PORT TALBOT) ORDER 2014**

Made 26 August 2014

Coming into Force 28 August 2014

The Welsh Ministers are satisfied that planning permission has been granted for the purpose of enabling minerals to be worked by surface working and that for such purpose the stopping up of a highway is required that can be subsequently restored, after the minerals have been worked, to a condition not substantially less convenient to the public.

The Welsh Ministers make this Order in exercise of their powers under sections 247 and 261 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 (Parish Road, Cwmgwrach, (Selar Surface Mine Site) Near Glynneath, Neath Port Talbot) Order 2014.

(2) In this Order:-

"the Council" ("*y Cyngor*") means the Council of the County Borough of Neath Port Talbot;

"the deposited plan" ("*y plan a adnewwyd*") means the plan entitled "The Stopping Up of Highways (Parish Road, Cwmgwrach, (Selar Surface Mine Site) Near Glynneath, Neath Port Talbot) Order 2014" which accompanies this Order;

"the Mineral Worker" ("*y Gweithiwr Mwynau*") means Celtic Energy Ltd;

"the period" ("*y cyfnod*") means the period specified in article 2 of this Order; and

"the 1990 Act" ("*Deddf 1990*") means the Town and

y cyhoeddir yr hysbysiad ei fod wedi ei wneud yn unol ag adran 252(10) o Ddeddf 1990.

Cau Priffordd

2. Yn ddarostyngedig i erthyglau 3, 4, 5 a 6, mae Gweinidogion Cymru yn awdurdodi cau'r darn o briffordd a ddisgrifir yn Atodlen 1 ac a ddangosir â llinellau sebra ar y plan a adnewwyd. Mae Gweinidogion Cymru wedi eu bodloni bod angen cau'r briffordd er mwyn galluogi i'r datblygiad gael ei wneud am gyfnod sy'n cyd-daro â'r amser ar gyfer gwneud y datblygiad a ganiatawyd gan y caniatâd cynllunio ar gyfer cloddio glo brig a'r gwaith o adfer y safle'n derfynol, neu erbyn 31 Hydref 2020, pa un bynnag yw'r cynharaf, a'u bod wedi eu bodloni bod angen cau'r briffordd er mwyn galluogi i'r mwynau gael eu cloddio ar yr arwyneb fel a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn yn unol â'r caniatâd cynllunio a roddwyd o dan Ran III o Ddeddf 1990 gan y Cyngor ar 17 Mawrth 2014 o dan y cyfeirnod P2013/0720 ac a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn ac y gellir adfer y darn o briffordd ar ôl i'r mwynau gael eu cloddio, a hynny i gyflwr nad yw'n sylweddol llai cyfleus i'r cyhoedd.

Y Darpariaethau sy'n Angenrheidiol cyn i'r Cyfnod Ddod i Ben

3. Cyn i'r cyfnod ddod i ben, bydd y Gweithiwr Mwynau, er boddhad rhesymol y Cyngor, yn gwneud unrhyw waith ailadeiladu ag y mae ei angen er mwyn sicrhau adferiad y darn o briffordd a ddisgrifir yn Atodlen 1 i'r Gorchymyn hwn ar yr adeg y daw'r cyfnod i ben, i gyflwr nad yw'n sylweddol llai cyfleus i'r cyhoedd a phan fydd y Cyngor yn hysbysu'r Gweithiwr Mwynau ei fod wedi ei fodloni yn unol â darpariaethau'r paragraff hwn, bydd y darn o briffordd, at ddibenion Deddf Priffyrdd 1980(3), yn briffordd i'w chynnal ar draul y pwrs cyhoeddus. Y Cyngor fydd yr awdurdod priffyrdd ar ei chyfer.

Y Darpariaethau sy'n Angenrheidiol neu'n Hwylus cyn Cau Priffordd

4. Ni chaniateir cau'r darn o briffordd yn Atodlen 1:-

(a) hyd nes y bydd y Gweithiwr Mwynau wedi darparu, er boddhad rhesymol y Cyngor, blaniau sy'n dangos drwy ba fodd y bwriedir cau'r briffordd;

(b) hyd nes y bydd y datblygiad yn Atodlen 2 wedi ei ddechrau a bod y Gweithiwr Mwynau wedi hysbysu'r Cyngor yn ysgrifenedig ei bod yn angenrheidiol cau'r briffordd i alluogi'r datblygiad i fynd rhagddo; ac

(c) hyd nes y bydd y Cyngor wedi ysgrifennu at y

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 length 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 for a period coincidental with the duration of the carrying out of the development permitted by the planning permission for opencast coal working and the final restoration of the site, or by 31 October 2020, whichever is the sooner, being satisfied that the stopping up is necessary to enable minerals to be worked by surface working as described in Schedule 2 to this Order in accordance with planning permission granted under Part III of the 1990 Act by the Council on 17 March 2014 under reference number P2013/0720 and described in Schedule 2 to this Order and that the length of highway can be restored after the minerals have been worked, to a condition not substantially less convenient to the public.

Provisions Necessary before Expiration of the Period.

3. Before the expiration of the period, the Mineral Worker shall to the reasonable satisfaction of the Council carry out such works of reconstruction as may be necessary to secure the restoration of the length of highway described in Schedule 1 to this Order at the expiration of the period to a condition not substantially less convenient to the public and when the Council gives notice to the Mineral Worker that it is satisfied in accordance with the provisions of this paragraph, the length of highway shall be a highway which for the purposes of the Highways Act 1980(3) is a highway maintainable at the public expense and the Council will be the highway authority for it.

Provisions Necessary or Expedient before Stopping Up

4. The length of highway in Schedule 1 must not be stopped up until:-

(a) the Mineral Worker has provided, to the reasonable satisfaction of the Council, plans showing the means whereby the highway is to be stopped up;

(b) the development in Schedule 2 has commenced

Gweithiwr Mwynau i gadarnhau bod paragraffau (a) a (b) wedi eu bodloni.

Ymgwymerwyr Statudol a Darparwyr

5. Pan fo gan ymgwymerwyr statudol neu ddarparwyr system gyfathrebu gyhoeddus unrhyw gyfarpar o dan y briffordd, ynddi, arni, drosti, ar ei hyd neu ar ei thraws yn union cyn cau'r rhan o briffordd yna (yn ddarostyngedig i adran 261(4) o Ddeddf 1990), bydd gan yr ymgwymerwyr neu'r darparwyr yr un hawliau mewn cysylltiad â'r cyfarpar ag a oedd ganddynt cyn cau'r briffordd.

Cyfnod Para'r Gorchymyn hwn

6. Os na fydd y datblygiad yn Atodlen 2 wedi ei ddechrau o fewn y cyfnod perthnasol a bennir yn Rhan III o Ddeddf 1990 fel cyfnod para'r caniatâd cynllunio, neu os caiff y caniatâd ei ddirymu cyn diwedd y cyfnod hwnnw, bydd y Gorchymyn hwn yn peidio â chael effaith pan ddaw'r caniatâd cynllunio i ben.

Llofnodwyd o dan awdurdod Gweinidog yr Economi, Gwyddoniaeth a Thrafnidiaeth, un o Weinidogion Cymru.

Dyddiedig

26 Awst 2014

R MORGAN

Pennaeth Rheoli Asedau a Safonau
Llywodraeth Cymru

- (1) 1990 p8. Yn rhinwedd O.S. 1999/672, erthygl 2 ac Atodlen 1, trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru, ac maent yn arferadwy bellach gan Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30(2) o Atodlen 11 iddi.
- (2) 1980 p.66.

YR ATODLENNI

ATODLEN 1

(Bras amcan yw pob mesuriad)

Disgrifiad o'r darn o briffordd sydd i'w gau o dan y Gorchymyn hwn

Y darn o'r briffordd ddiddosbarth a elwir Heol y Plwyf yng Ngwm-gwrach ger Glyn-nedd ym Mwrdeistref Sirol Castell-nedd Port Talbot, o'i chyffordd â Hen Heol y Plwyf (y ffordd ddiddosbarth sy'n arwain at Fferm Pen-y-cae) ac y rhoddwyd cyfeirbwynt A iddi ar

and the Mineral Worker has informed the Council in writing of the necessity to close the highway to allow the development to proceed; and

(c) the Council has confirmed in writing to the Mineral Worker that paragraphs (a) and (b) 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 2 has not begun within the relevant period specified in Part III 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

26 August 2014

R MORGAN

Head of Asset Management and Standards
Welsh Government

- (3) 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

SCHEDULE 1

(All measurements are approximate)

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

The length of the unclassified highway known as

y plan a adneuwyd, i'w chyffordd â Selar Coal Haul Road a'r ffordd ddiddosbarth sy'n arwain at Mount Road, y Rhigos ac y rhoddwyd cyfeirbwynt B iddi ar y plan a adneuwyd, sy'n 3,270 o fetrau yn y man hiraf ac yn 8.5 metr yn y man lletaf.

ATODLEN 2

Y Datblygiad

Estyniad i Lofa Arwyneb Selar (Estyniad Selar Central) ar gyfer cloddio'n raddol tua 800,000 o dunelli o lo mewn ffordd sydd wedi ei hintegreiddio â'r gweithrediadau presennol a'r gweithrediadau y rhoddwyd caniatâd iddynt yn Selar North a'r gwaith cysylltiedig o adleoli gweithdy, ffordd fynediad fewnol, swyddfeydd a seilwaith y safle ar Safle Glo Brig Selar ger Glyn-nedd.

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (HEOL Y PLWYF, CWM-GWRACH, (SAFLE GLOFA ARWYNEB SELAR) GER GLYN-NEDD, CASTELL-NEDD PORT TALBOT) 2014

Mae Gweinidogion Cymru wedi gwneud Gorchymyn o dan adrannau 247 a 261 o Ddeddf Cynllunio Gwlad a Thref 1990 i awdurdodi cau dros dro y darn o briffordd a ddisgrifir yn Atodlen 1 i'r Hysbysiad hwn i alluogi i fwynau gael eu cloddio yng Nglofa Arwyneb Selar fel y disgrifir yn Atodlen 2 ac er mwyn gwneud y gwaith o adfer y safle'n derfynol. Bydd Gorchymyn Cau Priffyrdd (Heol y Plwyf, Cwm-gwrach, (Safle Glofa Arwyneb Selar) Ger Glyn-nedd, Castell-nedd Port Talbot) 201- ("y Gorchymyn"), os caiff ei wneud, yn peidio â chael effaith os daw'r caniatâd cynllunio mewn cysylltiad â'r datblygiad i ben neu os caiff ei ddirymu.

Bydd y briffordd yn Atodlen 1 ar gau am gyfnod sy'n cyd-daro â'r amser ar gyfer gwneud y datblygiad a ganiatwyd gan y caniatâd cynllunio ar gyfer cloddio glo brig a'r gwaith o adfer y safle'n derfynol, neu erbyn 31 Hydref 2020, pa un bynnag yw'r cynharaf.

Gellir edrych ar gopiâu o'r Gorchymyn a'r plan a adneuwyd yn rhad ac am ddim yn ystod oriau swyddfa arferol yn Llyfrgell Glyn-nedd, Park Avenue, Castell-nedd SA11 5DW neu gellir eu cael yn rhad ac am ddim o'r cyfeiriad isod gan ddyfynnu'r cyfeirnod qA1160338.

Parish Road at Cwmgwrach near Glynneath in the County Borough of Neath Port Talbot, from its junction with Old Parish Road (the unclassified road leading to Pen-y-Cae Farm) and given the reference point A on the deposited plan, to its junction with the Selar Coal Haul Road and the unclassified road leading to Mount Road, Rhigos and given the reference point B on the deposited plan, with a maximum length of 3,270 metres and a maximum width of 8.5 metres.

SCHEDULE 2

The Development

Extension to Selar Surface Mine (Selar Central Extension) for the phased extraction of some 800,000 tonnes of coal integrated into the existing and permitted operations at Selar North with associated relocation of workshop, internal access road, offices and site infrastructure at Selar Opencast Coal Site near Glynneath.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (PARISH ROAD, CWMGWRACH, (SELAR SURFACE MINE SITE) NEAR GLYNNEATH, NEATH PORT TALBOT) ORDER 2014

The Welsh Ministers have made an Order under sections 247 and 261 of the Town and Country Planning Act 1990 ("the Act") to authorise the temporary stopping up of the area of highway described in Schedule 1 to this Notice to enable the working of minerals at Selar Surface Mine as described in Schedule 2 and the final restoration of the site, to be carried out. The Stopping Up of Highways (Parish Road, Cwmgwrach, (Selar Surface Mine Site) Near Glynneath, Neath Port Talbot) Order 2014 ("the Order") ceases to have effect if planning permission in respect of the development expires or is revoked.

The stopping up of the highway in Schedule 1 will be for a period coincidental with the duration of the carrying out of the development permitted by the planning permission for opencast coal working and the final restoration of the site, or by 31 October 2020, whichever is sooner.

Copies of the Order and the deposited plan may be inspected free of charge during normal office hours at

Caiff unrhyw berson a dramgwyddir gan y Gorchymyn, ar y sail:

- a. nad yw o fewn pwerau'r Ddeddf; neu
 - b. na chydymffurfiwyd ag un o ofynion gweithdrefnol y Ddeddf;
- o fewn 6 wythnos i 28 Awst 2014 wneud cais at y diben hwnnw i'r Uchel Lys.

Gellir gweld copi o'r Gorchymyn a'r Hysbysiad yn www.cymru.gov.uk (Detholer: Deddfwriaeth/Is-ddeddfwriaeth/Deddfwriaeth ddrafft/Offerynnau Anstatudol Drafft/Deddf Cynllunio Gwlad a Thref: Gorchymynion Cau/2014).

Gellir cael copi print bras o'r Hysbysiad hwn oddi wrth: Y Gangen Orchmynion, Trafnidiaeth, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

M D BURNELL
Trafnidiaeth
Llywodraeth Cymru

YR ATODLENNI

ATODLEN 1

(Bras amcan yw pob mesuriad)

Disgrifiad o'r darn o briffordd sydd i'w gau o dan y Gorchymyn hwn

Y darn o'r briffordd ddiddosbarth a elwir Heol y Plwyf yng Ngwm-gwrach ger Glyn-nedd ym Mwrdeistref Sirol Castell-nedd Port Talbot, o'i chyffordd â Hen Heol y Plwyf (y ffordd ddiddosbarth sy'n arwain at Fferm Pen-y-cae) ac y rhoddwyd cyfeirbwynt A iddi ar y plan a adneuwyd, i'w chyffordd â Selar Coal Haul Road a'r ffordd ddiddosbarth sy'n arwain at Mount Road, Rhigos ac y rhoddwyd cyfeirbwynt B iddi ar y plan a adneuwyd, sy'n 3,270 ar y mwyaf ac yn 8.5 metr yn y man lletaf.

Glynneath Library Park Avenue, Neath, SA11 5DW or may be obtained free of charge from the address below quoting reference qA1160338.

If a person is aggrieved by the Order, on the ground that:

- a. it is not within the powers of the Act; or
- b. a procedural requirement of the Act has not been complied with;

that person may, within 6 weeks of 28 August 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
Transport
Welsh Government

SCHEDULES

SCHEDULE 1

(All measurements are approximate)

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

The length of the unclassified highway known as Parish Road at Cwmgwrach near Glynneath in the County Borough of Neath Port Talbot, from its junction with Old Parish Road (the unclassified road leading to Pen-y-Cae Farm) and given the reference point A on the deposited plan, to its junction with the Selar Coal Haul Road and the unclassified road leading to Mount Road, Rhigos and given the

ATODLEN 2

Y Datblygiad

Estyniad i Lofa Arwyneb Selar (Estyniad Selar Central) ar gyfer cloddio'n raddol tua 800,000 o dunelli o lo mewn ffordd sydd wedi ei hintergreiddio â gweithrediadau presennol a'r gweithrediadau y rhoddwyd caniatâd iddynt yn Selar North a'r gwaith cysylltiedig o adleoli gweithdy, ffordd fynediad fewnol, swyddfeydd a seilwaith y safle ar Safle Glo Brig Selar ger Glyn-nedd.

reference point B on the deposited plan, with a maximum length of 3,270 metres and a maximum width of 8.5 metres.

SCHEDULE 2

The Development

Extension to Selar Surface Mine (Selar Central Extension) for the phased extraction of some 800,000 tonnes of coal integrated into the existing and permitted operations at Selar North with associated relocation of workshop, internal access road, offices and site infrastructure at Selar Opencast Coal Site near Glynneath.