

HIGHWAYS, WALES

2011 NO.9

TOWN AND COUNTRY PLANNING ACT 1990

**THE STOPPING UP OF HIGHWAYS
(FOOTWAY AT BRYN CELYN, PENTWYN,
CARDIFF) ORDER 2011**

Made 16 February 2011

Coming into force 25 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 the County Council of the City and County of Cardiff;

“the deposited plan” (“*y plan a adnewwyd*”) means the plan entitled “The Stopping Up of Highways (Footway at Bryn Celyn, Pentwyn, Cardiff) 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, 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 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 2 to this Order.

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 highway is to be stopped up;

(b) the development referred to in Schedule 2 to this Order has commenced and the developer has informed the Council in writing of the necessity to close the 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.

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 will 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 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.

6. 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 Stopping Up of Highways (Footway at Bryn Celyn, Pentwyn, Cardiff) Order 2011.

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

Dated

16 February 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, 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.

SCHEDULES

SCHEDULE 1

(all measurements are approximate)

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

An irregularly shaped area of footway, measuring 218.5 square metres, that extends from a point north-east of the turning head east of Nos. 139 – 147 Bryn Celyn to a point adjacent to the electricity sub station to the north of No. 236 Bryn Celyn.

SCHEDULE 2

Description of the proposed development

The erection of 6 new dwellings and associated works, in accordance with planning permission granted under Part III of the Act of 1990 by the Council on 7 May 2010 under reference number 10/00335/E.

TOWN AND COUNTRY PLANNING ACT 1990

**THE STOPPING UP OF HIGHWAYS
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CARDIFF) 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.

Copies of the Order and the deposited plan may be inspected during normal office hours at Development Control, Cardiff Council, City Hall, Cathays Park, Cardiff or may be obtained free of charge from the address below quoting the Welsh Assembly Government reference CZ510-5-21-qA858428/1.

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 25 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 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

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