

HIGHWAYS, WALES

2011 No. 27

**TOWN AND COUNTRY PLANNING ACT
1990**

**THE STOPPING UP OF HIGHWAYS
(PILGWENLLY PRIMARY SCHOOL,
NEWPORT) ORDER 2011**

Made 27 April 2011

Coming Into Force 3 May 2011

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 Newport City 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 adnewydd*”) means the map entitled “The Stopping Up of Highways (Pillgwenlly Primary School, Newport) Order 2011” which accompanies this Order.

2. Subject to the provisions of articles 3, 4 and 5 of this Order, the Welsh Ministers authorise the stopping up of the area of highway described in Schedule 1 to this Order and shown with zebra hatching on the deposited plan, being satisfied that the stopping up is necessary to enable the development described in Schedule 2 to be carried out in accordance with planning permission granted under Part III of the Act of 1990 by the Council on 9 December 2010 under reference 10/1051.

3. 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 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 area of highway to allow the development to proceed; and

(c) the Council has confirmed in writing to the developer that the provisions of (a) and (b) of this article have been fulfilled and that it is satisfied with regard to the matters set out in (a) and (b) of this article.

4. Where immediately before the area of highway is stopped up 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 are to continue to have the same rights in respect of the apparatus as they had before the stopping up.

5. 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 will cease to have effect upon cessation of the planning permission

6. This Order will come 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. The title to this Order is “The Stopping Up of Highways (Pillgwenlly Primary School, Newport) Order 2011”.

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

Dated 27 April 2011

G 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.

SCHEDULE 1

(All measurements are approximate)

Description of the area of highway to be stopped up under this Order at Pillgwenlly Primary School, in the City and County of Newport,

An irregularly shaped area of highway, measuring 10 metres in length by 3.5 metres in width, with a total area of 37 square metres, forming part of the west entrance to the school, off Capel Crescent, shown in zebra hatching on the deposited map.

SCHEDULE 2

Proposed Development

The construction of an extension to link a stand alone building to the main school building at Pillgwenlly Primary School, Newport; the extension and reconfiguration of a car park and the change of use of land to incorporate it within the school grounds for play area purposes.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (PILLGWENLLY PRIMARY SCHOOL, NEWPORT) 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 stopping up of the area of highway described in Schedule 1 to this Notice.

The stopping up is authorised only in order to enable the development described in Schedule 2 to this Notice to be carried out. The Order ceases to have effect if the planning permission expires or is revoked.

During the 6 weeks from 3 May 2011, copies of the Order and the deposited plan may be inspected free of charge at the offices of Newport City Council, Engineering Consultancy, Civic Centre, Newport

NP20 4UR during normal office hours or may be obtained free of charge from the address below quoting the Welsh Assembly Government reference CZ510-5-11-qA904234.

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 requirements of the Act,

that person may, within 6 weeks of 3 May 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 at the Welsh Assembly Government's website at www.wales.gsi.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 the Welsh Assembly Government, TPG3, Cathays Park, Cardiff CF10 3NQ.

M D BURNELL

Transport Planning and Governance Division 3
Welsh Assembly Government

SCHEDULE 1

(All measurements are approximate)

Description of the area of highway to be stopped up under this Order at Pillgwenly Primary School, in the City and County of Newport,

An irregular area of highway, measuring 10 metres in length by 3.5 metres in width, with a total area of 37 square metres, forming part of the west entrance to the school, off Capel Crescent, shown in zebra hatching on the deposited map.

SCHEDULE 2

Proposed Development

Construct an extension to link a stand alone building to the main school building to provide staff facilities; extend and reconfigure the car park and change the use of land to incorporate it within the school grounds to provide a play area in accordance with planning permission granted by Newport City Council on 9 December 2011 under reference 10/1051.