PRIFFYRDD, CYMRU

2018 Rhif 47

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (Y B4381 FFORDD TRE'R-LLAI, MAN I'R GORLLEWIN O BONT TRE'R-LLAI, Y TRALLWNG, POWYS) 2018

Gwnaed *5 Mawrth 2018*

Yn dod i rym *9 Mawrth 2018*

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

Enwi, Cychwyn a Dehongli

1. (1) Enw'r Gorchymyn hwn yw Gorchymyn Cau Priffyrdd (Y B4381 Ffordd Tre'r-llai, Man i'r Gorllewin o Bont Tre'r-llai, Y Trallwng, Powys) 2018.

(2) Yn y Gorchymyn hwn:-

ystyr "y Cyngor" ("*the Council*") yw Cyngor Sir Powys;

ystyr "y datblygwr" ("*the developer*") yw'r person sy'n gwneud y datblygiad y mae'r caniatâd cynllunio wedi ei roi ar ei gyfer;

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

ystyr "y plan a adneuwyd" ("*the deposited plan*") yw'r plan sy'n dwyn yr enw "Gorchymyn Cau Priffyrdd (Y B4381, Ffordd Tre'r-llai, Man i'r Gorllewin o Bont Tre'r-llai, Y Trallwng, Powys) 2018" sy'n dod gyda'r Gorchymyn hwn.

(3) Daw'r Gorchymyn hwn i rym ar y dyddiad y cyhoeddir yr hysbysiad ei fod wedi ei wneud yn unol ag adran 252(10) o Ddeddf 1990.

(1) 1990 p. 8. Diwygiwyd gan adran 20(4) o Ddeddf Llywodraeth Leol (Cymru) 1994 (p. 19) a pharagraff 24(9) o Atodlen 6 iddi. Yn rhinwedd erthygl 2 o O.S. 1999/672 ac Atodlen 1 iddo, 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 (p. 32) a pharagraff 30(2) o Atodlen 11 iddi.

HIGHWAYS, WALES

2018 No 47

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (B4381 LEIGHTON ROAD, WEST OF LEIGHTON BRIDGE, WELSHPOOL, POWYS) ORDER 2018

Made *5 March 2018*

Coming into Force *9 March 2018*

The Welsh Ministers, in exercise of their powers under section 247 of the Town and Country Planning Act 1990(1), make this Order.

Title, Interpretation and Commencement

1. (1) The title of this Order is The Stopping Up of Highways (B4381 Leighton Road, West Of Leighton Bridge, Welshpool, Powys) Order 2018.

(2) In this Order:-

"the Council" ("*y Cyngor*") means Powys County Council;

"the deposited plan" ("*y plan a adneuwyd*") means the plan entitled "The Stopping Up of Highways (B4381 Leighton Road, West Of Leighton Bridge, Welshpool, Powys) Order 2018" which accompanies this Order;

"the developer" ("*y datblygwr*") means the person carrying out the development for which the planning permission has been given; and

"the 1990 Act" ("*Y 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.

(1) 1990 c. 8. Amended by section 20(4) of, and paragraph 24(9) of Schedule 6 to, the Local Government (Wales) Act 1994 (c.19)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 c. 32.

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 adneuwyd. Mae Gweinidogion Cymru wedi eu bodloni bod angen cau'r briffordd er mwyn gwneud y datblygiad yn unol â'r caniatâd cynllunio a roddwyd o dan Ran 3 o Ddeddf 1990 gan y Cyngor ar 22 Chwefror 2017 o dan y cyfeirnod P/2016/1240 ac a ddisgrifir yn Atodlen 3 i'r Gorchymyn hwn.

Priffordd Newydd

3. Rhaid creu, er boddhad rhesymol y Cyngor, y briffordd newydd a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn, ac a ddangosir â llinellau lletraws tenau ar y plan a adneuwyd, ac mae'r briffordd hon, at ddibenion Deddf Priffyrdd 1980(2), i fod yn briffordd i'w chynnal ar draul y pwrs cyhoeddus. Y Cyngor fydd yr awdurdod priffyrdd sy'n gyfrifol am y darn newydd o briffordd.

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

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

(a) hyd nes y bydd y datblygwr wedi darparu, er boddhad rhesymol y Cyngor, blaniau sy'n dangos sut y mae'r darn o briffordd a ddisgrifir yn Atodlen 1 i'w chau;

(b) hyd nes y bydd y datblygwr wedi darparu'r darn newydd o briffordd a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn er boddhad rhesymol y Cyngor;

(c) hyd nes y bydd y datblygiad a ddisgrifir yn Atodlen 3 wedi ei ddechrau a bod y datblygwr wedi hysbysu'r Cyngor yn ysgrifenedig ei bod yn angenrheidiol cau'r darn o briffordd a ddisgrifir yn Atodlen 1 er mwyn i'r datblygiad fynd rhagddo; a

(d) hyd nes y bydd y Cyngor wedi ysgrifennu at y datblygwr i gadarnhau bod paragraffau (a), (b) ac (c) wedi eu bodloni.

(2) 1980 p. 66

Stopping Up

2. Subject to articles 3, 4, 5 and 6 of this Order, the Welsh Ministers authorise the stopping up of the length of highway described in Schedule 1 and 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 3 of the 1990 Act by the Council on 22 February 2017 under reference number P/2016/1240 and described in Schedule 3 to this Order.

New Highway

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

Provisions Necessary or Expedient before Stopping Up

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

(a) the developer has provided, to the reasonable satisfaction of the Council, plans showing the means whereby the length of highway described in Schedule 1 is to be stopped up;

(b) the developer has provided the new length of highway 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 stop up 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.

(2) 1980 c.66

Ymgymerwyr Statudol a Darparwyr

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

Cyfnod Para'r Gorchymyn hwn

6. Os na fydd y datblygiad a ddisgrifir yn Atodlen 3 wedi ei ddechrau yn y cyfnod perthnasol a bennir yn Rhan 3 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 Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth, un o Weinidogion Cymru.

Dyddiedig 5 Mawrth 2018

Nina Ley
Pennaeth yr Uned Fusnes, Rheoli'r Rhwydwaith
Llywodraeth Cymru

YR ATODLENNI

(Bras amcan yw pob mesuriad)

ATODLEN 1

<u>Disgrifiad o'r darn o brifffordd sydd i'w gau o dan y Gorchymyn</u>

Darn afreolaidd ei siâp o'r B4381 Ffordd Tre'r-llai wedi ei dargyfeirio nad yw wedi ei gau'n ffurfiol sydd wedi ei leoli o fewn y Safle Sipsiwn a Theithwyr i'r gogledd o'r B4381 presennol, mewn man i'r gorllewin o Bont Tre'r-llai, y Trallwng, sy'n gyfanswm o 141.5 o fetrau sgwâr, ac y rhoddwyd y cyfeirnod A iddi ar y plan a adneuwyd.

ATODLEN 2

Statutory Undertakers and Providers

5. Where immediately before the length 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 3 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 upon the cessation of the planning permission.

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

Dated 5 March 2018

Nina Ley
Head of Business Unit, Network Management
Welsh Government

SCHEDULES

(All measurements are approximate)

SCHEDULE 1

<u>Description of the length of highway to be stopped up under the Order</u>

An irregular shaped length of diverted B4381 Leighton Road not formally stopped up, that is situated within the Gypsy and Traveller site, north of the current B4381, west of Leighton Bridge, Welshpool, totalling 141.5 square metres, and given the reference A on the deposited plan.

SCHEDULE 2

Disgrifiad o'r darn o briffordd newydd sydd i'w ddarparu o dan y Gorchymyn

Darn newydd o lwybr troed sy'n ymestyn tua'r gogledd o linell cwrb ogleddol y B4381 Ffordd Tre'r-llai, mewn man i'r gorllewin o Bont Tre'r-llai, y Trallwng, sy'n gyfanswm o 120 o fetrau sgwâr, ac y rhoddwyd y cyfeirnod B iddi ar y plan a adneuwyd.

ATODLEN 3

Y Datblygiad

Estyniad i'r safle presennol i sipsiwn a charafannau i gynnwys dwy lain ychwanegol, Adeilad amwynderau a Mannau Parcio ynghyd ag adleoli'r Mynediad presennol i gaeau yn Safle Sipsiwn a Theithwyr Leighton Arches, Tre'r-llai.

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (Y B4381 FFORDD TRE'R-LLAI, MAN I'R GORLLEWIN O BONT TRE'R-LLAI, Y TRALLWNG, POWYS) 2018

Mae Gweinidogion Cymru wedi gwneud Gorchymyn o dan adran 247 o Ddeddf Cynllunio Gwlad a Thref 1990 i awdurdodi cau'r darn o briffordd a ddisgrifir yn Atodlen 1 i'r Hysbysiad hwn ac i ddarparu ar gyfer y darn newydd o briffordd a ddisgrifir yn Atodlen 2 er mwyn gwneud y datblygiad a ddisgrifir yn Atodlen 3. Bydd Gorchymyn Cau Priffyrdd (Y B4381 Ffordd Tre'r-llai, Man i'r Gorllewin o Bont Tre'r-llai, Y Trallwng, Powys) 2018 ("y Gorchymyn") yn peidio â chael effaith os daw'r caniatâd cynllunio mewn cysylltiad â'r datblygiad i ben neu os caiff ei ddirymu.

Gellir edrych ar gopïau o'r Gorchymyn a'r plan a adneuwyd yn rhad ac am ddim yng Nghanolfan Groeso'r Trallwng, Gerddi'r Ficerdy, Church Street, y Trallwng, Powys SY21 7DD yn ystod oriau agor arferol neu gellir eu cael yn rhad ac am ddim o'r cyfeiriad isod drwy ddyfynnu'r cyfeirnod qA1304542.

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;

Description of the length of new highway to be provided under the Order

A new length of footpath that extends in a northerly direction from the northern kerb line of the B4381 Leighton Road, west of Leighton Bridge, Welshpool, totalling 120 square metres, and given the reference B on the deposited plan.

SCHEDULE 3

The Development

Extension to existing gypsy and caravan site to incorporate two additional pitches, an amenity building and parking together with the relocation of an existing field Access at Leighton Arches Gypsy and Traveller Site, Leighton.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (B4381 LEIGHTON ROAD, WEST OF LEIGHTON BRIDGE, WELSHPOOL, POWYS) ORDER 2018

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 provide the new area of highway described in Schedule 2 to enable the development described in Schedule 3 to be carried out. The Stopping Up of Highways (B4381 Leighton Road, West of Leighton Bridge, Welshpool, Powys) Order 2018 ("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 Welshpool Tourist Information Centre, Vicarage Garden, Church Street, Welshpool, Powys SY21 7DD during normal opening hours or may be obtained free of charge from the address below quoting reference qA1304542.

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 9 March 2018

o fewn 6 wythnos i 9 Mawrth 2018, wneud cais i'r Uchel Lys.

Gellir gweld copi o'r Gorchymyn a'r Hysbysiad ar www.llyw.cymru (Detholer: Deddfwriaeth/ Isddeddfwriaeth/ Offerynnau Anstatudol/ Trafnidiaeth/ Deddf Cynllunio Gwlad a Thref: Gorchmynion Cau/ 2018).

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

(Bras amcan yw pob mesuriad)

ATODLEN 1

<u>Disgrifiad o'r darn o briffordd sydd i'w gau o dan y Gorchymyn</u>

Darn afreolaidd ei siâp o'r B4381 Ffordd Tre'r-llai wedi ei dargyfeirio nad yw wedi ei gau'n ffurfiol sydd wedi ei leoli o fewn y Safle Sipsiwn a Theithwyr i'r gogledd o'r B4381 presennol, mewn man i'r gorllewin o Bont Tre'r-llai, y Trallwng, sy'n gyfanswm o 141.5 o fetrau sgwâr, ac y rhoddwyd y cyfeirnod A iddi ar y plan a adneuwyd.

ATODLEN 2

<u>Disgrifiad o'r darn o briffordd newydd sydd i'w ddarparu o dan y Gorchymyn</u>

Darn newydd o brifordd (llwybr troed) sy'n ymestyn tua'r gogledd o linell cwrb ogleddol y B4381 Ffordd Tre'r-llai, mewn man i'r gorllewin o Bont Tre'r-llai, y Trallwng, sy'n gyfanswm o 120 o fetrau sgwâr, ac y rhoddwyd y cyfeirnod B iddi ar y plan a adneuwyd.

ATODLEN 3

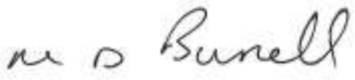
<u>Y Datblygiad</u>

Estyniad i'r safle presennol i sipsiwn a charafannau i gynnwys dwy lain ychwanegol, adeilad amwynderau a mannau parcio ynghyd ag adleoli'r mynediad presennol i gaeau yn Safle Sipsiwn a Theithwyr

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/ 2018).

A copy of this Notice in larger print can be obtained from Transport, Orders Branch, Welsh Government, Cathays Park, Cardiff CF10 3NQ.



M D BURNELL
Transport
Welsh Government

SCHEDULES

(All measurements are approximate)

SCHEDULE 1

<u>Description of the length of highway to be stopped up under the Order</u>

An irregular shaped length of diverted B4381 Leighton Road not formally stopped up that is situated within the Gypsy and Traveller site, north of the current B4381, west of Leighton Bridge, Welshpool, totalling 141.5 square metres, and given the reference A on the deposited plan.

SCHEDULE 2

<u>Description of the length of new highway to be provided under the Order</u>

A new length of highway (footpath) that extends in a northerly direction from the northern kerb line of the B4381 Leighton Road, west of Leighton Bridge, Welshpool, totalling 120 square metres, and given the reference B on the deposited plan.

SCHEDULE 3

<u>The Development</u>

Extension to existing gypsy and caravan site to incorporate two additional pitches, an amenity building and parking together with the relocation of an existing field access at Leighton Arches Gypsy and Traveller Site, Leighton, in accordance with planning

Leighton Arches, Tre’r-llai, yn unol â’r caniatâd cynllunio a roddwyd o dan Ran III o Ddeddf 1990 gan y Cyngor ar 22 Chwefror 2017 o dan y cyfeirnod P/2016/1240.

permission granted under Part III of the Act of 1990 by the Council on 22 February 2017 under the reference number P/2016/1240.