

HIGHWAYS, WALES

2016 NO 16

TOWN AND COUNTRY PLANNING ACT 1990

**THE STOPPING UP OF HIGHWAYS
(PENRHIWCEIBER ROAD, PENRHIWCEIBER,
MOUNTAIN ASH, RHONDDA CYNON TAF)
ORDER 2016**

<i>Made</i>	16 June 2016
<i>Coming into Force</i>	22 June 2016

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 (Penrhiwceiber Road, Penrhiwceiber, Mountain Ash, Rhondda Cynon Taf) Order 2016.

(2) In this Order:-

“the Council” (“*y Cyngor*”) means the Council of the County Borough of Rhondda Cynon Taf;

“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 (Penrhiwceiber Road, Penrhiwceiber, Mountain Ash, Rhondda Cynon Taf) Order 2016” 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 permissions granted under Part III of the 1990 Act by the Council on 26 March 2012 under reference number 11/0911/16 and described in Schedule 3 to this Order.

Improved Highway

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

Provisions Necessary or Expedient before Stopping Up

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, the areas of improved highway described in Schedule 2;

(b) the developer has provided, to the reasonable satisfaction of the Council, plans showing how the area of highway is to be stopped up;

(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 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 such period, this Order ceases to have effect upon the cessation of the planning permission

Signed under authority of the Cabinet Secretary for Economy and Infrastructure, one of the Welsh Ministers.

Dated 16 June 2016

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.

SCHEDULES

SCHEDULE 1

(All measurements are approximate)

Description of the area of highway to be stopped up under this Order at Penrhiwceiber Road, Penrhiwceiber, Mountain Ash in the County Borough of Rhondda Cynon Taf

1. An irregularly shaped area of highway being part of the layby and part of the footway between the properties known as numbers 107 and 109 Penrhiwceiber Road having a total area of 14.8 square metres and given the reference S1 on the deposited plan.

SCHEDULE 2

(All measurements are approximate)

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

1. An irregularly shaped area of highway being part of the layby and part of the footway between the properties known as numbers 107 and 109 Penrhiwceiber Road having a total area of 15.9 square metres (to become a vehicle crossover) and given the reference N1 on the deposited plan.
2. An irregularly shaped area of highway being part of the layby and part of the footway adjacent to the property known as number 107 Penrhiwceiber Road

having a total area of 5.7 square metres (to become or remain footway) and given the reference N2 on the deposited plan.

SCHEDULE 3

The Development

The construction of a detached residential dwelling on land between 107-109 Penrhiwceiber Road, Penrhiwceiber, Mountain Ash CF45 3BT.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (PENRHIWCEIBER ROAD, PENRHIWCEIBER, MOUNTAIN ASH, RHONDDA CYNON TAF) ORDER 2016

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 areas of highway described in Schedule 2, to enable the development in Schedule 3 to be carried out. The Stopping Up of Highways (Penrhiwceiber Road, Penrhiwceiber, Mountain Ash, Rhondda Cynon Taf) Order 2016 (“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 Planning Department, Rhondda Cynon Taf County Borough Council, Sardis House, Sardis Road, Rhondda Cynon Taf CF37 1DU or may be obtained free of charge from the address below quoting reference qA1243649.

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. a procedural requirement of the Act has not been complied with;

that person may, within 6 weeks of 22 June 2016 make an application for the purpose to the High Court.

A copy of the Order and Notice can be viewed at www.gov.wales (Select: Legislation/ Subordinate legislation/ Non-Statutory Instruments/ Transport / TCPA Stopping Up Orders/ 2016).

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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2. An irregularly shaped area of highway being part of the layby and part of the footway adjacent to the property known as number 107 Penrhiwceiber Road having a total area of 5.7 square metres (to become or remain footway) and given the reference N2 on the deposited plan.

SCHEDULE 3

The Development

The construction of a detached residential dwelling on land between 107-109 Penrhiwceiber Road, Penrhiwceiber, Mountain Ash CF45 3BT in accordance with the planning permission granted under Part III of the Act by the Council of the County Borough of Rhondda Cynon Taf on 26 March 2012 under reference number 11/0911/16.