PRIFFYRDD, CYMRU

2018 RHIF 74

DEDDF CYNLLUNIO GWLAD A THREF 1990 A DEDDF PRIFFYRDD 1980

GORCHYMYN CAU PRIFFYRDD (STRYD JOHN, BUTETOWN, CAERDYDD) 2018

Gwnaed	*3 Rhagfyr 2018*
Yn dod i rym	*7 Rhagfyr 2018*

Mae Gweinidogion Cymru, drwy arfer eu pwerau o dan adrannau 247 a 248 o Ddeddf Cynllunio Gwlad a Thref 1990**(1)** ac adran 125 o Ddeddf Priffyrdd 1980**(2)**, yn gwneud y Gorchymyn hwn.

Enwi, Cychwyn a Dehongli

1. —(1) Enw'r Gorchymyn hwn yw Gorchymyn Cau Priffyrdd (Stryd John, Butetown, Caerdydd) 2018 a daw i rym ar 7 Rhagfyr 2018.

(2) Yn y Gorchymyn hwn;

ystyr "y Cyngor" ("*the Council*") yw Cyngor Dinas a Sir Caerdydd;

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 (Stryd John, Butetown, Caerdydd) 2018" sy'n dod gyda'r Gorchymyn hwn.

Cau Priffordd

2. Yn ddarostyngedig i erthyglau 3, 4, 5, 6 a 7 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 hybrid a roddwyd o dan

(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.

(2) 1980 p. 66.

HIGHWAYS, WALES

2018 NO. 74

TOWN AND COUNTRY PLANNING ACT 1990 AND THE HIGHWAYS ACT 1980

THE STOPPING UP OF HIGHWAYS (JOHN STREET, BUTETOWN CARDIFF) ORDER 2018

Made	*3 December 2018*
Coming into Force	*7 December 2018*

The Welsh Ministers, in exercise of their powers under sections 247 and 248 of the Town and Country Planning Act 1990**(1)** and section 125 of the Highways Act 1980 **(2)**, make this Order.

Title, Commencement and Interpretation

1.-(1) The title of this Order is the Stopping Up of Highways (John Street, Butetown, Cardiff) Order 2018 and it comes into force on 7 December 2018.

(2) In this Order;

"the Council" *("y Cyngor")* means the Council of the City and County of Cardiff;

"the deposited plan" *("y plan a adneuwyd")* means the plan entitled "The Stopping Up of Highways (John Street, Butetown, Cardiff) 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; and

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

Stopping Up

2. Subject to articles 3, 4, 5, 6 and 7 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 hybrid planning permission granted under Part 3 of the 1990 Act by

(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.

(2) 1980 c.66.

Ran 3 o Ddeddf 1990 gan y Cyngor ar 4 Ebrill 2018 o dan y cyfeirnod 17/02615/MJR, ac a ddisgrifir yn Atodlen 4 i'r Gorchymyn hwn.

Priffyrdd y Gwneir Gwelliannau Iddynt

3. Rhaid creu, er boddhad rhesymol y Cyngor, y darn o briffordd y gwneir gwelliannau iddo a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn, ac a ddangosir â chroeslinellau ar y plan a adneuwyd, a bydd y briffordd hon, at ddibenion Deddf Priffyrdd 1980, i'w chynnal ar draul y pwrs cyhoeddus.

Mynedfa Breifat Newydd

4. Rhaid creu, mewn cysylltiad â chau'r briffordd a ddisgrifir yn Atodlen 1 i'r Gorchymyn hwn, y fynedfa breifat newydd a ddisgrifir yn Atodlen 3 i'r Gorchymyn hwn ac a ddangosir â llinellau lletraws ar y plan a adneuwyd.

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

5. Ni chaniateir cau'r darn o briffordd a ddisgrifir yn Atodlen 1 i'r Gorchymyn hwn:

(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 i'w gau;

(b) hyd nes y bydd y datblygwr wedi darparu'r darn wedi'i wella o briffordd, fel y'i disgrifir yn Atodlen 2 i'r Gorchymyn hwn, er boddhad rhesymol y Cyngor;

(c) hyd nes y bydd y datblygwr wedi darparu'r fynedfa breifat newydd a ddisgrifir yn Atodlen 3 i'r Gorchymyn hwn er boddhad rhesymol y Cyngor;

(d) hyd nes y bydd y datblygiad a ddisgrifir yn Atodlen 4 i'r Gorchymyn hwn wedi ei ddechrau a bod y datblygwr wedi hysbysu'r Cyngor yn ysgrifenedig ei bod yn angenrheidiol cau'r darn o briffordd er mwyn i'r datblygiad fynd rhagddo; ac

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

Ymgymerwyr Statudol a Darparwyr

6. 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.

the Council on 4 April 2018 under reference number 17/02615/MJR and described in Schedule 4 to this Order.

Improved Highways

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

New private means of access

4. There shall be created, in connection with the stopping up of the highway described in Schedule 1 to this Order the new private means of access described in Schedule 3 to this Order shown by diagonal hatching on the deposited plan.

Provisions Necessary or Expedient before Stopping Up

5. The length of highway described in Schedule 1 to this Order 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 length of highway as described in Schedule 2 to this Order to the reasonable satisfaction of the Council;

(c) the developer has provided the new private means of access described in Schedule 3 of this Order to the reasonable satisfaction of the Council;

(d) the development described in Schedule 4 to this Order has commenced and the developer has informed the Council in writing of the necessity to stop up the length of highway to allow the development to proceed; and

(e) the Council has confirmed in writing to the developer that paragraphs (a), (b), (c) and (d) are satisfied.

Statutory Undertakers and Providers

6. 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.

Cyfnod Para'r Gorchymyn hwn

7. Os na fydd y datblygiad a ddisgrifir yn Atodlen 4 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.

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

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 o'r enw Stryd John, Butetown, Caerdydd, gan gynnwys y ddau ddarn sy'n arwain at y pentanau rheilffordd sydd hefyd o'r enw Stryd John, sy'n mesur 157 o fetrau yn y man hiraf a 10 metr yn y man lletaf ac a ddangosir â llinellau sebra ar y plan a adneuwyd.

ATODLEN 2

<u>Disgrifiad o'r darn o briffordd y gwneir gwelliannau iddo sydd i'w ddarparu o dan y Gorchymyn hwn</u>

Darn afreolaidd ei siâp o briffordd ar ochr ddwyreiniol Stryd Bute gan gynnwys rhan o'i chyffordd â Stryd John, Butetown, Caerdydd, sy'n mesur 134 o fetrau yn y man hiraf ac 8 metr yn y man lletaf ac a ddangosir â chroeslinellau ar y plan a adneuwyd.

ATODLEN 3

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

Mynedfa breifat newydd i'r Pentanau Rheilffordd i'r gogledd o Stryd John, Butetown, Caerdydd, sy'n mesur 129 o fetrau yn y man hiraf a 4.8 metr yn y man lletaf ac a ddangosir â llinellau sebra ysgafn ar y plan a adneuwyd.

Duration of this Order

7. If the development described in Schedule 4 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.

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

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 highway known as John Street, Butetown, Cardiff, including the two lengths leading to the railway abutments also known as John Street, with a maximum length of 157 metres and a maximum width of 10 metres and shown as zebra hatching on the deposited plan.

SCHEDULE 2

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

An irregular shaped length of highway located on the eastern side of Bute Street including part of its junction with John Street, Butetown, Cardiff, with a maximum length of 134 metres and a maximum width of 8 metres and shown as cross hatching on the deposited plan.

SCHEDULE 3

<u>Description of new private means of access to be provided under this Order</u>

A new private means of access to the Railway Abutments north of John Street, Butetown, Cardiff, with a maximum length of 129 metres and a maximum width of 4.8 metres and shown as light zebra hatching on the deposited plan.

ATODLEN 4

Y Datblygiad

Cais hybrid sy'n cynnwys cais llawn ar gyfer yr adeilad masnachol defnydd cymysg arfaethedig ar yr ochr ddeheuol (Rhif 1 Stryd John) a chais amlinellol ar gyfer adeilad masnachol a gwesty hamdden defnydd cymysg arfaethedig ar yr ochr ogleddol (Rhif 2 Stryd John). Bydd yn cynnwys gwaith i greu mannau parcio cysylltiedig, gwaith i wella tir cyhoeddus a gwaith tirweddu ar dir ar ochrau gogleddol a deheuol Stryd John, Callaghan Square, Butetown, Caerdydd.

DEDDF CYNLLUNIO GWLAD A THREF 1990 A DEDDF PRIFFYRDD 1980

GORCHYMYN CAU PRIFFYRDD (STRYD JOHN, BUTETOWN, CAERDYDD) 2018

Mae Gweinidogion Cymru wedi gwneud Gorchymyn o dan adrannau 247 a 248 o Ddeddf Cynllunio Gwlad a Thref 1990 ("Deddf 1990") ac adran 125 o Ddeddf Priffyrdd 1980, i awdurdodi cau'r darn o briffordd a ddisgrifir yn Atodlen 1 i'r Hysbysiad hwn, er mwyn gwella'r darn o briffordd a ddisgrifir yn Atodlen 2 i'r Hysbysiad hwn, i ddarparu'r fynedfa breifat newydd a ddisgrifir yn Atodlen 3 i'r Hysbysiad hwn, ac er mwyn gwneud y datblygiad a ddisgrifir yn Atodlen 4 i'r Hysbysiad hwn.

Bydd Gorchymyn Cau Priffyrdd (Stryd John, Butetown, Caerdydd) 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 Cyngor Caerdydd, Neuadd y Sir, Glanfa'r Iwerydd, Caerdydd CF10 4UW yn ystod oriau swyddfa arferol neu gellir eu cael yn rhad ac am ddim o'r cyfeiriad isod gan ddyfynnu'r cyfeirnod qA1349705.

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 7 Rhagfyr 2018, wneud cais i'r Uchel Lys at y diben hwnnw.

SCHEDULE 4

The Development

A hybrid application comprising of full application for the proposed mixed use commercial building on the south site (No.1 John Street) and outline application proposed mixed use commercial and leisure hotel for the north site (No.2 John Street), including associated parking, public realm and landscaping works at land on the north and south side of John Street, Callaghan Square, Butetown, Cardiff.

TOWN AND COUNTRY PLANNING ACT 1990 AND THE HIGHWAYS ACT 1980

THE STOPPING UP OF HIGHWAYS (JOHN STREET, BUTETOWN, CARDIFF) ORDER 2018

The Welsh Ministers have made an Order under sections 247 and 248 of the Town and Country Planning Act 1990 ("the 1990 Act") and section 125 of the Highways Act 1980, to authorise the stopping up of the length of highway described in Schedule 1 to this Notice, to improve the length of highway described in Schedule 2 to this Notice, to provide the new private means of access described in Schedule 3 to this Notice, and to enable the development described in Schedule 4 to this Notice to be carried out.

The Stopping Up of Highways (John Street, Butetown, Cardiff) 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 the office of Cardiff Council, County Hall, Atlantic Wharf, Cardiff CF10 4UW during normal office hours or may be obtained free of charge from the address below quoting reference qA1349705.

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 7 December 2018 make an application for the purpose to the High Court.

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)

Disgrifiad o'r darn o briffordd sydd i'w gau o dan y Gorchymyn hwn

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ATODLEN 2

Disgrifiad o'r darn o briffordd y gwneir gwelliannau iddo sydd i'w ddarparu o dan y Gorchymyn hwn

Darn afreolaidd ei siâp o briffordd ar ochr ddwyreiniol Stryd Bute gan gynnwys rhan o'i chyffordd â Stryd John, Butetown, Caerdydd, sy'n mesur 134 o fetrau yn y man hiraf ac 8 metr yn y man lletaf ac a ddangosir â chroeslinellau ar y plan a adneuwyd.

ATODLEN 3

Disgrifiad o'r darn o fynedfa breifat newydd sydd i'w ddarparu o dan y Gorchymyn hwn

Mynedfa breifat newydd i'r Pentanau Rheilffordd i'r gogledd o Stryd John, Butetown, Caerdydd, sy'n mesur 129 o fetrau yn y man hiraf a 4.8 metr yn y man lletaf ac a ddangosir â llinellau sebra ysgafn ar y plan a adneuwyd.

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

SCHEDULES

SCHEDULE 1
(All measurements are approximate)

Description of the length of highway to be stopped up under this Order

An irregular shaped length of highway known as John Street, Butetown, Cardiff, including the two lengths leading to the railway abutments also known as John Street, with a maximum length of 157 metres and a maximum width of 10 metres and shown as zebra hatching on the deposited plan.

SCHEDULE 2

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

An irregular shaped length of highway located on the eastern side of Bute Street including part of its junction with John Street, Butetown, Cardiff, with a maximum length of 134 metres and a maximum width of 8 metres and shown as cross hatching on the deposited plan.

SCHEDULE 3

Description of new private means of access to be provided under this Order

A new private means of access to the Railway Abutments north of John Street, Butetown, Cardiff, with a maximum length of 129 metres and a maximum width of 4.8 metres and shown as light zebra hatching on the deposited plan.

ATODLEN 4

Y Datblygiad

Cais hybrid ar gyfer yr adeilad masnachol defnydd cymysg arfaethedig ar yr ochr ddeheuol (Rhif 1 Stryd John) a chais amlinellol ar gyfer adeilad masnachol a gwesty hamdden defnydd cymysg arfaethedig ar yr ochr ogleddol (Rhif 2 Stryd John). Bydd yn cynnwys gwaith i greu mannau parcio cysylltiedig, gwaith i wella tir cyhoeddus a gwaith tirweddu ar dir ar ochrau gogleddol a deheuol Stryd John, Callaghan Square, Butetown, Caerdydd, yn unol â chaniatâd cynllunio a roddwyd o dan Ran 3 o Ddeddf 1990 gan y Cyngor ar 4 Ebrill 2018 o dan y cyfeirnod 17/02615/MJR.

SCHEDULE 4

The Development

A hybrid application for the proposed mixed use commercial building on the south site (No.1 John Street) and outline application proposed mixed use commercial and leisure hotel for the north site (No.2 John Street), including associated parking, public realm and landscaping works at land on the north and south side of John Street, Callaghan Square, Butetown, Cardiff, in accordance with planning permission granted under Part 3 of the 1990 Act by the Council on 4 April 2018 under reference number 17/02615/MJR.