

HIGHWAYS, WALES

2011 No.31

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (FOREST VIEW, OFF ELWYN STREET, COEDEL, PORTH, RHONDDA CYNON TAF) ORDER 2011

Made 12 August 2011

Coming into Force 25 August 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 Rhondda Cynon Taf 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 adnewwyd”*) means the plan entitled “The Stopping Up of Highways (Forest View, Off Elwyn Street, Coedely, Porth, Rhondda Cynon Taf) 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 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 in accordance with planning permission granted under Part III of the Act of 1990 by the Council on 17 May 2011 under the reference number 11/0142/10.

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 length 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 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 the 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 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 its title is The Stopping Up of Highways (Forest View, Off Elwyn Street, Coedely, Porth, Rhondda Cynon Taf) Order 2011.

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

Dated 12 August 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, 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

An irregular shaped area of highway in the area known as Forest View, Off Elwyn Street, Coedely, Porth, Rhondda Cynon Taf, having a maximum length of 193 metres, a maximum width of 14.5 metres and a total area of 1445 square metres.

SCHEDULE 2

The Development

Change of use of land to caravan storage at Forest View, Off Elwyn Street, Coedely, Porth in the County Borough of Rhondda Cynon Taf in accordance with planning permission granted under Part III of the Act of 1990 by the Rhondda Cynon Taf County Borough Council on 17 May 2011 under reference 11/0142/10.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (FOREST VIEW, OFF ELWYN STREET, COEDELY, PORTH, RHONDDA CYNON TAF) 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 development to be carried out as described in Schedule 2 to this Notice. 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 Tonyrefail Library, Tonyrefail Leisure Centre, Tyn-Y-Bryn Park, Waunrhydd Road, Tonyrefail CF39 8EW or may be obtained free of charge from the address below quoting reference CZ510-5-58-qA927761/1.

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 August 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 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 Welsh Government, Transport, Cathays Park, Cardiff CF10 3NQ.

M D BURNELL
Transport
Welsh Government

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