

HIGHWAYS, WALES

2012 No.1

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (BIRDS LANE, COWBRIDGE, VALE OF GLAMORGAN) ORDER 2012

Made 12 January 2012

Coming Into Force 19 January 2012

The Welsh Ministers make this Order in exercise of their powers under section 247 of the Town and Country Planning Act 1990 (1) (hereinafter referred to as "the Act of 1990") and of all other enabling powers (2).

1. In this Order: -

"the Council" ("y *Cyngor*") means the Vale of Glamorgan County Borough Council;

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

"the deposited plan" ("y *plan a adnewwyd*") means the plan entitled "The Stopping Up of Highways (Birds Lane, Cowbridge, Vale of Glamorgan) Order 2012" which accompanies this Order.

2. Subject to the provisions of articles 3, 4, 5 and 6 of this Order, the Welsh Ministers authorise the stopping up of the area of highway described in Schedule 1 to this Order and shown with zebra hatched lines on the deposited map, being satisfied that the stopping up is necessary to enable the development described in Schedule 4 to this Order to be carried out in accordance with planning permission granted under Part III of the Act of 1990 by the Council on 7 September 2011 under reference 2011/00423/FUL.

3. There shall be created, to the reasonable satisfaction of the Council, the new highway described in Schedule 2 to this Order and shown by stipple marking on the deposited plan and areas of the improved highway described in Schedule 3 to this Order and shown by cross hatching on the deposited plan and the Council is to be the highway authority for them.

4. The area of highway described in Schedule 1 to this Order may not be stopped up until:

- (a) the developer has provided, to the reasonable satisfaction of the Council, plans showing the means whereby the area of highway are to be stopped up;
- (b) the developer has provided the new highway and improved highways described in Schedules 2 and 3 to this Order to the reasonable satisfaction of the Council;
- (c) the development referred to in Schedule 4 of this Order has commenced and the developer has informed the Council in writing of the necessity to close the area of highway to allow the development to proceed; and
- (d) the Council has confirmed in writing to the developer that the provisions of (a), (b) and (c) of this article have been fulfilled.

5. Where, immediately before the area of highway is stopped up in pursuance of this Order, there is under, in, on, over, along or across that highway any apparatus of statutory undertakers or public communications providers then, (subject to section 261(4) of the Act of 1990), the undertakers or providers are to continue to have the same rights in respect of the apparatus as they had before the stopping up.

6. If the development referred to in Schedule 4 of this Order has not begun within the relevant period specified in Part III of the Act of 1990 as being the duration of the planning permission or the permission is revoked before the end of such period, this Order will cease to have effect upon cessation of the planning permission

7. This Order will come into operation on the date on which notice that it has been made is first published in accordance with section 252 (10) of the Act of 1990. The title to this Order is The Stopping Up of Highways (Birds Lane, Cowbridge, Vale of Glamorgan) Order 2012.

Signed under authority of the Minister for Local Government and Communities, one of the Welsh Ministers.

Dated 12 January 2012

G MORGAN
Head of Infrastructure Specialist Services
Welsh Government

(1) 1990 c.8.

(2) By virtue of S.I. 1999/672, Article 2 and Schedule 1 and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006, these powers are now exercisable by the Welsh Ministers in relation to Wales.

(3) 1980 c.66

SCHEDULES

SCHEDULE 1

(All measurements are approximate)

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

An irregularly shaped area of highway which extends from the rear of 14 High Street, Cowbridge in a south westerly direction to Public Right of Way 6 with a maximum length of 114.66 metres, a maximum width of 3.1 metres and a total area of 275.34 square metres..

SCHEDULE 2

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

An irregularly shaped area of highway with a maximum length of 109.8 metres, a maximum width of 2 metres and a total area of 204.4 square metres. The new highway will be an extension to Public Right of Way 6 and will run from the south for 5.7 metres north west; turn south east for 26.6 metres then north east for 77.5 metres to connect with the existing public footway between 14-16 High Street, Cowbridge.

SCHEDULE 3

Description of the areas of highway to be improved under this Order

i) A rectangular area of highway consisting of 2 steps approximately 11 metres from the entrance on High Street with a maximum length of 11.5 metres, a maximum width of 2.18 metres and a total area of 23.7 square metres. The steps are to be replaced with a ramp.

ii) An irregularly shaped area of highway with a maximum length of 11 metres, a maximum width of 2.15 metres and a total area of 12.8 square metres.

iii) An irregularly shaped area of highway with a maximum length of 3.6 metres, a maximum width of 2.1 metres and a total area of 5.19 square metres.

SCHEDULE 4

Proposed Development

A mixed use development including demolition of garden centre buildings, erection of a food store, 4 non food retail units and service yard plus 138 car parking spaces, rerouted public footpath and landscaping

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THE STOPPING UP OF HIGHWAYS (BIRDS LANE, COWBRIDGE, VALE OF GLAMORGAN) ORDER 2012

NOTICE IS HEREBY GIVEN that 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 area of highway described in Schedule 1 to this Notice; to provide for the new areas of highway described in Schedule 2 to this Notice and to improve the area 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 of this Notice to be carried out. The Order will cease to have effect if the planning permission expires or is revoked.

During the 6 weeks from 19 January 2012, copies of the Order and the deposited map may be inspected free of charge at the offices of the Vale of Glamorgan County Borough Council, Dock Office, Barry Docks, Barry CF63 4RT or may be obtained free of charge from the address below quoting the Welsh Government reference qA972637.

If any person desires to question the validity of the Order, or of any of the provisions contained therein, on the grounds:

- a. that it is not within the powers of the Town and Country Planning Act 1990; or
- b. that their interests have been substantially prejudiced by a failure to comply with any requirements of the Act.

that person may, within 6 weeks of 19 January 2012, apply to the High Court for the suspension or quashing of the Order or of any provision contained therein.

A copy of the Order and Notice can be viewed at the Welsh Assembly Government's website at www.wales.gov.uk . (Select: Legislation / Subordinate

Legislation/ Non-Statutory Instruments / Transport, Wales/ TCPA Stopping Up Orders/ 2012).

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
Orders Branch
Welsh Government

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