

HIGHWAYS, WALES

2012 NO. 48

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (LAND AT MALLARD CLOSE & CATH COB CLOSE, TROWBRIDGE, CARDIFF) ORDER 2012

Made 2 November 2012

Coming into Force 9 November 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 (Land at Mallard Close & Cath Cob Close, Trowbridge, Cardiff) Order 2012.

(2) In this Order:-

“the Council” (“*y Cyngor*”) means the Council of the City and County of Cardiff;

“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 adnewwyd*”) means the plan entitled “The Stopping Up of Highways (Land at Mallard Close & Cath Cob Close, Trowbridge, Cardiff) 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 III of the 1990

Act by the Council on 16 July 2012 under reference number 12/00842/DCO and described in Schedule 4 to this Order.

New/Improved highway(s)

3. There shall be created, to the reasonable satisfaction of the Council, the new highways described in Schedule 2 and shown by stipple marking on the deposited plan and the improved highways described in Schedule 3 and shown by cross hatching on the deposited plan, which are to be highways that, for the purposes 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 and for the Provision or Improvement of the Highways

4. The areas of highway in Schedule 1 must not be stopped up until:-

(a) the developer has provided the new and improved highways described in Schedules 2 and 3 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 areas of highway are to be stopped up;

(c) the development in Schedule 4 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 that paragraphs (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 4 has not begun within the relevant period specified in Part III 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

2 November 2012

RICHARD 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

SCHEDULE 1

(All measurements are approximate)

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

An irregularly shaped area of all purpose highway with a maximum length of 17.5 metres and a maximum width of 5.2 metres, which extends from the southern end of No.14 Mallard Close to the rear of Nos. 29-37 Cath Cob Close, Trowbridge, Cardiff.

A rectangular shaped area of all purpose highway with a maximum length of 7.6 metres and a maximum width of 2.2 metres, situated on the northern side of Cath Cob Close, to the front of Nos. 30-38 Cath Cob Close and on the south eastern boundary of the rear of No.5 Ashfield Court.

SCHEDULE 2

Description of the new highways to be provided

A rectangular shaped area of highway that will provide new parking bays, measuring 52 square metres, situated to the front of Nos.30-38 Cath Cob Close.

A roughly rectangular shaped area of highway that will provide new parking bays, measuring 58 square metres, situated to the front of Nos.32-40 Cath Cob Close.

SCHEDULE 3

Description of the highways to be improved

An irregularly shaped area of all purpose highway measuring 35 square metres situated at the north of Cath Cob Close to the front of Nos. 32-40 Cath Cob Close.

A roughly rectangular shaped area of all purpose highway measuring 82 square metres situated on the north eastern side of Mallard Close between the rear of No.29 Cath Cob Close and No.14 Mallard Close.

SCHEDULE 4

The Development

Two courtyard extension and improvement schemes including the provision of bin stores at Mallard Close and Cath Cob Close, Trowbridge, Cardiff.

TOWN AND COUNTRY PLANNING ACT 1990

**THE STOPPING UP OF HIGHWAYS (LAND AT
MALLARD CLOSE & CATH COB CLOSE,
TROWBRIDGE, CARDIFF) 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, to provide the new areas of highway described in Schedule 2 and to improve the areas of highway described in Schedule 3.

The stopping up is authorised to enable the development in Schedule 4 to be carried out. The Stopping up of Highways (Land at Mallard Close & Cath Cob Close, Trowbridge, Cardiff) Order 2012 (“the Order”) ceases 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 during normal office hours at Development Control, Cardiff Council, City Hall, Cathays Park, Cardiff CF10 3ND or may be obtained free of charge from the address below quoting reference qA1024297/1.

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 9 November 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 Transport, Orders Branch, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

M D BURNELL
Transport
Welsh Government

SCHEDULES

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A roughly rectangular shaped area of highway that will provide new parking bays, measuring 58 square metres, situated to the front of Nos.32-40 Cath Cob Close.

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SCHEDULE 4

The Development

Two courtyard extension and improvement schemes including the provision of bin stores at Mallard Close and Cath Cob Close, Trowbridge, Cardiff in

accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 by Cardiff Council on 16 July 2012 under reference number 12/00842/DCO.