

## HIGHWAYS, WALES

2015 NO. 3

### TOWN AND COUNTRY PLANNING ACT 1990

#### THE STOPPING UP OF HIGHWAYS (LAND FRONTING BRIDGEND ROAD AND OAK STREET, ABERKENFIG, BRIDGEND) ORDER 2015

*Made* 22 January 2015

*Coming into Force* 29 January 2015

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 (Land Fronting Bridgend Road and Oak Street, Aberkenfig, Bridgend) Order 2015.

(2) In this Order:-

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

“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 (Land Fronting Bridgend Road and Oak Street, Aberkenfig, Bridgend) Order 2015” 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 III of the 1990 Act by the Council on 7 October 2014 under reference number P/13/861/FUL and described in Schedule 3 to this Order.

### **Improved Highway**

3. There must be created, to the reasonable satisfaction of the Council, the improved highway described in Schedule 2 and shown by cross hatching on the deposited plan which is highway that, for the purposes of the Highways Act 1980(2) 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 and for the Improvement of the Highway**

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 how the area of highway is to be stopped up;

(b) the developer has provided the improved highway described in Schedule 2 to the reasonable satisfaction of the Council;

(c) the development in Schedule 3 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 3 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 22 January 2015

**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 area of highway to be stopped up  
under this Order**

A rectangular shaped area of all purpose highway having a total area of 266.33 square metres south of and adjacent to Oak Street, and Bridgend Road Aberkenfig, Bridgend.

**SCHEDULE 2**

**Description of the area of highway to be improved  
under this Order**

An irregularly shaped area of highway verge and footway having a total area of 108.82 square metres adjacent to Oak Street and Bridgend Road, Aberkenfig, Bridgend.

**SCHEDULE 3**

**The Development**

Demolition of Carey Baptist Church and the erection of 14 apartments including vehicular and pedestrian access, parking, and landscaping at the corner of Oak Street and Bridgend Road, Aberkenfig, Bridgend.

**TOWN AND COUNTRY PLANNING ACT 1990**

**THE STOPPING UP OF HIGHWAYS (LAND  
FRONTING BRIDGEND ROAD AND OAK  
STREET, ABERKENFIG, BRIDGEND) ORDER  
2015**

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, and to improve the area of highway described in Schedule 2 to this Notice to enable the development in Schedule 3 to be carried out. The Stopping Up of Highways (Land Fronting Bridgend Road and Oak Street, Aberkenfig, Bridgend) Order 2015 (“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 Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend CF31 4WB or may be obtained free of charge from the address below quoting reference qA1169684/1.

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 29 January 2015 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](http://www.wales.gov.uk) (Select: Legislation/ Subordinate legislation/ Non-Statutory Instruments/ Transport/ TCPA Stopping Up Orders, 2015).

**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**

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Demolition of Carey Baptist Church and the erection of 14 apartments including vehicular and pedestrian access, parking, and landscaping at the corner of Oak Street and Bridgend Road, Aberkenfig, Bridgend. in accordance with the planning permission granted under Part III of the Town and Country Planning Act 1990 by Bridgend County Borough Council on 7 October 2014 under reference number P/13/861/FUL.