

PRIFFYRDD, CYMRU

2019 RHIF 15

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (THOMAS STREET, GRANGETOWN, CAERDYDD) 2019

Gwnaed 7 Mai 2019

Yn dod i rym 10 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, Cychwyn a Dehongli

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Cau Priffyrdd (Thomas Street, Grangetown, Caerdydd) 2019 a daw i rym ar 10 Mai 2019.

(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 adnewyd" ("*the deposited plan*") yw'r plan sy'n dwyn yr enw "Gorchymyn Cau Priffyrdd (Thomas Street, Grangetown, Caerdydd) 2019" sy'n dod gyda'r Gorchymyn hwn.

Cau Priffyrdd

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 i'r Gorchymyn hwn ac a ddangosir â llinellau sebra ar y plan a adnewyd. 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 13 Mawrth 2018 o dan y cyfeirnod 18/00297/MNR, ac a ddisgrifir yn Atodlen 4 i'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

2019 NO. 15

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (THOMAS STREET, GRANGETOWN, CARDIFF) ORDER 2019

Made 7 May 2019

Coming into Force 10 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, Commencement and Interpretation

1.-(1) The title of this Order is the Stopping Up of Highways (Thomas Street, Grangetown, Cardiff) Order 2019 and it comes into force on 10 May 2019.

(2) In this Order;

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

"the deposited plan" ("*y plan a adnewyd*") means the plan entitled "The Stopping Up of Highways (Thomas Street, Grangetown, Cardiff) 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; and

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

Stopping Up

2. Subject to articles 3, 4, 5 and 6 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 Council on 13 March 2018 under reference number 18/00297/MNR and described in Schedule 4 to this Order.

(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.

Priffyrdd Newydd a Phriffyrdd y Gwneir Gwelliannau Iddynt

3. Rhaid creu, er boddhad rhesymol y Cyngor:

(a) y darn newydd o briffordd a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn ac a ddangosir â llinellau bloc ar y plan a adneuwyd; a

(b) y darn o briffordd y gwneir gwelliannau iddi a ddisgrifir yn Atodlen 3 i'r Gorchymyn hwn ac a ddangosir â chroeslinellau ar y plan a adneuwyd,

ac mae'r priffyrdd hyn, at ddibenion Deddf Priffyrdd 1980(2), i fod yn briffyrdd i'w cynnal ar draul y pwrs cyhoeddus. Y Cyngor fydd yr awdurdod priffyrdd ar eu cyfer.

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

4. 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 darnau o briffyrdd newydd a'r darnau o briffyrdd wedi eu gwella a ddisgrifir yn Atodlenni 2 a 3 i'r Gorchymyn hwn er boddhad rhesymol y Cyngor;

(c) 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 briffordd 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.

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.

New and Improved Highways

3. There must be created, to the reasonable satisfaction of the Council;

(a) the new length of highway described in Schedule 2 to this Order and shown by block hatching on the deposited plan; and

(b) the length of improved highway described in Schedule 3 to this Order and shown by cross hatching on the deposited plan,

which are to be highways maintainable at the public expense for the purposes of the Highways Act 1980(2) and the Council is to be the highway authority responsible for them.

Provisions Necessary or Expedient before Stopping Up

4. 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 new and improved lengths of highway as described in Schedules 2 and 3 to this Order to the reasonable satisfaction of the Council;

(c) 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 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 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

6. 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 Gweinidog yr Economi a Thrafnidiaeth, un o Weinidogion Cymru.

Dyddiedig 7 Mai 2019

Richard Morgan

Pennaeth Cynllunio, Rheoli Asedau a Safonau
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

Darn o briffordd ar ochr orllewinol Thomas Street sy'n arwain at North Clive Street, Grangetown, Caerdydd, sy'n 31 o fetrau yn y man hiraf ac yn 1.96 metr yn y man lletaf ac a ddangosir â llinellau sebra ar y plan a adnewwyd.

ATODLEN 2

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

Darn o briffordd i'r gorllewin o'r eiddo o'r enw 25 – 27 Thomas Street, Grangetown, Caerdydd, sy'n mesur 27.6 o fetrau yn y man hiraf a 0.3 metr yn y man lletaf ac a ddangosir â llinellau bloc ar y plan a adnewwyd.

ATODLEN 3

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

Darn afreolaidd ei siâp o briffordd i'r gorllewin a'r de o'r eiddo o'r enw 25 – 27 Thomas Street, Grangetown, Caerdydd, sy'n mesur 32.78 o fetrau yn y man hiraf a 13.1 o fetrau yn y man lletaf ac a ddangosir â chroeslinellau ar y plan a adnewwyd.

Duration of this Order

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

Dated 7 May 2019

Richard Morgan

Head of Planning, Asset Management and Standards
Welsh Government

SCHEDULES

SCHEDULE 1 (All measurements are approximate)

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

A length of highway located on the western side of Thomas Street leading to North Clive Street, Grangetown, Cardiff, with a maximum length of 31 metres and a maximum width of 1.96 metres and shown as zebra hatching on the deposited plan.

SCHEDULE 2

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

A length of highway located west of the properties known as 25 – 27 Thomas Street, Grangetown, Cardiff, with a maximum length of 27.6 metres and a maximum width of 0.3 metres and shown as block hatching on the deposited plan.

SCHEDULE 3

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

An irregular shaped length of highway located west and south of the properties known as 25 – 27 Thomas Street, Grangetown, Cardiff, with a maximum length of 32.78 metres and a maximum width of 13.1 metres and shown as cross hatching on the deposited plan.

ATODLEN 4

Y Datblygiad

Gwelliannau arfaethedig i ierdydd Thomas Street, adleoli'r storfa finiau, adlinio/estyn waliau terfyn (drwy godi waliau newydd neu osod rheiliau newydd) yn 1 – 24 Thomas Street, Grangetown, Caerdydd.

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (THOMAS STREET, GRANGETOWN, CAERDYDD) 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 a darparu'r darn newydd o briffordd a ddisgrifir yn Atodlen 2 i'r Hysbysiad hwn ac i wella'r darn o briffordd a ddisgrifir yn Atodlen 3 i'r Hysbysiad hwn. Nid awdurdodir cau'r briffordd ond er mwyn gwneud y datblygiad a ddisgrifir yn Atodlen 4 i'r Hysbysiad hwn.

Bydd Gorchymyn Cau Priffyrdd (Thomas Street, Grangetown, Caerdydd) 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 adnewydyd 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 qA1335190.

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

- nad yw o fewn pwerau'r Ddeddf; neu
- na chydymffurfiwyd ag un o ofynion gweithdrefnol y Ddeddf;

o fewn 6 wythnos i 10 Mai 2019, 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: Gorchymynion Cau/ 2019).

SCHEDULE 4

The Development

Proposed improvements to Thomas Street courtyards, bin store relocation, boundary wall realignment /extension (by installing new walls or railings) at 1 – 24 Thomas Street Grangetown, Cardiff.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (THOMAS STREET, GRANGETOWN, CARDIFF) 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 provide the new length of highway described in Scheduled 2 to this Notice and to improve a length of highway described in Schedule 3 to this Notice. The stopping up will be authorised only in order to enable the development described in Schedule 4 to this Notice to be carried out.

The Stopping Up of Highways (Thomas Street, Grangetown, Cardiff) Order 2019 (“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 qA1335190.

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

- it is not within the powers of the Act; or
- a procedural requirement of the Act has not been complied with;

that person may, within 6 weeks of 10 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 / TCPA Stopping Up Orders/ 2019).

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

C McCARTHY
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

Darn o briffordd ar ochr orllewinol Thomas Street sy'n arwain at North Clive Street, Grangetown, Caerdydd, sy'n 31 o fetrau yn y man hiraf ac yn 1.96 metr yn y man lletaf ac a ddangosir â llinellau sebra ar y plan a adnewwyd.

ATODLEN 2

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

Darn o briffordd i'r gorllewin o'r eiddo o'r enw 25 – 27 Thomas Street, Grangetown, Caerdydd, sy'n mesur 27.6 o fetrau yn y man hiraf a 0.3 metr yn y man lletaf ac a ddangosir â llinellau bloc ar y plan a adnewwyd.

ATODLEN 3

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

Darn afreolaidd ei siâp o briffordd i'r gorllewin a'r de o'r eiddo o'r enw 25 – 27 Thomas Street, Grangetown, Caerdydd, sy'n mesur 32.78 o fetrau yn y man hiraf a 13.1 o fetrau yn y man lletaf ac a ddangosir â chroeslinellau ar y plan a adnewwyd.

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

C McCARTHY
Transport
Welsh Government

SCHEDULES

SCHEDULE 1 (All measurements are approximate)

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

A length of highway located on the western side of Thomas Street leading to North Clive Street, Grangetown, Cardiff, with a maximum length of 31 metres and a maximum width of 1.96 metres and shown as zebra hatching on the deposited plan.

SCHEDULE 2

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

A length of highway located west of the properties known as 25 – 27 Thomas Street, Grangetown, Cardiff, with a maximum length of 27.6 metres and a maximum width of 0.3 metres and shown as block hatching on the deposited plan.

SCHEDULE 3

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

An irregular shaped length of highway located west and south of the properties known as 25 – 27 Thomas Street, Grangetown, Cardiff, with a maximum length of 32.78 metres and a maximum width of 13.1 metres and shown as cross hatching on the deposited plan.

ATODLEN 4

Y Datblygiad

Gwelliannau arfaethedig i ierdydd Thomas Street, adleoli'r storfa finiau, adlinio/estyn waliau terfyn (drwy godi waliau newydd neu osod rheiliau newydd) yn 1 – 24 Thomas Street, Grangetown, Caerdydd, yn unol â'r caniatâd cynllunio a roddwyd o dan Ran 3 o Ddeddf 1990 gan y Cyngor ar 13 Mawrth 2018 o dan y cyfeirnod 18/00297/MNR.

SCHEDULE 4

The Development

Proposed improvements to Thomas Street courtyards, bin store relocation, boundary wall realignment /extension (by installing new walls or railings) at 1 – 24 Thomas Street Grangetown, Cardiff, in accordance with planning permission granted under Part 3 of the 1990 Act by the Council on 13 March 2018 under reference number 18/00297/MNR.