

HIGHWAYS, WALES

2012 No.18

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (POYSTON
CLOSE, HAVERFORDWEST,
PEMBROKESHIRE) ORDER 2012

Made 22 March 2012

Coming into Force 4 April 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 Pembrokeshire County 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 (Poyston Close, Haverfordwest, Pembrokeshire) Order 201-” 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 by zebra hatching on the deposited plan, being satisfied that the stopping up is necessary to enable development to be carried out as described in Schedule 4 to this Order in accordance with planning permission granted under Part III of the Act of 1990 by the Council on 1 March 2010 under the reference number 09/1114/PA.

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 improved highway described in Schedule 3 to this Order, and shown by cross hatching on the deposited plan, which are to be highways which, for the purposes of the Highways Act 1980, are highways maintainable at the public expense 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 is to be stopped up;

(b) the developer has provided the new and improved highway described in article 3 of this Order to the reasonable satisfaction of the Council;

(c) the development referred to in Schedule 2 of this Order has commenced and the developer has informed the Council in writing of the necessity to close the 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 the highways 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 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 ceases to have effect upon the cessation of the planning permission.

7. This Order comes 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 and its title is The Stopping Up of Highways (Poyston Close, Haverfordwest, Pembrokeshire) Order 2012.

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

Dated 22 March 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, 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 irregular shaped area of highway forming part of the highway known as Poyston Close, Haverfordwest, having a maximum length of 15.02 metres, a maximum width of 4.07 metres, a total area of 38 square metres and shown as 'A' on the deposited plan.

SCHEDULE 2

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

i) A rectangular shaped area of new highway to the east and adjacent to the highway known as Poyston Close, Haverfordwest, having a total area of 20 square metres and shown as 'B' on the deposited plan;

ii) An irregular shaped area of new highway forming a turning head adjacent to the highway known as Poyston Close, Haverfordwest, having a total area of 82 square metres and shown as 'C' on the deposited plan.

iii) An irregular shaped area of new highway adjacent to the highway known as Poyston Close, Haverfordwest, extending in a westerly direction to adjoin the highway known as St Davids Road, Haverfordwest, having a total area of 111 square metres and shown as 'D' on the deposited plan.

SCHEDULE 3

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

An irregular shaped area of highway adjacent to and forming part of the highway known as Poyston Close, Haverfordwest, extending in a westerly direction to adjoin and form part of the highway known as St Davids Road, Haverfordwest, having a total area of 269 square metres and shown as 'E' on the deposited plan.

SCHEDULE 4

The Development

Residential development to provide 7 dwellings, access off existing highway, parking and improved vehicle turning facilities at Poyston Close, Haverfordwest in the County of Pembrokeshire.

TOWN AND COUNTRY PLANNING ACT 1990

**THE STOPPING UP OF HIGHWAYS (POYSTON
CLOSE, HAVERFORDWEST,
PEMBROKESHIRE) 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 is authorised only in order to enable the development described in Schedule 4 to this Notice to be carried out. The Order also provides for the new areas of highway described in Schedule 2 to this Notice and improved area of highway described in Schedule 3 to this Notice to become highways maintainable at the public expense. The Order will cease to have effect if the planning permission expires or is revoked.

Copies of the Order and the deposited plan may be inspected free of charge during normal office hours at Pembrokeshire County Council, County Hall, Haverfordwest, Pembrokeshire or may be obtained free of charge from the address below quoting reference qA980071/1.

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 4 April 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 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
Welsh Government

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(all measurements are approximate)

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- i) A rectangular shaped area of new highway to the east and adjacent to the highway known as Poyston Close, Haverfordwest, having a total area of 20 square metres and shown as 'B' on the deposited plan;
- ii) An irregular shaped area of new highway forming a turning head adjacent to the highway known as Poyston Close, Haverfordwest, having a total area of 82 square metres and shown as 'C' on the deposited plan.
- iii) An irregular shaped area of new highway adjacent to the highway known as Poyston Close, Haverfordwest, extending in a westerly direction to adjoin the highway known as St Davids Road, Haverfordwest, having a total area of 111 square metres and shown as 'D' on the deposited plan.

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269 square metres and shown as 'E' on the deposited plan.

SCHEDULE 4

The Development

Residential development to provide 7 dwellings, access off existing highway, parking and improved vehicle turning facilities at Poyston Close, Haverfordwest in the County of Pembrokeshire in accordance with planning permission granted under Part III of the Act of 1990 by the Council on 1 March 2010 under reference 09/1114/PA.