

HIGHWAYS, WALES

2012 No. 51

TOWN AND COUNTRY PLANNING ACT 1990

**THE STOPPING UP OF HIGHWAYS
(KINGSWAY, CAPITOL CAR PARK ACCESS
AND UPPER DOCK STREET, NEWPORT)
ORDER 2012**

Made

10 December 2012

Coming into force

14 December 2012

The Welsh Ministers make this Order in exercise of their powers under section 247 of the Town and Country Planning Act 1990(1).

Title, Interpretation and Commencement

1. (1) The title of this Order is the Stopping Up of Highways (Kingsway, Capitol Car Park Access and Upper Dock Street, Newport) Order 2012.

(2) 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 has been given;

“the deposited plan” (“*y plan a adnewyd*”) means the plan entitled “The Stopping Up of Highways (Kingsway, Capitol Car Park Access and Upper Dock Street, Newport) Order 2012” which accompanies this Order; and

“the 1990 Act” (“*Y Ddeddf 1990*”) means the Town and Country Planning Act 1990.

(3) This Order comes into force on the date on which notice that it has been made is published in accordance with section 252(10) of the 1990 Act.

Stopping Up

2. Subject to articles 3, 4, 5 and 6, the Welsh Ministers authorise the stopping up of the areas of highway described in Schedule 1 shown by zebra hatching on the deposited plan. The Welsh Ministers are satisfied that the stopping up is necessary to enable development to be carried out in accordance with planning permission granted under Part 3 of the

1990 Act by the Council on 5 April 2012 under reference 11/1317 and described in Schedule 3 to this Order.

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

Provisions Necessary or Expedient before Stopping Up

4. The areas of highway described in Schedule 1 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 improved highways described in Schedule 2 to the reasonable satisfaction of the Council;
- (c) the development described in Schedule 3 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) are satisfied.

Statutory Undertakers and Providers

5. Where immediately before the areas of highway are stopped up, there is under, in, on, over, along or across the highways any apparatus of statutory undertakers or public communications providers then, (subject to section 261(4) of the 1990 Act), the undertakers or providers continue to have the same rights in respect of the apparatus as they had before the stopping up.

Duration of this Order

6. If the development in Schedule 3 has not begun within the relevant period specified in Part 3 of the 1990 Act 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.

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

Dated 10 December 2012

R Morgan

R MORGAN

Head of Asset Management and Standards

Welsh Government

- (1) 1990 c.8. By virtue of S.I. 1999/672, article 2 and Schedule 1, the functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales and are now exercisable by the Welsh Ministers by virtue of section 162 of and paragraph 30(2) of Schedule 11 to the Government of Wales Act 2006.
- (2) 1980 c.66

SCHEDULES

(All measurements are approximate)

SCHEDULE 1

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

- i. An irregularly shaped area comprising parts of lower ground public roads and footways between the highways known as John Frost Square and Usk Way/Kingsway that encompass the access to the former Capitol car park, having a maximum length of 155 metres, a maximum width of 110 metres and a total area of 5973 square metres and given the reference 'A' on the deposited plan.
- ii. An irregularly shaped area comprising part of the upper ground highway known as Upper Dock Street, from a point 15 metres south of its junction with the highway known as Corn Street in the north to its junction with the pedestrianised upper ground public road known as Austin Friars in the south, having a maximum length of 95 metres, maximum width of 35 metres and a total area of 678 square metres and given the reference 'E' on the deposited plan.

SCHEDULE 2

Description of the areas of highway to be improved

- i. An irregularly shaped area of lower ground footway on the south western side of the northbound carriageway of the highway known as Usk Way, having a maximum length of 65 metres, maximum

width of 2 metres and a total area of 114 square metres and given the reference 'B' on the deposited plan.

ii. An irregularly shaped area of lower ground footway on the south western side of the northbound carriageway of the highway known as Kingsway, having a maximum length of 110 metres, maximum width of 4 metres and a total area of 301 square metres and given the reference 'C' on the deposited plan.

iii. An irregularly shaped area comprising the south western side of lower ground highway known as Kingsway, north-eastern end of lower ground highway known as Corn Street and eastern end of lower ground highway known as Skinner Street, having a maximum length of 55 metres, maximum width of 40 metres and a total area of 856 square metres and given the reference 'D' on the deposited plan.

iv. An irregularly shaped area comprising part of the upper ground highway known as Upper Dock Street, from its junction with the highway known as Corn Street in the north to its junction with the pedestrianised upper ground public road known as Austin Friars in the south and part of the pedestrianised upper ground public road known as Austin Friars, from its junction with the upper ground highway known as Upper Dock Street in the east to its junction with the highway known as Commercial Street in the west, having a maximum length of 100 metres, maximum width of 13 metres and a total area of 1619 square metres and given the reference 'F' on the deposited plan.

SCHEDULE 3

The Development

Demolition of existing buildings and redevelopment for mixed use development including retail (use Class A1), leisure/cinema (use Class D2), cafés and restaurants (use Class A3), extension to existing public house (use Class A3), new bus station, landscaping and access and associated car parking at Newport City Centre, Kingsway, Newport.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (KINGSWAY, CAPITOL CAR PARK ACCESS AND UPPER DOCK STREET, NEWPORT) ORDER 2012

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 improve the areas of highway described in Schedule 2.

The stopping up is authorised to enable the development described in Schedule 3 to be carried out. The Stopping Up of Highways (Kingsway, Capitol Car Park Access and Upper Dock Street, Newport) Order 2012 (“the Order”), will cease to have effect if planning permission in respect of the development expires or is revoked.

Copies of the Order and the deposited plan may be inspected free of charge at the offices of Newport City Council, Civic Centre, Newport NP20 4UR during normal office hours or may be obtained free of charge from the address below quoting qA1021203.

If any person desires to question the validity of or provisions within the Order, they may do so on the following grounds:

- a. The Order is not within the powers of the Town and Country Planning Act 1990; or
- b. That an interest has been substantially prejudiced by a failure to comply with any of the requirements of the 1990 Act.

A person may, within 6 weeks of 14 December 2012, apply to the High Court for the suspension or quashing of the Order or of any provision in the Order provided grounds a. or b. are satisfied.

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’, ‘2012’).

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

M D Burnell

M D BURNELL
Transport
Welsh Government

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plan.

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