

**HIGHWAYS, WALES**

**2011 No. 11**

**TOWN AND COUNTRY PLANNING ACT 1990**

**THE STOPPING UP OF HIGHWAYS  
(PENNSYLVANIA, LLANEDEYRN, CARDIFF)  
ORDER 2011**

*Made*

*17 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 (Pennsylvania, Llanedeyrn, 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, 5 and 6 of this Order, the Welsh Ministers authorise the stopping up of the areas 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 4 to this Order in accordance with planning permission granted by the Council under Part III of the Act of 1990, on 10 March 2010 under reference 10/4/E.

3. There shall be created, to the reasonable satisfaction of the Council, the new areas of highway described in Schedule 2 to this Order and shown by stipple marking on the deposited plan and the areas of improved highway described in Schedule 3 to this Order and shown by cross hatching on the deposited plan, which are to be highways which, for the purposes of the Highways Act 1980(3) are highways

maintainable at the public expense and the Council is to be the highway authority for them.

4. The areas 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 areas of highway are to be stopped up;
- (b) the developer has provided the new highways described in Schedule 2 to this Order to the reasonable satisfaction of the Council;
- (c) the development referred to in Schedule 4 of this Order 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) of this article have been fulfilled.

5. Where immediately before the areas of highway are stopped up in pursuance of this Order 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 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.

6. If the development referred to in Schedule 4 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.

7. This Order will come 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 (Pennsylvania, Llanedeyrn, Cardiff) Order 2011.

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

Dated

17 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(1) of Schedule 11 to the Government of Wales Act 2006, these powers are now conferred upon the Welsh Ministers in relation to Wales.

(3) 1980 c.66

## **SCHEDULES**

**(All measurements are approximate)**

### **SCHEDULE 1**

#### **Description of the areas of highway to be stopped under this Order**

An 'L' shaped area of unclassified highway at 'Pennsylvania', Llanedeyrn, Cardiff, having a maximum length of 21.2 metres, a maximum width of 12.5 metres and a total area of 66 square metres, and given the reference 'S1' on the deposited plan.

A rectangular shaped area of unclassified highway at 'Pennsylvania', Llanedeyrn, Cardiff, having a maximum length of 14.3 metres, a maximum width of 4.8 metres and a total area of 63 square metres, and given the reference 'S2' on the deposited plan.

A rectangular shaped area of unclassified highway at 'Pennsylvania', Llanedeyrn, Cardiff, having a maximum length of 4.6 metres, a maximum width of 1.9 metres and a total area of 9 square metres, and given the reference 'S3' on the deposited plan.

A rectangular shaped area of unclassified highway at 'Pennsylvania', Llanedeyrn, Cardiff, having a maximum length of 4.2 metres, a maximum width of 2.7 metres and a total area of 10 square metres, and given the reference 'S4' on the deposited plan.

An irregularly shaped area of unclassified highway at 'Pennsylvania', Llanedeyrn, Cardiff, having a maximum length of 10.3 metres, a maximum width of

1.5 metres and a total area of 10 square metres, and given the reference 'S5' on the deposited plan.

A rectangular shaped area of unclassified highway at 'Pennsylvania', Llanedeyrn, Cardiff, having a maximum length of 1.3 metres, a maximum width of 0.5 metres and a total area of 0.7 square metres, and given the reference 'S6' on the deposited plan.

**SCHEDULE 2**  
**Description of the areas of new highway to be provided**

An irregularly shaped area of land at 'Pennsylvania', Llanedeyrn, Cardiff, having a maximum length of 17.2 metres, a maximum width of 12.4 metres and a total area of 83 square metres, and given the reference 'N1' on the deposited plan.

An irregularly shaped area of land at 'Pennsylvania', Llanedeyrn, Cardiff, having a maximum length of 17.7 metres, a maximum width of 7.1 metres and a total area of 38 square metres, and given the reference 'N2' on the deposited plan.

An irregularly shaped area of land at 'Pennsylvania', Llanedeyrn, Cardiff, having a maximum length of 33 metres, a maximum width of 25 metres and a total area of 180 square metres, and given the reference 'N3' on the deposited plan.

An irregularly shaped area of land at 'Pennsylvania', Llanedeyrn, Cardiff, having a maximum length of 17.7 metres, a maximum width of 12.6 metres and a total area of 109 square metres, and given the reference 'N4' on the deposited plan.

A rectangular shaped area of land at 'Pennsylvania', Llanedeyrn, Cardiff, having a maximum length of 9.6 metres, a maximum width of 5.4 metres and a total area of 47.5 square metres, and given the reference 'N5' on the deposited plan.

A rectangular shaped area of land at 'Pennsylvania', Llanedeyrn, Cardiff, having a maximum length of 17.8 metres, a maximum width of 2.9 metres and a total area of 48 square metres, and given the reference 'N6' on the deposited plan.

A square shaped area of land at 'Pennsylvania', Llanedeyrn, Cardiff, having a maximum length of 1 metre, a maximum width of 1 metre and a total area of 1 square metre, and given the reference 'N7' on the deposited plan.

### **SCHEDULE 3**

#### **Description of the areas of highway to be improved**

An irregularly shaped area of unclassified highway at 'Pennsylvania', Llanedeyrn, Cardiff, having a maximum length of 56 metres, maximum width of 20 metres and a total area of 723 square metres, and given the reference 'A1' on the deposited plan.

An irregularly shaped area of unclassified highway at 'Pennsylvania', Llanedeyrn, Cardiff, having a maximum length of 41 metres, maximum width of 14 metres and a total area of 423 square metres, and given the reference 'A2' on the deposited plan.

### **SCHEDULE 4**

#### **Proposed Development**

Development of 8 dwellings, 22 new car parking spaces for existing residents and associated works, at and adjacent to the site of the former property at 310 Pennsylvania, Llanedeyrn, Cardiff.

**TOWN AND COUNTRY PLANNING ACT 1990**

**THE STOPPING UP OF HIGHWAYS  
(PENNSYLVANIA, LLANEDEYRN, 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 areas of highway described in Schedule 1 to this Notice, to provide for the new areas of highway as described in Schedule 2 to this Notice and to improve the areas of highway as described in Schedule 3 to this Notice.

The stopping up is authorised only in order to enable the development described in Schedule 4 to this notice to be carried out. The Order will cease to have effect if the planning permission expires or is revoked.

During the 6 weeks from 25 February 2011, copies of the Order and the deposited plan may be inspected free of charge at the offices of the Cardiff Council, Development Control, City Hall, Cathays Park, Cardiff CF10 3ND during normal opening hours or may be obtained free of charge from the address below.

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 at [www.wales.gov.uk](http://www.wales.gov.uk) (select 'Legislation', 'Subordinate legislation', 'Non-Statutory Instruments', 'Transport Wales', 'TCPA Stopping Up Orders').

**A copy of this Notice in larger print can be obtained from Welsh Assembly Government, Transport Planning and Governance Division 3, Cathays Park, Cardiff, CF10 3NQ.**

**M D BURNELL**

Transport Planning and Governance Division 3  
Welsh Assembly Government

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A rectangular shaped area of unclassified highway at 'Pennsylvania', Llanedeyrn, Cardiff, having a maximum length of 4.6 metres, a maximum width of 1.9 metres and a total area of 5 square metres, and given the reference 'S3' on the deposited plan.

A rectangular shaped area of unclassified highway at 'Pennsylvania', Llanedeyrn, Cardiff, having a maximum length of 4.2 metres, a maximum width of 2.7 metres and a total area of 10 square metres, and given the reference 'S4' on the deposited plan.

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