

HIGHWAYS, WALES

2015 NO. 41

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (ELDON GROVE, RHOSTYLLEN, WREXHAM) ORDER 2015

Made 7 December 2015

Coming into Force 11 December 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 (Eldon Grove, Rhostyllen, Wrexham) Order 2015.

(2) In this Order:-

“the Council” (“*y Cyngor*”) means Wrexham County Borough 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 (Eldon Grove, Rhostyllen, Wrexham) 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 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 in accordance with planning permission granted under Part III of the 1990 Act by the Council on 1 July 2010 under reference number ESC P/2207/0686 and described in Schedule 3 to this Order.

Improved Highway

3. There must be created, to the reasonable satisfaction of the Council, the length of improved highway described in Schedule 2 to this Order and shown by cross hatching on the deposited plan, which is to be highway which, for the purposes of the Highways Act 1980(2) is highway maintainable at the public expense and the Council will be the highway authority responsible for it.

Provisions Necessary or Expedient before the Stopping Up and the Improvement of the Highway

4. The length 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 length of highway is to be stopped up;

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

(c) the development described 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 length of highway is to be 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 described 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 7 December 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 length of highway to be stopped up under this Order

An irregularly shaped length of highway known as Eldon Grove that adjoins the A5152 Wrexham Road at Rhostyllen in Wrexham, having a total area of 74.6 square metres.

SCHEDULE 2

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

An irregularly shaped length of highway comprising lengths of Henblas Road, Eldon Grove and the A5152 Wrexham Road, having a total area of 2584 square metres.

SCHEDULE 3

The Development

Residential development comprising of 223 dwellings and the construction of new vehicular and pedestrian accesses, at Wrexham Road, Rhostyllen, Wrexham.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (ELDON GROVE, RHOSTYLLLEN, WREXHAM) ORDER 2015

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 length of

highway described in Schedule 1 to this Notice and to improve the length of highway described in Schedule 2 to this Notice to enable the development described in Schedule 3 to be carried out. The Stopping Up of Highways (Eldon Grove, Rhostyllen, Wrexham) Order 2015 (“the Order”) will cease 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 at the Parish Hall, Vicarage Lane, Rhostyllen, Wrexham LL14 4AR during normal opening hours or may be obtained free of charge from the address below quoting reference qA1222925.

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 11 December 2015 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.gov.wales (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

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