

PRIFYRDD, CYMRU

2019 Rhif 14

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFYRDD (CASTLE LANE, Y GELLI GANDRYLL, POWYS) 2019

Gwnaed 2 Mai 2019

Yn dod i rym 9 Mai 2019

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, Dehongli a Chychwyn

1. (1) Enw'r Gorchymyn hwn yw Gorchymyn Cau Prifffyrdd (Castle Lane, Y Gelli Gandryll, Powys) 2019, a daw i rym ar 9 Mai 2019.

(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 adnewwyd" ("*the deposited plan*") yw'r plan sy'n dwyn yr enw "Gorchymyn Cau Prifffyrdd (Castel Lane, Y Gelli Gandryll, Powys) 2019" 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.

HIGHWAYS, WALES

2019 No. 14

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (CASTLE LANE, HAY ON WYE, POWYS) ORDER 2019

Made 2 May 2019

Coming into Force 9 May 2019

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 (Castle Lane, Hay On Wye, Powys) Order 2019, and it comes into force on 9 May 2019.

(2) In this Order:-

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

"the deposited plan" ("*y plan a adnewwyd*") means the plan entitled "The Stopping Up of Highways (Castle Lane, Hay On Wye, Powys) Order 2019" which accompanies this Order;

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

"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.

(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.

(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, 5 a 6 o'r Gorchymyn hwn 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 Awdurdod Parc Cenedlaethol Bannau Brycheiniog ar 22 Tachwedd 2016 o dan y cyfeirnod 16/13842/FUL, ac a ddisgrifir yn Atodlen 3 i'r Gorchymyn hwn.

Priffordd wedi ei Gwella

3. Rhaid creu, er boddhad rhesymol y Cyngor, y darn o briffordd y gwneir gwelliannau iddi a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn ac a ddangosir â chroeslinellau 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 ar ei chyfer.

Y Darpariaethau sy'n Angenrheidiol neu'n Hwylus cyn Cau Priffordd ac ar gyfer Darparu'r Briffordd

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 gau;

(b) hyd nes y bydd y datblygwr wedi darparu'r darn o briffordd y gwneir gwelliannau iddo 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.

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 Brecon Beacons National Park Authority on 22 November 2016 under reference number 16/13842/FUL and described in Schedule 3 to this Order.

Improved Highway

3. There shall 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 for the purpose 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 Stopping Up and for the Provision of the Highway

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 how the length of highway described in Schedule 1 is to be stopped up;

(b) the developer has provided the improved 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 length of highway described in Schedule 1 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.

Ymgwymerwyr Statudol a Darparwyr

5. Pan fo gan ymgwymerwyr 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 ymgwymerwyr neu'r darparwyr yr un hawliau mewn cysylltiad â'r gyfarpar ag a oedd ganddynt cyn cau'r briffordd.

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 Gweinidog yr Economi a Thrafnidiaeth, un o Weinidogion Cymru.

Dyddiedig

2 Mai 2019

Richard Morgan

Pennaeth Cynllunio, Rheoli Asedau a Safonau
Llywodraeth Cymru

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 3 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 Minister for Economy and Transport, one of the Welsh Ministers.

Dated

2 May 2019

Richard Morgan

Head of Planning, Asset Management and Standards
Welsh Government

YR ATODLENNI

(Bras amcan yw pob mesuriad)

ATODLEN 1

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

Darn afreolaidd ei siâp o briffordd at bob diben a elwir Castle Lane sy'n ffinio â wal derfyn ogleddol Castell y Gelli, sy'n gyfanswm o 59 o fetrau sgwâr.

ATODLEN 2

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

Darn afreolaidd ei siâp o droetffordd newydd sydd ar

SCHEDULES

(All measurements are approximate)

SCHEDULE 1

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

An irregularly shaped length of all purpose highway known as Castle Lane that abuts the northern boundary wall of Hay Castle, totalling 59 square metres.

SCHEDULE 2

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

An irregularly shaped length of new footway

hyn o bryd yn rhan o'r briffordd at bob diben a elwir Castle Lane, sy'n gyfanswm o 88.55 o fetrau sgwâr.

ATODLEN 3

Y Datblygiad

Datblygiad sy'n cynnwys adfer a newid defnydd Castell y Gelli, y Maenordy a'r tai allan er mwyn creu lleoliad cyhoeddus ar gyfer addysg a'r celfyddydau yn ogystal â man ar gyfer digwyddiadau, caffi, swyddfa ategol a gwaith i gadw'r unedau manwerthu presennol yng Nghastell y Gelli, y Gelli Gandryll, Powys.

currently forming part all purpose highway known as Castle Lane, totalling 88.55 square metres.

SCHEDULE 3

The Development

Development consisting of restoration and change of use of Hay Castle, Manor House and outbuildings to create a public venue for education and the arts as well as an event space, a cafe, ancillary office space and retention of existing retail units at Hay Castle, Hay On Wye, Powys.

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (CASTLE LANE, Y GELLI GANDRYLL, POWYS) 2019

Mae Gweinidogion Cymru wedi gwneud Gorchymyn o dan adran 247 o Ddeddf Cynllunio Gwlad a Thref 1990 ("y Ddeddf") i awdurdodi cau'r darn o briffordd a ddisgrifir yn Atodlen 1 i'r Hysbysiad hwn, ac i wella'r darn o briffordd a ddisgrifir yn Atodlen 2 i'r Hysbysiad hwn er mwyn gwneud y datblygiad a ddisgrifir yn Atodlen 3.

Bydd Gorchymyn Cau Priffyrdd (Castle Lane, y Gelli Gandryll, Powys) 2019 ("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 adnewydw yn rhad ac am ddim yn Llyfrgell y Gelli Gandryll, Chancery Lane, y Gelli Gandryll, Powys HR3 5BL (oriau agor cyfyngedig) a Chyngor Sir Powys, Neuadd Brycheiniog, Ffordd Cambrian, Aberhonddu LD3 7HR (oriau agor arferol) neu gellir eu cael yn rhad ac am ddim o'r cyfeiriad isod gan ddyfynnu'r cyfeirnod qA1304544.

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;

o fewn 6 wythnos i 9 Mai 2019, wneud cais i'r Uchel

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (CASTLE LANE, HAY ON WYE, POWYS) ORDER 2019

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 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 (Castle Lane, Hay On Wye, Powys) Order 2019 ("the Order"), ceases to have effect if planning permission in respect of the development expires or is revoked.

Copies of the Order and deposited plan may be inspected free of charge at Hay On Wye Library, Chancery Lane, Hay On Wye, Powys HR3 5BL (limited opening hours) and Powys County Council, Neuadd Brycheiniog, Cambrian Way, Brecon LD3 7HR (normal opening hours) or may be obtained free of charge from the address below quoting reference qA1304544.

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;

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 / 2019).

Gellir cael copi print bras o'r Hysbysiad hwn oddi wrth: Y Gangen Orchmynion, Trafnidiaeth, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

J SADDLER
Trafnidiaeth
Llywodraeth Cymru

ATODLEN 1

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

Darn afreolaidd ei siâp o briffordd at bob diben a elwir Castle Lane sy'n ffinio â wal derfyn ogleddol Castell y Gelli, sy'n gyfanswm o 59 o fetrau sgwâr.

ATODLEN 2

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

Darn afreolaidd ei siâp o droetffordd newydd sydd ar hyn o bryd yn rhan o'r briffordd at bob diben a elwir Castle Lane, sy'n gyfanswm o 88.55 o fetrau sgwâr.

ATODLEN 3

Y Datblygiad

Datblygiad sy'n cynnwys adfer a newid defnydd Castell y Gelli, y Maenordy a'r tai allan er mwyn creu lleoliad cyhoeddus ar gyfer addysg a'r celfyddydau yn ogystal â man ar gyfer digwyddiadau, caffi, swyddfa ategol a gwaith i gadw'r unedau manwerthu presennol yng Nghastell y Gelli, y Gelli Gandryll, Powys yn unol â chaniatâd cynllunio a roddwyd o dan Ran 3 o Ddeddf 1990 gan Awdurdod Parc Cenedlaethol Bannau Brycheiniog ar 22 Tachwedd 2016 o dan y cyfeirnod 16/13842/FUL.

that person may, within 6 weeks of 9 May 2019 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 / Town and Country Planning Act: stopping up orders / 2019).

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

J SADDLER
Transport
Welsh Government

SCHEDULE 1

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

An irregularly shaped length of all-purpose highway known as Castle Lane that abuts the northern boundary wall of Hay Castle, totalling 59 square metres.

SCHEDULE 2

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

An irregularly shaped length of new footway currently forming part all-purpose highway known as Castle Lane, totalling 88.55 square metres.

SCHEDULE 3

The Development

Development consisting of the restoration and change of use of Hay Castle, Manor House and outbuildings to create a public venue for education and the arts as well as an event space, a cafe, ancillary office space and retention of existing retail units at Hay Castle, Hay On Wye, Powys in accordance with planning permission granted under Part 3 of the Act of 1990 by Brecon Beacons National Park Authority on 22 November 2016 under reference number 16/13842/FUL.

