

HIGHWAYS, WALES

2011 No.1

TOWN AND COUNTRY PLANNING ACT 1990

**THE STOPPING UP OF HIGHWAYS
(CYSGOD -Y - COLEG, BALA, GWYNEDD)
ORDER 2011**

Made 21 January 2011

Coming into Force 3 February 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 Gwynedd 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 (Cysgod-y-Coleg, Bala, Gwynedd) Order 2011” which accompanies this Order;

“the National Park Authority” (“*Awdirdod parc Cenedlaethol*”) means Snowdonia National Park Authority.

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 by zebra hatching on the deposited plan, being satisfied that the stopping up is necessary to enable development to be carried out as described in Schedule 4 to this Order in accordance with planning permission granted under Part III of the Act of 1990 by the National Park Authority on 5 February 2010 under the reference number NP5/53/496.

3. There shall be created, to the reasonable satisfaction of the Council, the new highways and footpath described in Schedule 2 to this Order, shown by stipple marking for new highway and vertical hatching for new footpath on the deposited plan and improved highways described in Schedule 3 to this Order, shown by cross hatching on the deposited plan, which

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

4. The area of highways described in Schedule 1 to this Order may not be stopped up until:-

(a) the developer has provided the new highways described in article 3 of 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 highways are to be stopped up;

(c) the development referred to in Schedule 3 of this Order has commenced and the developer has informed the Council in writing of the necessity to close the highways to allow the development to proceed; and

(d) the Council has confirmed in writing to the developer and the National Park Authority that the provisions of (a), (b) and (c) of this article have been fulfilled.

5. Where immediately before the area of highways are stopped up in pursuance of this Order there is under, in, on, over, along or across those highways 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 article 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 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 its title is The Stopping Up of Highways (Cysgod - y- Coleg, Bala, Gwynedd.) Order 2011.

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

Dated 21 January 2011

J COLLINS

Deputy Director, Infrastructure Delivery
Welsh Assembly Government

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

SCHEDULE 1

(all measurements are approximate)

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

An irregularly shaped area of highway known as Cysgod-y-Coleg having a maximum length of 51.5 metres, a maximum width of 11 metres and an area of 563.6 square metres and given the reference 1 on the deposited plan.

An irregularly shaped area of footpath having a length of 33.5 metres, a maximum width of 0.7 metres and an area of 22 square metres and given the reference 2 on the deposited plan.

SCHEDULE 2

Description of the areas of new highway to be provided

An irregularly shaped area having a maximum length of 56.5 metres and a maximum width of 13.5 metres and an area of 695 square metres given the reference 3 on the deposited plan.

An irregularly shaped area having a maximum length of 15 metres and a maximum width of 32 metres and an area of 199 square metres and given the reference 4 on the deposited plan.

An irregularly shaped area having a maximum length of 9.5 metres, a maximum width of 5 metres and an area of 44 square metres and given the reference 5 on the deposited plan.

A triangular shaped area having a maximum length of 3.5 metres, a maximum width of 1 metre and an area of 2 square metres and given the reference 6 on the deposited plan.

Description of the area of new footpath to be provided

An irregularly shaped area having a maximum length of 33.5 metres, a maximum width of 1.2 metres and an area of 40 square metres and given the reference 7 on the deposited plan.

SCHEDULE 3

Description of the areas of highway to be improved

An irregularly shaped area of highway known as Cysgod – y – Coleg having a maximum length of 35.5 metres, a maximum width of 11 metres and an area of 359 square metres and given the reference 8 on the deposited plan.

An irregularly shaped area of footpath having a maximum length of 3.5 metres, a maximum width of 1 metre and an area of 3 square metres and given the reference 9 on the deposited plan.

A rectangular shaped area of highway at the junction of the A4212, Heol Ffrydan and Cysgod-y-Coleg having a maximum length of 30 metres, a maximum width of 2 metres and an area of 59 square metres and given the reference 10 on the deposited plan.

An irregularly shaped area of footpath having a maximum length of 24 metres, a maximum width of 0.6 metres and an area of 14.4 square metres and given the reference 11 on the deposited plan.

SCHEDULE 4

The Development

The construction of 30 Extra Care units and associated facilities and realignment of part of existing estate road at Cysgod-y-Coleg, Bala in the County of Gwynedd.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (CYSGOD - Y - COLEG, BALA, 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 stopping up of the areas of highway described in Schedule 1 to this Notice and to provide for the new areas of highway and footpath as described in

Schedule 2 to this Notice and to improve the areas of highway described in Schedule 3 to this Notice.

The stopping up is authorised only in order to enable development to be carried out as described in Schedule 4 to this Notice. The Order also provides for the new areas of highway and footpath described in Schedule 2 to this Notice and for the improved areas of highway described in Schedule 3 to this Notice to become highways maintainable at the public expense. The Order will cease to have effect if the planning permission expires or is revoked.

Copies of the Order and the deposited plan may be inspected free of charge during normal office hours at Bala Library, Ysgol Y Berwyn, Bala, Gwynedd LL23 7RU or may be obtained free of charge from the address below.

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 3 February 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 <http://wales.gov.uk/legislation/subordinate/nonsi/transwales/stopuporders/?lang=en>

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

M D BURNELL
Transport Planning and Governance Division
Welsh Assembly Government

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