

HIGHWAYS, WALES

2014 NO. 32

TOWN AND COUNTRY PLANNING ACT 1990

**THE STOPPING UP OF HIGHWAYS (UPPER
BANK, BRUNEL WAY, SWANSEA) ORDER
2014**

Made 11 December 2014

Coming into Force 18 December 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 (Upper Bank, Brunel Way, Swansea) Order 2014.

(2) In this Order:-

“the Council” (“*y Cyngor*”) means the County Council of the City and County of Swansea;

“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 (Upper Bank, Brunel Way, Swansea) 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 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 III of the 1990 Act by the Council on 6 July 2012 under reference

number 2006/1902 and on 7 March 2014 under reference number 2014/0013 and described in Schedule 4 to this Order.

New / Improved Highways

3. There must 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(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 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 how 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 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 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 III of the 1990 Act as being the duration of the planning permission, or the permission is revoked before the end of that period, this Order ceases to have effect.

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

Dated 11 December 2014

RICHARD 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**

A rectangular shaped area of all purpose highway totalling 243.37 square metres situated south east of the highway known as Nantong Way, Pentrechwyth, Swansea and given the reference A on the deposited plan.

A rectangular shaped area of all purpose highway totalling 618.35 square metres situated south east of the highway known as Nantong Way, Pentrechwyth, Swansea and given the reference B on the deposited plan.

SCHEDULE 2

**Description of the areas of new highway to be
provided**

An irregular shaped area of new access road totalling 348.37 square metres situated south east of the roundabout connecting the highways known as Nantong Way and Brunel Way, Pentrechwyth, Swansea and given the reference C on the deposited plan.

An irregular shaped area of new access road totalling 475.29 square metres situated south east of the highway known as Nantong Way, Pentrechwyth, Swansea and given the reference D on the deposited plan.

An irregular shaped area of new access road totalling 1002.62 square metres situated north of the highway known as the A4217, Pentrechwyth, Swansea and given the reference E on the deposited plan.

SCHEDULE 3

Description of the areas of highway to be improved under this Order

An irregularly shaped area of access road totalling 253.93 square metres situated east of the highway known Brunel Way, Pentrechwyth, Swansea and given the reference F on the deposited plan.

An irregularly shaped area of access road totalling 46.68 square metres situated south east of the highway known as Nantong Way, Pentrechwyth, Swansea and given the reference G on the deposited plan.

SCHEDULE 4

The Development

Construction of 42 residential units on land at Upper Bank, Pentrechwyth, Swansea.

TOWN AND COUNTRY PLANNING ACT 1990

**THE STOPPING UP OF HIGHWAYS (UPPER
BANK, BRUNEL WAY, SWANSEA) ORDER
2014**

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 areas of highway described in Schedule 1 to this Notice, to provide for 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 to enable the development described in Schedule 4 to be carried out. The Stopping Up of Highways (Upper Bank, Brunel Way, Swansea) 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 the deposited plan may be inspected free of charge during normal office hours at the offices of the City and County of Swansea, Parc Penllergaer, Penllergaer, Swansea SA4 9GJ or may be obtained free of charge from the address below quoting reference qA1173897.

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 18 December 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 / 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 areas of highway to be stopped up under this Order

A rectangular shaped area of all purpose highway totalling 243.37 square metres situated south east of the highway known as Nantong Way, Pentrechwyth, Swansea and given the reference A on the deposited plan.

A rectangular shaped area of all purpose highway totalling 618.35 square metres situated south east of the highway known as Nantong Way, Pentrechwyth, Swansea and given the reference B on the deposited plan.

SCHEDULE 2

Description of the areas of new highway to be provided

An irregular shaped area of new access road totalling 348.37 square metres situated south east of the roundabout connecting the highways known as Nantong Way and Brunel Way, Pentrechwyth, Swansea and given the reference C on the deposited plan.

An irregular shaped area of new access road totalling 475.29 square metres situated south east of the highway known as Nantong Way, Pentrechwyth, Swansea and given the reference D on the deposited plan.

An irregular shaped area of new access road totalling 1002.62 square metres situated north of the highway known as the A4217, Pentrechwyth, Swansea and given the reference E on the deposited plan.

SCHEDULE 3

Description of the areas of highway to be improved under this Order

An irregularly shaped area of access road totalling 253.93 square metres situated east of the highway known Brunel Way, Pentrechwyth, Swansea and given the reference F on the deposited plan.

An irregularly shaped area of access road totalling 46.68 square metres situated south east of the highway known as Nantong Way, Pentrechwyth, Swansea and given the reference G on the deposited plan.

SCHEDULE 4

The Development

Construction of 42 residential units on land at Upper Bank, Pentrechwyth, Swansea in accordance with the planning permission granted under Part III of the Town and Country Planning Act 1990 by the County Council of the City and County of Swansea on 6 July 2012 under reference number 2006/1902 and on 7 March 2014 under reference number 2014/0013.