PRIFFYRDD, CYMRU

2018 RHIF 75

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (PRIFFORDD I'R DE O GANOLFAN ADDYSG AWYR AGORED STOREY ARMS, PONT AR DAF, LIBANUS, ABERHONDDU) 2018

Gwnaed	*3 Rhagfyr 2018*
Yn dod i rym	*6 Rhagfyr 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 (Priffordd i'r De o Ganolfan Addysg Awyr Agored Storey Arms, Pont ar Daf, Libanus, Aberhonddu) 2018 a daw i rym ar 6 Rhagfyr 2018.

(2) Yn y Gorchymyn hwn;

ystyr "yr Awdurdod Parc Cenedlaethol" ("*the National Park Authority*") yw Awdurdod Parc Cenedlaethol Bannau Brycheiniog;

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 o'r enw "Gorchymyn Cau Priffyrdd (Priffordd i'r De o Ganolfan Addysg Awyr Agored Storey Arms, Pont ar Daf, Libanus, Aberhonddu) 2018" sy'n dod gyda'r Gorchymyn hwn.

(1) 1990 p. 8; diwygiwyd adran 247 gan adran 20(4) o Ddeddf Llywodraeth Leol (Cymru) 1994 (p. 19), a pharagraff 24 o Atodlen 6 iddi. Yn rhinwedd O.S. 1999/672, ac adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi, mae'r pwerau hyn yn arferadwy bellach gan Weinidogion Cymru o ran Cymru.

HIGHWAYS, WALES

2018 NO. 75

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (HIGHWAY SOUTH OF STOREY ARMS OUTDOOR EDUCATION CENTRE, PONT AR DAF, LIBANUS, BRECON) ORDER 2018

Made	*3 December 2018*
Coming into Force	*6 December 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, Commencement and Interpretation

1. (1) The title of this Order is the Stopping Up of Highways (Highway South of Storey Arms Outdoor Education Centre, Pont ar Daf, Libanus, Brecon) Order 2018 and it comes into force on 6 December 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 (Highway South of Storey Arms Outdoor Education Centre, Pont ar Daf, Libanus, Brecon) Order 2018" which accompanies this Order;

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

"the National Park Authority" (*"Awdurdod Parc Cenedlaethol")* means Brecon Beacons National Park Authority; and

"the 1990 Act" (*Deddf 1990")* means the Town and Country Planning Act 1990.

(1) 1990 c. 8; section 247 was amended by section 20(4) of, and paragraph 24 of Schedule 6 to, the Local Government (Wales) Act 1994 (c. 19). By virtue of S.I. 1999/672, and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), these powers are now exercisable by the Welsh Ministers in relation to Wales.

Cau Priffordd

2. Yn ddarostyngedig i erthyglau 3, 4 a 5 o'r Gorchymyn hwn mae Gweinidogion Cymru yn awdurdodi cau'r darn o briffordd a ddisgrifir yn Atodlen 1 i'r Gorchymyn hwn 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 yr Awdurdod Parc Cenedlaethol ar 5 Rhagfyr 2017 o dan y cyfeirnod 15/11835/FUL, ac a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn.

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

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

(a) hyd nes y bydd y datblygwr wedi darparu, er boddhad rhesymol yr Awdurdod Parc Cenedlaethol a'r Cyngor, blaniau sy'n dangos sut y mae'r darn o briffordd i'w gau;

(b) hyd nes y bydd y datblygiad a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn wedi ei ddechrau a bod y datblygwr wedi hysbysu'r Awdurdod Parc Cenedlaethol a'r Cyngor yn ysgrifenedig ei bod yn angenrheidiol cau'r darn o briffordd er mwyn i'r datblygiad fynd rhagddo; ac

(c) hyd nes y bydd yr Awdurdod Parc Cenedlaethol a'r Cyngor wedi ysgrifennu at y datblygwr i gadarnhau bod paragraffau (a) a (b) wedi eu bodloni.

Ymgymerwyr Statudol a Darparwyr

4. Pan fo gan ymgymerwyr statudol neu ddarparwyr system gyfathrebu gyhoeddus unrhyw gyfarpar o dan y briffordd, ynddi, arni, drosti, ar ei hyd neu ar ei thraws yn union cyn cau'r darn o briffordd 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 briffordd.

Cyfnod Para'r Gorchymyn hwn

5. Os na fydd y datblygiad a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn 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.

Stopping Up

2. Subject to articles 3, 4 and 5 of this Order the Welsh Ministers authorise the stopping up of the length of highway described in Schedule 1 to this Order 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 National Park Authority on 5 December 2017 under reference number 15/11835/FUL and described in Schedule 2 to this Order.

Provisions Necessary or Expedient before Stopping Up

3. 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 National Park Authority and the Council, plans showing how the length of highway is to be stopped up;

(b) the development described in Schedule 2 to this Order has commenced and the developer has informed the National Park Authority and the Council in writing of the necessity to stop up the length of highway to allow the development to proceed; and

(c) the National Park Authority and the Council have confirmed in writing to the developer that paragraphs (a) and (b) are satisfied.

Statutory Undertakers and Providers

4. 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

5. If the development described in Schedule 2 to this Order 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.

Llofnodwyd o dan awdurdod Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth, un o Weinidogion Cymru.

Dyddiedig 3 Rhagfyr 2018

Richard Morgan
Pennaeth Cynllunio, Rheoli Asedau a Safonau
Llywodraeth Cymru

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

Dated 3 December 2018

Richard Morgan
Head of Planning, Asset Management and Standards
Welsh Government

YR ATODLENNI

ATODLEN 1
(Bras amcan yw pob mesuriad)

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

Darn afreolaidd ei siâp o briffordd ddienw (a ddefnyddir ar hyn o bryd fel man parcio anffurfiol ar gyfer Pen-y-fan) o'i chyffordd â chefnffordd yr A470, i'r de o Ganolfan Addysg Awyr Agored Storey Arms ym Mhont ar Daf, Libanus, Aberhonddu, sy'n mesur 322 o fetrau yn y man hiraf a 26 o fetrau yn y man lletaf fel y dangosir â llinellau sebra ar y plan a adneuwyd.

ATODLEN 2

<u>Y Datblygiad</u>

Gwelliannau i'r maes parcio presennol ac estyn y maes parcio i'r darn o blanhigfa o goed coniffer sydd wedi ei glirio ger y maes parcio presennol oddi ar yr A470 ym Mhont ar Daf, Libanus, Aberhonddu.

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (PRIFFORDD I'R DE O GANOLFAN ADDYSG AWYR AGORED STOREY ARMS, PONT AR DAF, LIBANUS, ABERHONDDU) 2018

Mae Gweinidogion Cymru wedi gwneud Gorchymyn o dan adran 247 o Ddeddf Cynllunio Gwlad a Thref 1990 ("Deddf 1990") i awdurdodi cau'r darn o briffordd a ddisgrifir yn Atodlen 1 i'r Hysbysiad hwn. Nid awdurdodir cau'r briffordd ond er mwyn gwneud y datblygiad a ddisgrifir yn Atodlen 2 i'r Hysbysiad hwn.

SCHEDULES

SCHEDULE 1
(All measurements are approximate)

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

An irregular shaped length of unnamed highway (currently being used as informal parking for Pen-y-Fan) from its junction with the A470 trunk road, located south of Storey Arms Outdoor Education Centre at Pont ar Daf, Libanus, Brecon, with a maximum length of 322 metres and a maximum width of 26 metres as shown on the deposited plan by zebra hatching.

SCHEDULE 2

<u>The Development</u>

Improvements to the existing car park and extension of the car park into the area of cleared conifer plantation adjacent to the existing car park located off the A470 at Pont ar Daf, Libanus, Brecon.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (HIGHWAY SOUTH OF STOREY ARMS OUTDOOR EDUCATION CENTRE, PONT AR DAF, LIBANUS, BRECON) ORDER 2018

The Welsh Ministers have made an Order under section 247 of the Town and Country Planning Act 1990 ("the 1990 Act") to authorise the stopping up of the length of highway described in Schedule 1 to this Notice. The stopping up will be authorised only in order to enable the development described in Schedule 2 to this Notice to be carried out.

Bydd Gorchymyn Cau Priffyrdd (Priffordd i'r De o Ganolfan Addysg Awyr Agored Storey Arms, Pont ar Daf, Libanus, Aberhonddu) 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 yn swyddfa Llyfrgell Aberhonddu, Heol y Defaid, Aberhonddu, Powys, LD3 9AE yn ystod oriau swyddfa arferol neu gellir eu cael yn rhad ac am ddim o'r cyfeiriad isod gan ddyfynnu'r cyfeirnod qA1361782.

Caiff unrhyw berson a dramgwyddir gan y Gorchymyn, ar y sail:

a. nad yw o fewn pwerau Deddf 1990; neu

b. na chydymffurfiwyd ag un o ofynion gweithdrefnol Deddf 1990;

o fewn 6 wythnos i 6 Rhagfyr 2018, wneud cais i'r Uchel Lys at y diben hwnnw.

Gellir gweld copi o'r Gorchymyn a'r Hysbysiad ar www.llyw.cymru (Detholer: Deddfwriaeth/ Is-ddeddfwriaeth/ 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

ATODLEN 1
(Bras amcan yw pob mesuriad)

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The Stopping Up of Highways (Highway South of Storey Arms Outdoor Education Centre, Pont ar Daf, Libanus, Brecon) Order 2018 ("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 at the office of Brecon Library, Ship Street, Brecon, Powys LD3 9AE during normal office hours or may be obtained free of charge from the address below quoting reference qA1361782.

If a person is aggrieved by the Order, on the ground that:

a. it is not within the powers of the 1990 Act; or

b. a procedural requirement of the 1990 Act has not been complied with;

that person may, within 6 weeks of 6 December 2018 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 Orders Branch, Transport, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

M D BURNELL
Transport
Welsh Government

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The Development

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