

HIGHWAYS, WALES

2011 No.48

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (BARGOED RETAIL PLATEAU, BARGOED) ORDER 2011

Made 1 December 2011

Coming into force 8 December 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 the Caerphilly County Borough 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 adnewyd") means the plan entitled "The Stopping Up of Highways (Bargoed Retail Plateau, Bargoed) Order 2011" which accompanies this Order.

2. Subject to the provisions of articles 3, 4, 5 and 6 of this Order, the Welsh Ministers authorise the stopping up of the areas of highway described in Schedule 1 to this Order and shown with zebra hatched lines on the deposited map, being satisfied that the stopping up is necessary to enable the development described in Schedule 4 to this Order to be carried out in accordance with planning permission granted under Part III of the Act of 1990 by the Council on 28 July 2011 under reference 11/0259/OUT.

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

4. The areas 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 areas of highway are to be stopped up;
- (b) the developer has provided the new highways described in Schedule 2 to this Order to the reasonable satisfaction of the Council;
- (c) the development referred to in Schedule 4 of this Order has commenced and the developer has informed the Council in writing of the necessity to close the areas of 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 areas of highway are 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.

6. If the development referred to in Schedule 4 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.

7. 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 (Bargoed Retail Plateau, Bargoed) Order 2011.

Signed under authority of the Minister for Local Government and Communities, one of the Welsh Ministers.

Dated 1 December 2011

G MORGAN
Head of Infrastructure Specialist Services
Welsh 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

SCHEDULE 1

(All measurements are approximate)

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

i) An irregularly shaped area of highway which extends from the south west end of Colliers Walk in a north easterly direction with a maximum length of 40 metres, a maximum width of 5 metres and a total area of 95 square metres. The area extends from point A to point B on the deposited plan.

ii) An irregularly shaped area of highway which extends from the south western end of North Lane in a north easterly direction with a maximum length of 160 metres, a maximum width of 17 metres and a total area of 1,548 square metres. The area extends from point C to point D on the deposited plan.

iii) An irregularly shaped area of highway which lies to the west of the A469 Angel Way, in close proximity to the Bargoed Roundabout. The area will have a maximum length of 80 metres, a maximum width of 48 metres and a total area of 3,425 square metres and has a reference letter E on the deposited plan.

iv) A rectangular shaped area of highway on North Lane with a maximum length of 5 metres, a maximum width of 0.2 metres and a total area of 1.1 square metres. The area extends from point I to point J on the deposited plan.

SCHEDULE 2

Description of the new areas of highway to be provided under this Order

i) A rectangular shaped area of land to form a turning head at the north end of Colliers Walk with a maximum length of 8 metres, a maximum width of 6 metres and a total area of 41.3 square metres with a reference letter K on the deposited plan.

ii) A triangular shaped area of land to the west side of Bargoed Gateway at the service yard entrance to the proposed supermarket. It has a maximum length of 11

metres, a maximum width of 3 metres and a total area of 20.6 square metres with a reference letter L on the deposited plan.

SCHEDULE 3

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

- i) A rectangular area of footway in Bargoed Gateway with a maximum length of 232.5 metres, a maximum width of 2.1 metres and a total area of 490 square metres. The area extends from point F to point G on the deposited plan.
- ii) A rectangular area of verge in Bargoed Gateway with a maximum length of 7 metres, a maximum width of 2.05 metres and a total area of 14.4 square metres. The area has a reference letter H on the deposited plan.
- iii) An irregular area of highway extending from the new development at the east side of Colliers Walk to the footway on Hanbury Road with a total area of 556.8 square metres. The area has a reference letter M on the deposited plan.
- iv) An irregular area of highway to the west of the A469 Angel Way, in close proximity to the Bargoed Roundabout and in front of area E with a total area of 678.1 metres. The area has a reference letter N on the deposited plan.
- v) An irregular area of highway extending from North lane in a north easterly direction to the existing steps, with a maximum length of 65 metres, a maximum width of 5.2 metres and a total area of 341 square metres. The area has a reference letter O on the deposited plan.

SCHEDULE 4

Proposed Development at Bargoed Retail Plateau, east of Hanbury Road and west of Angel Way/A469, Bargoed, in the County Borough of Caerphilly

A mixed use development including a supermarket and retail units, restaurants and cafes, financial and professional services, cinema, residential accommodation including car parking, a new public square, new pedestrian links, new vehicular access, highway improvements, landscaping and boundary treatments and a new petrol station and forecourt shop.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (BARGOED RETAIL PLATEAU, BARGOED) 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 areas of highway described in Schedule 1 to this Notice; to provide for the new areas of highway described in Schedule 2 to this Notice and to improve the areas of highway described in Schedule 3 to this Notice.

The stopping up will be authorised only in order to enable the development described in Schedule 4 of this Notice to be carried out. The Order will cease to have effect if the planning permission expires or is revoked.

During the 6 weeks from 8 December 2011, copies of the Order and the deposited map may be inspected free of charge at the offices of the Caerphilly County Borough Council, Highways Customer Care, Pontllanfraith House, Pontllanfraith, Blackwood NP12 2YW or may be obtained free of charge from the address below quoting the Welsh Government reference CZ510-5-57-qA959067.

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 8 December 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.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 Government, Transport, Orders Branch, Cathays Park, Cardiff CF10 3NQ.

M D BURNELL
Transport
Orders Branch
Welsh Government

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