

HIGHWAYS, WALES

2011 NO.26

TOWN AND COUNTRY PLANNING ACT 1990

**THE DIVERSION OF HIGHWAYS (LÔN
TWTHILL, NEAR THE CELTIC ROYAL
HOTEL, BANGOR STREET, CAERNARFON,
GWYNEDD) ORDER 2011**

Made 12 April 2011

Coming into force 21 April 2011

The Welsh Ministers, 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), make this Order.

1. In this Order:-

“the Council” (“*y Cyngor*”) means Gwynedd Council;

“the deposited plan” (“*y plan a adnewwyd*”) means the plan entitled “The Diversion of Highways (Lôn Twthill, Near The Celtic Royal Hotel, Bangor Street, Caernarfon, Gwynedd) Order 2011” which accompanies this Order;

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

2. Subject to the provisions of articles 3, 4, 5 and 6 of this Order, the Welsh Ministers authorise the diversion of the area of highway described in Schedule 1 to this Order and shown edged black on the deposited plan, being satisfied that the diversion is necessary to enable development to be carried out as described in Schedule 3 to this Order in accordance with planning permission granted under Part III of the Act of 1990 by the Council on 3 April 2008 under reference number C07A/0810/14/LL.

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, which is to be highway which, for the purposes of the Highways Act 1980(3) is a highway maintainable at the public expense and the Council is to be the highway authority for it.

4. The area of highway described in Schedule 1 to this Order may not be diverted until:-

(a) the developer has provided the new highway described in Schedule 2 to this Order 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 highway is to be diverted;

(c) the development referred to in Schedule 3 to this Order has commenced and the developer has informed the Council in writing of the necessity to divert 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 diverted 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 will continue to have the same rights in respect of the apparatus as they had before the diversion.

6. If the development referred to in Schedule 3 to 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 will be called the Diversion of Highways (Lôn Twthill, Near The Celtic Royal Hotel, Bangor Street, Caernarfon, Gwynedd) Order 2011.

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

Dated

12 April 2011

GARETH MORGAN
Head of Infrastructure Specialist Services
Welsh Assembly Government

- (1) 1990 c.8
- (2) By virtue of S.I. 1999/672, article 2 and Schedule 1, 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.
- (3) 1980 c.66

SCHEDULES

(All measurements are approximate)

SCHEDULE 1

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

A length of the highway known as Lôn Twthill, Caernarfon, with a maximum length of 67 metres and a maximum width of 4 metres, which extends from the south eastern corner of the Celtic Royal Hotel to the junction with the B4419 Bangor Street, Caernarfon.

SCHEDULE 2

Description of the new highway to be provided

An unclassified link path measuring at least 2 metres wide and 90 metres long, which extends in an easterly direction from a point immediately to the north of Capel Pendref to the south eastern corner of the Celtic Royal Hotel where it will join the remaining undiverted section of Lôn Twthill.

SCHEDULE 3

Description of the proposed development

An extension to the Celtic Royal Hotel, Caernarfon, to provide a new store, service area and retained vehicle-parking area.

TOWN AND COUNTRY PLANNING ACT 1990

**THE DIVERSION OF HIGHWAYS (LÔN
TWITHILL, NEAR THE CELTIC ROYAL
HOTEL, BANGOR STREET, CAERNARFON,
GWYNEDD) ORDER 2011**

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 diversion of the area of highway described in Schedule 1 to this Notice and to provide the new area of highway described in Schedule 2 to this Notice.

The diversion is authorised only in order to enable the development described in Schedule 3 to this Notice to be carried out in accordance with planning permission granted by Gwynedd Council on 3 April 2008 under reference number C07A/0810/14/LL. The Order ceases to have effect if the planning permission expires or is revoked.

Copies of the Order and the deposited plan may be inspected during normal office hours at the Planning and Transportation Service, Gwynedd Council, Council Offices, Caernarfon or may be obtained free of charge from the address below quoting the Welsh Assembly Government reference CZ510-5-44-qA748078/1.

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 21 April 2011, 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 on the Welsh Assembly Government's website at www.wales.gov.uk (select: Legislation/ Subordinate legislation/ Non-Statutory Instruments/ Transport, Wales/ TCPA Stopping Up Orders/ 2011).

A copy of this Notice in larger print can be obtained from Transport Planning & Governance Division 3, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

M D BURNELL
Transport Planning and Governance Division
Welsh Assembly Government

SCHEDULES

(All measurements are approximate)

SCHEDULE 1

Description of the area of highway to be diverted

A length of the highway known as Lôn Twthill, Caernarfon, with a maximum length of 67 metres and a maximum width of 4 metres, which extends from the south eastern corner of the Celtic Royal Hotel to the junction with the B4419 Bangor Street, Caernarfon.

SCHEDULE 2

Description of the new highway to be provided

An unclassified link path measuring at least 2 metres wide and 90 metres long, which extends in an easterly direction from a point immediately to the north of Capel Pendref to the south eastern corner of the Celtic Royal Hotel where it will join the remaining un-diverted section of Lôn Twthill.

SCHEDULE 3

Description of the proposed development

An extension to the Celtic Royal Hotel, Caernarfon, to provide a new store, service area and retained vehicle-parking area.