PRIFFYRDD, CYMRU

2019 RHIF

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (HEN GYFFORDD BATCHELOR ROAD A RHODFA'R GORLLEWIN, GABALFA, CAERDYDD) 2019

Gwnaed	*29 Ebrill 2019*
Yn dod i rym	*3 Mai 2019*

Mae Gweinidogion Cymru, drwy arfer eu pwerau o dan adran 247 o Ddeddf Cynllunio Gwlad a Thref 1990(1), yn gwneud y Gorchymyn hwn.

Enwi, Cychwyn a Dehongli

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Cau Priffyrdd (Hen Gyffordd Batchelor Road a Rhodfa'r Gorllewin, Gabalfa, Caerdydd) 201- a daw i rym ar 3 Mai 2019.

(2) Yn y Gorchymyn hwn;

ystyr "y Cyngor" ("*the Council*") yw Cyngor Dinas a Sir Caerdydd;

ystyr "y datblygwr" ("*the developer*") yw'r person sy'n gwneud y datblygiad y mae'r caniatâd cynllunio wedi ei roi ar ei gyfer;

ystyr "Deddf 1990" ("*the 1990 Act*") yw Deddf Cynllunio Gwlad a Thref 1990; ac

ystyr "y plan a adneuwyd" ("*the deposited plan*") yw'r plan sy'n dwyn yr enw "Gorchymyn Cau Priffyrdd (Hen Gyffordd Batchelor Road a Rhodfa'r Gorllewin, Gabalfa, Caerdydd) 2019" sy'n dod gyda'r Gorchymyn hwn.

Cau Priffordd

2. Yn ddarostyngedig i erthyglau 3, 4 a 5 mae Gweinidogion Cymru yn awdurdodi cau'r darn o briffordd a ddisgrifir yn Atodlen 1 i'r Gorchymyn hwn ac a ddangosir â llinellau sebra ar y plan a adneuwyd. Mae Gweinidogion Cymru wedi eu bodloni bod angen cau'r briffordd er mwyn gwneud y datblygiad yn unol â'r caniatâd cynllunio a roddwyd o dan Ran 3 o

(1) 1990 p. 8. Diwygiwyd adran 247 gan adran 20(4) o Ddeddf Llywodraeth Leol (Cymru) 1994 (p. 19), a pharagraff 24 o Atodlen 6 iddi. Yn rhinwedd O.S. 1999/672, ac adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraff 30 o Atodlen 11 iddi, mae'r pwerau hyn yn arferadwy bellach gan Weinidogion Cymru o ran Cymru.

HIGHWAYS, WALES

2019 NO.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (FORMER JUNCTION OF BATCHELOR ROAD AND WESTERN AVENUE, GABALFA, CARDIFF) ORDER 2019

Made	*29 April 2019*
Coming into Force	*3 May 2019*

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

Title, Commencement and Interpretation

1.-(1) The title of this Order is the Stopping Up of Highways (Former Junction Of Batchelor Road and Western Avenue, Gabalfa, Cardiff) Order 201- and it comes into force on 3 May 2019.

(2) In this Order;

"the Council" *("y Cyngor")* means the Council of the City and County of Cardiff;

"the deposited plan" *("y plan a adneuwyd")* means the plan entitled "The Stopping Up of Highways (Former Junction Of Batchelor Road and Western Avenue, Gabalfa, Cardiff) Order 2019" which accompanies this Order;

"the developer" *("y datblygwr")* means the person carrying out the development for which the planning permission has been granted; and

"the 1990 Act" (*"Deddf 1990")* means the Town and Country Planning Act 1990.

Stopping Up

2. Subject to articles 3, 4, and 5 the Welsh Ministers authorise the stopping up of the length of highway described in Schedule 1 to this Order and 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

(1) 1990 c. 8 section 247 was amended by section 20(4) of, and paragraph 24 of Schedule 6 to, the Local Government (Wales) Act 1994 (c.19). By virtue of S.I. 1999/672, and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32), these powers are now exercisable by the Welsh Ministers in relation to Wales.

Ddeddf 1990 gan y Cyngor ar 14 Rhagfyr 2018 o dan y cyfeirnod 18/02140/MNR, ac a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn.

Y Darpariaethau sy'n Angenrheidiol neu'n Hwylus cyn Cau Priffyrdd

3. Ni chaniateir cau'r darn o briffordd a ddisgrifir yn Atodlen 1 i'r Gorchymyn hwn:-

(a) hyd nes y bydd y datblygwr wedi darparu, er boddhad rhesymol y Cyngor, blaniau sy'n dangos sut y mae'r darn o briffordd i'w gau;

(b) hyd nes y bydd y datblygiad a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn wedi ei ddechrau a bod y datblygwr wedi hysbysu'r Cyngor yn ysgrifenedig ei bod yn angenrheidiol cau'r briffordd er mwyn i'r datblygiad fynd rhagddo; ac

(c) hyd nes y bydd y Cyngor wedi ysgrifennu at y datblygwr i gadarnhau bod paragraffau (a) a (b) wedi eu bodloni.

Ymgymerwyr Statudol a Darparwyr

4. Pan fo gan ymgymerwyr statudol neu ddarparwyr system gyfathrebu gyhoeddus unrhyw gyfarpar o dan y briffordd, ynddi, arni, drosti, ar ei hyd neu ar ei thraws yn union cyn cau'r darn o briffordd yna (yn ddarostyngedig i adran 261(4) o Ddeddf 1990), bydd gan yr ymgymerwyr neu'r darparwyr yr un hawliau mewn cysylltiad â'r cyfarpar ag a oedd ganddynt cyn cau'r briffordd.

Cyfnod Para'r Gorchymyn hwn

5. Os na fydd y datblygiad a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn wedi ei ddechrau yn y cyfnod perthnasol a bennir yn Rhan 3 o Ddeddf 1990 fel cyfnod para'r caniatâd cynllunio, neu os caiff y caniatâd ei ddirymu cyn diwedd y cyfnod hwnnw, bydd y Gorchymyn hwn yn peidio â chael effaith pan ddaw'r caniatâd cynllunio i ben.

Llofnodwyd o dan awdurdod Gweinidog yr Economi a Thrafnidiaeth, un o Weinidogion Cymru.

Dyddiedig 29 Ebrill 2019.

Richard Morgan
Pennaeth Cynllunio, Rheoli Asedau a Safonau
Llywodraeth Cymru

Part 3 of the 1990 Act by the Council on 14 December 2018 under reference number 18/02140/MNR and described in Schedule 2 to this Order.

Provisions Necessary or Expedient before Stopping Up

3. The length of highway described in Schedule 1 to this Order must not be stopped up until:-

(a) the developer has provided, to the reasonable satisfaction of the Council, plans showing how the length of highway is to be stopped up;

(b) the development described in Schedule 2 to this Order has commenced and the developer has informed the Council in writing of the necessity to stop up 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 length 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 described in Schedule 2 to this Order 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 that period, this Order ceases to have effect upon the cessation of the planning permission.

Signed under authority of the Minister for Economy and Transport, one of the Welsh Ministers.

Dated 29 April 2019.

Richard Morgan
Head of Planning, Asset Management and Standards
Welsh Government

YR ATODLENNI

ATODLEN 1
(Bras amcan yw pob mesuriad)

Disgrifiad o'r darn o briffordd sydd i'w gau o dan y Gorchymyn hwn

Darn afreolaidd ei siâp o briffordd ar ochr ddeheuol Rhodfa'r Gorllewin, sef hen gyffordd Batchelor Road a Rhodfa'r Gorllewin, Gabalfa, Caerdydd, sy'n mesur 40 o fetrau yn y man hiraf ac 11 o fetrau yn y man lletaf ac a ddangosir â llinellau sebra ar y plan a adneuwyd.

ATODLEN 2

Y Datblygiad

Mân newid i ffin maes parcio siop fwyd Aldi a gymeradwywyd i ganiatáu ar gyfer mân ad-drefnu'r maes parcio yn Uned B, Ystad Ddiwydiannol Excelsior, Batchelor Road, Gabalfa, Caerdydd, CF14 3AX; yn unol â'r caniatadau cynllunio a roddwyd o dan Ran 3 o'r Ddeddf gan y Cyngor ar 14 Rhagfyr 2018 o dan y cyfeirnod 18/02140/MNR.

SCHEDULES

SCHEDULE 1
(All measurements are approximate)

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

An irregular shaped length of highway located on the southern side of Western Avenue being the former bell mouth junction between Batchelor Road and Western Avenue, Gabalfa Cardiff, with a maximum length of 40 metres and a maximum width of 11 metres shown by zebra hatching on the deposited plan.

SCHEDULE 2

The Development

A minor change to the boundary of the approved Aldi foodstore car park to allow a minor reconfiguration of the car park at Unit B, Excelsior Industrial Estate, Batchelor Road, Gabalfa Cardiff, CF14 3AX; in accordance with planning permissions granted under Part 3 of the Act by the Council on 14 December 2018 under reference number 18/02140/MNR.

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (HEN GYFFORDD BATCHELOR ROAD A RHODFA'R GORLLEWIN, GABALFA, CAERDYDD) 2019

Mae Gweinidogion Cymru wedi gwneud Gorchymyn o dan adran 247 o Ddeddf Cynllunio Gwlad a Thref 1990 ("y Ddeddf") i awdurdodi cau'r darn o briffordd a ddisgrifir yn Atodlen 1 i'r Hysbysiad hwn. Nid awdurdodir cau'r briffordd ond er mwyn gwneud y datblygiad a ddisgrifir yn Atodlen 2 i'r Hysbysiad hwn.

Bydd Gorchymyn Cau Priffyrdd (Hen Gyffordd Batchelor Road a Rhodfa'r Gorllewin, Gabalfa, Caerdydd) 2019 ("y Gorchymyn") yn peidio â chael effaith os daw'r caniatâd cynllunio mewn cysylltiad â'r datblygiad i ben neu os caiff ei ddirymu.

Gellir edrych ar gopïau o'r Gorchymyn a'r plan a adneuwyd yn rhad ac am ddim yn Swyddfa Bost Llandaf, 40 Stryd Fawr, Llandaf, Caerdydd, CF5 2DZ yn ystod oriau swyddfa arferol neu gellir eu cael yn rhad ac am ddim o'r cyfeiriad isod gan ddyfynnu'r cyfeirnod qA1379874.

Caiff unrhyw berson a dramgwyddir gan y Gorchymyn, ar y sail:

a. nad yw o fewn pwerau'r Ddeddf; neu

b. na chydymffurfiwyd ag un o ofynion gweithdrefnol y Ddeddf;

o fewn 6 wythnos i 3 Mai 2019, wneud cais i'r Uchel Lys at y diben hwnnw.

Gellir gweld copi o'r Gorchymyn a'r Hysbysiad ar https://gweddill.gov.wales/legislation/subordinate (Detholer: Offerynnau anstatudol/ Trafnidiaeth/ Deddf Cynllunio Gwlad a Thref: gorchmynion cau/ 2019).

Gellir cael copi print bras o'r Hysbysiad hwn oddi wrth: Y Gangen Orchmynion, Trafnidiaeth, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

J SADDLER
Trafnidiaeth
Llywodraeth Cymru

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (FORMER JUNCTION OF BATCHELOR ROAD AND WESTERN AVENUE, GABALFA, CARDIFF) ORDER 2019

The Welsh Ministers have made an Order under section 247 of the Town and Country Planning Act 1990 ("the Act") to authorise the stopping up of the length of highway described in Schedule 1 to this Notice. The stopping up will only be authorised in order to enable the development described in Schedule 2 to this Notice to be carried out.

The Stopping Up of Highways (Former Junction Of Batchelor Road and Western Avenue, Gabalfa, Cardiff) Order 2019 ("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 Llandaff Post office, 40 High Street, Cardiff, CF5 2DZ during normal office hours or may be obtained free of charge from the address below quoting reference qA1379874.

If a person is aggrieved by the Order, on the ground that:

a. it is not within the powers of the Act; or

b. a procedural requirement of the Act has not been complied with;

that person may, within 6 weeks of 3 May 2019 make an application for the purpose to the High Court.

A copy of the Order and Notice can be viewed at https://gweddill.gov.wales/legislation/subordinate (Select: Non-Statutory Instruments/ Transport / TCPA Stopping Up Orders/ 2019).

A copy of this Notice in larger print can be obtained from Orders Branch, Transport, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

J SADDLER
Transport
Welsh Government

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