

**HIGHWAYS, WALES**

**2012 NO.17**

**TOWN AND COUNTRY PLANNING ACT 1990**

**THE STOPPING UP OF HIGHWAYS (A55 WEST  
BOUND ON SLIP ROAD VERGE ADJACENT  
TO THREEWAYS GARAGE, FAENOL  
AVENUE, ABERGELE, CONWY) ORDER 2012**

*Made*

*19 March 2012*

*Coming Into Force*

*28 March 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 Conwy 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 (A55 West Bound On Slip Road Verge adjacent to Threeways Garage, Faenol Avenue, Abergele, Conwy) 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 plan, being satisfied that the stopping up is necessary to enable the development described in Schedule 2 to be carried out in accordance with planning permission granted under Part III of the Act of 1990 by the Council on 02 April 2007 under reference 0/32979.

3. 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 Welsh Ministers, plans showing the means whereby the area of highway is to be stopped up;

(b) the development referred to in Schedule 2 of this Order has commenced and the developer has informed the Welsh Ministers in writing of the necessity to close

the area of highway to allow the development to proceed; and

(c) the Welsh Ministers have confirmed in writing to the developer that the provisions of (a) and (b) of this article have been fulfilled.

4. 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.

5. Following the stopping up of the area of highway described in Schedule 1 pursuant to this Order, the Welsh Ministers are to continue to have the same rights in respect of highway drainage as they had before the stopping up in respect of that area of highway together with the right to enter it and thereon to carry out works in exercise of their highway maintenance functions under the Highways Act 1980 in respect of the A55 trunk road or in connection with, or incidental to, the exercise of those functions.

6. If the development referred to in Schedule 2 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 (A55 West Bound On Slip Road Verge adjacent to Threeways Garage, Faenol Avenue, Abergele, Conwy) Order 2012.

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

Dated

19 March 2012

**G R 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.

## **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 forming part of the verge of the A55 west bound on slip road adjacent to Threeways Garage at Faenol Avenue, Abergele, Conwy, measuring a maximum of 122 metres in length by a maximum of 6 metres in width, with a maximum total area of 493 square metres shown in zebra hatching on the deposited plan.

## **SCHEDULE 2**

### **Proposed Development**

Proposed piping of a ditch and the resiting and erection of a boundary fence on part of the verge of the A55 west bound on slip road adjacent to Threeways Garage Ltd at Faenol Avenue, Abergele, Conwy.

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **THE STOPPING UP OF HIGHWAYS (A55 WEST BOUND ON SLIP ROAD VERGE ADJACENT TO THREEWAYS GARAGE, FAENOL AVENUE, ABERGELE, CONWY ) 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.

The stopping up will be authorised only in order to enable the development described in Schedule 2 to 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 28 March 2012 copies of the Order and the deposited plan may be inspected free of charge at the offices of Highways and Civil Engineering, Conwy County Borough Council, Central Resource Depot, Blackmarsh Road, Mochdre, Conwy LL28 5HA during normal opening hours or may be obtained free of charge from the address below.

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 of the requirements of the Act,

that person may, within 6 weeks of 28 March 2012 apply to the High Court for the suspension of quashing of the Order or of any provision contained therein.

A copy of the Order and Notice can be viewed at [www.wales.gov.uk](http://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 Orders Branch, Transport, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.**

**M D BURNELL**  
Transport  
Welsh Government

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## **SCHEDULE 2**

### **Proposed Development**

Proposed piping of a ditch and the resiting and erection of a boundary fence on part of the verge of the A55 west bound on slip road adjacent to Threeways Garage at Faenol Avenue, Abergele, Conwy, in accordance with planning permission granted by Conwy County Borough Council under Part III of the Act of 1990 on 02 April 2007 under reference 0/32979.