

HIGHWAYS, WALES

2013 NO. 54

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (ACCESS LANE OFF ALBERT AVENUE, NEWPORT) ORDER 2013

Made 11 January 2013

Coming into Force 17 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 (Access Lane off Albert Avenue, Newport) Order 2013.

(2) In this Order:-

“the Council” (“*y Cyngor*”) means Newport City Council;

“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 (Access Lane off Albert Avenue, Newport) Order 2013” which accompanies this Order; and

“the 1990 Act” (“*Y Ddeddf 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 and 5, 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 3 of the 1990 Act by the Council on 23 August 2012 under

reference number 11/1311 and described in Schedule 2 to this Order.

Provisions Necessary or Expedient before Stopping Up

3. The area of highway in Schedule 1 must 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 development in Schedule 2 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

(c) the Council has confirmed in writing to the developer that paragraphs (a) and (b) are satisfied.

Statutory Undertakers and Providers

4. 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

5. If the development in Schedule 2 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 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 11 January 2013

R Morgan

RICHARD 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.

SCHEDULES

(All measurements are approximate)

SCHEDULE 1

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

That length of access lane that connects with the eastern side of the highway known as Albert Avenue, and extending parallel to, and alongside, the dwellings 96 and 98 Albert Avenue in Newport, extending in a easterly direction to its cul-de-sac end, having a maximum length of 36 metres, maximum width of 5.4 metres and total area of 186 square metres.

SCHEDULE 2

The Development

Conversion of part of building known as the Coach House at rear of 135 Chepstow Road, Newport to residential use to be used as staff accommodation in association with the commercial use of 135-137 Chepstow Road, Newport.

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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 is authorised to enable the development described in Schedule 2 to be carried out. The Stopping Up of Highways (Access Lane off Albert Avenue, Newport) 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 at the offices of Newport City

Council, Street Scene, Civic Centre, Newport NP20 4UR during normal opening hours or may be obtained free of charge from the address below quoting reference qA1036728.

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

A person may, within 6 weeks of 17 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 Orders Branch, Transport, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

M D Burnell

M D BURNELL
Transport
Welsh Government

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SCHEDULE 2

The Development

Conversion of part of building known as the Coach House at rear of 135 Chepstow Road, Newport to residential use to be used as staff accommodation in association with the commercial use of 135-137 Chepstow Road, Newport, in accordance with planning permission granted by Newport City Council under Part III of the Act of 1990, on 23 August 2012 under reference 11/1311.