

HIGHWAYS, WALES

2013 NO. 52

TOWN AND COUNTRY PLANNING ACT 1990

**THE STOPPING UP OF HIGHWAYS
(UNCLASSIFIED HIGHWAY ADJACENT TO
COED MILL, NEAR LLANBEDR,
CRICKHOWELL, POWYS) ORDER 2013**

Made 14 January 2013

Coming into Force 24 January 2013

The Welsh Ministers make this Order in exercise of their powers under section 247 of the Town and Country Planning Act 1990(1).

Title, Interpretation and Commencement

1. (1) The title of this Order is the Stopping Up of Highways (Unclassified Highway adjacent to Coed Mill, Near Llanbedr, Crickhowell, Powys) Order 2013.

(2) In this Order:-

“the Council” (“*y Cyngor*”) means Powys County Council;

“the Local Planning Authority” (“*yr Awdurdod Cynllunio Lleol*”) means the Brecon Beacons National Park Authority;

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

“the deposited plan” (“*y plan a adnewyd*”) means the plan entitled “The Stopping Up of Highways (Unclassified Highway adjacent to Coed Mill, Near Llanbedr, Crickhowell, Powys) Order 2013” which accompanies this Order; and

“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.

Stopping Up

2. Subject to articles 3, 4, 5 and 6, the Welsh Ministers authorise the stopping up of the area of highway described in Schedule 1 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 III of the 1990 Act by the Brecon Beacons National Park Authority on 29 June 2011 under reference number 11/06636/FUL and described in Schedule 4 to this Order.

New/Improved highway(s)

3. There shall be created, to the reasonable satisfaction of the Council, the new highway described in Schedule 2 and shown by stipple marking on the deposited plan and the improved highways described in Schedule 3 and shown by cross hatching on the deposited plan, which are to be highways that, for the purposes of the Highways Act 1980(2), are highways maintainable at the public expense and the Council will be the highway authority for them.

Provisions Necessary or Expedient before Stopping Up and for the Provision or Improvement of the Highways

4. The area of highway in Schedule 1 must not be stopped up until:-

(a) the developer has provided the new and improved highways described in Schedules 2 and 3 to the reasonable satisfaction of the Council;

(b) 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;

(c) the development in Schedule 4 has commenced and the developer has informed the Council in writing of the necessity to close the highways 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 area 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.

Duration of this Order

6. If the development in Schedule 4 has not begun within the relevant period specified in Part III 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 Local Government and Communities, one of the Welsh Ministers.

Dated 14 January 2013

R MORGAN

Head of Asset Management and Standards
Welsh Government

- (1) 1990 c. 8. By virtue of S.I. 1999/672, article 2 and Schedule 1, the functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales and are now exercisable by the Welsh Ministers by virtue of section 162 of and paragraph 30(2) of Schedule 11 to the Government of Wales Act 2006.
- (2) 1980 c.66

SCHEDULE 1

(All measurements are approximate)

Areas of highway adjacent to Coed Mill, Near Llanbedr, Crickhowell in the County of Powys

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

An irregularly shaped area of all purpose highway with a maximum length of 73.3 metres, a maximum width of 4.5 metres, having an area of 217 square metres and extending from point “b” to point “e” on the deposited plan.

SCHEDULE 2

Description of the new highway to be provided under this Order

An irregularly shaped area of highway situated to the north of the highway to be stopped up, described in Schedule 1 to this Order, having a maximum length of 81 metres, a maximum width of 4.2 metres and extending from point “g” to point “h” on the deposited plan.

SCHEDULE 3

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

- i) An irregularly shaped area of all purpose highway with a maximum length of 14.5 metres, a maximum width of 2.1 metres, having a area of 30.2 square metres and extending from point “a” to point “b” on the deposited plan.
- ii) An irregularly shaped area of all purpose highway with a maximum length of 14.5 metres, a maximum width of 2.6 metres, having a area of 37.6 square metres and extending from point “e” to point “f” on the deposited plan.

SCHEDULE 4

The Development

The realignment of a 100 metres long section of existing highway adjacent to Coed Mill, near Llanbedr, Crickhowell in the County of Powys with provision for new means of access and rights of way.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (UNCLASSIFIED HIGHWAY ADJACENT TO COED MILL, NEAR LLANBEDR, CRICKHOWELL, POWYS) ORDER 2013

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 the new area of highway described in Schedule 2 and to improve the areas of highway described in Schedule 3.

The stopping up is authorised to enable the development in Schedule 4 to be carried out. The Stopping up of Highways (Unclassified Highway adjacent to Coed Mill, Near Llanbedr, Crickhowell, Powys) Order 2013 (“the Order”) ceases 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 during normal office hours at Powys County Council, Rights of Way Officer, Plas y Ffynnon, Cambrian Way, Brecon, Powys, LD3 7HP or may be obtained free of charge from the address below quoting reference qA1035756/1.

If any person desires to question the validity of or provisions within the Order, they may do so on the following grounds:

- a. The Order is not within the powers of the Town and Country Planning Act 1990; or
- b. That an interest has been substantially prejudiced by a failure to comply with any of the requirements of the 1990 Act.

A person may, within 6 weeks of 24 January 2013, apply to the High Court for the suspension or quashing of the Order or of any provision in the Order provided grounds a. or b. are satisfied.

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, 2013).

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

SCHEDULE 1

(All measurements are approximate)

Areas of highway adjacent to Coed Mill, Near Llanbedr, Crickhowell in the County of Powys

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

An irregularly shaped area of all purpose highway with a maximum length of 73.3 metres, a maximum width of 4.5 metres, having an area of 217 square metres and extending from point “b” to point “e” on the deposited plan.

SCHEDULE 2

Description of the new highway to be provided under this Order

An irregularly shaped area of all purpose highway situated to the north of the highway to be stopped up, described in Schedule 1 to this Order, having a maximum length of 81 metres, a maximum width of 4.2 metres and extending from point “g” to point “h” on the deposited plan.

SCHEDULE 3

Description of the highways to be improved under this Order

i) An irregularly shaped area of all purpose highway with a maximum length of 14.5 metres, a maximum width of 2.1 metres, having a area of 30.2 square metres and extending from point “a” to point “b” on the deposited plan.

ii) An irregularly shaped area of all purpose highway with a maximum length of 14.5 metres, a maximum width of 2.6 metres, having a area of 37.6 square metres and extending from point “e” to point “f” on the deposited plan.

SCHEDULE 4

The Development

The realignment of a 100 metres long section of existing highway adjacent to Coed Mill, near Llanbedr, Crickhowell in the County of Powys with provision for new means of access and rights of way, in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 by the Brecon Beacons National Park Authority on 29 June 2011 under reference 11/06636/FUL.