

HIGHWAYS, WALES

2012 No. 43

TOWN AND COUNTRY PLANNING ACT 1990

**THE STOPPING UP OF HIGHWAYS (LANE AT
MERTHYR STREET, BARRY, VALE OF
GLAMORGAN) ORDER 2012**

Made 20 September 2012

Coming into force 27 September 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 (Lane at Merthyr Street, Barry, Vale of Glamorgan) Order 2012.

(2) In this Order:-

“the Council” (“*y Cyngor*”) means the Vale of Glamorgan County Borough 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 (Lane at Merthyr Street, Barry, Vale of Glamorgan) Order 2012” which accompanies this Order;

“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 area 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 by the Council under Part 3 of the Act of 1990, on 24 March 2011 under reference 2010/01355/FUL 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 highway described in Schedule 3 and shown by cross hatching on the deposited plan, which are 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 area of highway in Schedule 1 must not be stopped up until:-

- (a) the developer has provided to the reasonable satisfaction of the Council, plans showing the means whereby the area of highway is to be stopped up;
- (b) the developer has provided the new and improved highways described in Schedules 2 and 3 to the reasonable satisfaction of the Council;
- (c) the development in Schedule 4 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
- (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 area of highway is stopped up, 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 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 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 20 September 2012

R Morgan

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 and paragraph 30(1) of Schedule 11 to the Government of Wales Act 2006, these powers are now exercisable by the Welsh Ministers in relation to Wales.
- (2) 1980 c.66

SCHEDULES

(All measurements are approximate)

SCHEDULE 1

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

An irregularly shaped area of un-named highway comprising a lane that extends in a northerly direction over land between Merthyr Street, situated between numbers 66 and 86 Merthyr Street and lane rear of Merthyr Street, in Barry in the Vale of Glamorgan that has a maximum length of 21 metres, a maximum width of 4 metres and a total area of 53 square metres.

SCHEDULE 2

Description of the new highways to be provided

An irregularly shaped area of land to the west of the lane that extends in a northerly direction from Merthyr Street, between numbers 66 and 86 Merthyr Street, in Barry in the Vale of Glamorgan that has a maximum length of 23 metres, a maximum width of 17 metres and total area of 169 square metres.

A triangular shaped area of land to the east of the lane

that extends in a northerly direction from Merthyr Street, between numbers 66 and 86 Merthyr Street, in Barry in the Vale of Glamorgan that has a maximum length of 4 metres, a maximum width of 2 metres and total area of 4 square metres.

SCHEDULE 3

Description of the highway to be improved

An irregularly shaped area of un-named highway comprising a lane that extends in a northerly direction from Merthyr Street, between numbers 66 and 86 Merthyr Street, in Barry in the Vale of Glamorgan that has a maximum length of 12 metres, a maximum width of 3.5 metres and a total area of 25 square metres.

SCHEDULE 4

The Development

Residential development comprising a ‘two person’ one bedroom disabled flat and eleven ‘three person’ two bedroom flats and relocation of existing access road on land between numbers 66 and 86 Merthyr Street, Barry, in the Vale of Glamorgan.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (LANE AT MERTHYR STREET, BARRY, VALE OF GLAMORGAN) 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 area of highway described in Schedule 1 to this Notice, to provide for the new areas of highway as described in Schedule 2 and to improve the area of highway as described in Schedule 3.

The stopping up is authorised to enable the development described in Schedule 4 to be carried out. The Stopping Up of Highways (Lane at Merthyr Street, Barry, Vale of Glamorgan) 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 at the Highways Department of the Vale of Glamorgan Council, Dock office, Barry Docks, Barry CF63 4RT during normal opening hours or may be obtained free of charge from the address

below.

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

A person may, within 6 weeks of 27 September 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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(All measurements are approximate)

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SCHEDULE 4

The Development

Residential development comprising a 'two person' one bedroom disabled flat and eleven 'three person' two bedroom flats and relocation of existing access road on land between numbers 66 and 86 Merthyr Street, Barry, in the Vale of Glamorgan, in accordance with planning permission granted by the Council under Part III of the Act of 1990, on 24 March 2011 under reference 2010/01355/FUL.