

HIGHWAYS, WALES

2012 No.

TOWN AND COUNTRY PLANNING ACT 1990

**THE STOPPING UP OF HIGHWAYS
(UNNAMED HIGHWAY BETWEEN
MALIPHANT STREET AND MORFA ROAD,
HAFOD, SWANSEA) ORDER 2012**

Made 23 July 2012

Coming into force 27 July 2012

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 Swansea;

“the deposited plan” (“*y plan a adnewwyd*”) means the plan entitled “The Stopping Up Of Highways (Unnamed Highway between Maliphant Street and Morfa Road, Hafod, Swansea) Order 2012” 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, 6 and 7 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 3 to this Order, in accordance with planning permissions granted by the Council under Part III of the Act of 1990, on 1 February 2012 under reference 2011/1305.

3. There shall be created, to the reasonable satisfaction of the Council, the new area of highway described in Schedule 2 to this Order and shown by stipple marking on the deposited plan which is to be highway which, for the purpose of the Highways Act 1980(3) is highway maintainable at the public expense and the Council is to be the highway authority for it.

4. 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 area of highway is to be stopped up;
- (b) the developer has provided the new highway as described in Schedule 2 to this Order to the reasonable satisfaction of the Council;
- (c) the development referred to in Schedule 3 of this Order has commenced and the developer has informed the Council in writing of the necessity to close the area 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 an 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.

6. If the development referred to in Schedule 3 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 (Unnamed highway between Maliphant Street and Morfa Road, Hafod, Swansea) Order 2012.

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

Dated 23 July 2012

Richard Morgan

RICHARD MORGAN

Head of Asset Management and Standards
Welsh 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 exercisable by the Welsh Ministers in relation to Wales.
- (3) 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 unadopted and unnamed highway between Maliphant Street and Morfa Road in Hafod, Swansea from a point 10 metres east of the east face of the existing rail overbridge to a point 42 metres east of the east face of the existing rail overbridge that has a maximum length of 32 metres, a maximum width of 9.2 metres and a total area of 247 square metres.

SCHEDULE 2

Description of the area of new highway to be provided

An irregularly shaped area of land to the east of, and running parallel to the highway known as Morfa Road, in Hafod, Swansea, having a maximum length of 265 metres, maximum width of 2 metres and a total area of 530 square metres.

SCHEDULE 3

Proposed Development

Construction of Intercity Express Programme Maintenance Depot including a footbridge and access ramp, inspection shed, train wash facility, cleaners store and amenity building, fuel farm pump room, fuel tank room, CET pump room, HV substation, switch room and transformer, security fencing, lighting, CCTV, retaining wall, groundworks, trackworks, associated car parking and landscaping on a section of unadopted highway and land between Maliphant Street and Morfa Road, in Hafod, Swansea.

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**THE STOPPING UP OF HIGHWAYS
(UNNAMED HIGHWAY BETWEEN
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HAFOD, SWANSEA) 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 and to provide for the new area of highway as described in Schedule 2 to this Notice.

The stopping up will be authorised only in order to enable the development described in Schedule 3 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 27 July 2012, copies of the Order and the deposited plan may be inspected free of charge at the offices of The City and County of Swansea, Contact Centre, Reception, Civic Centre, Swansea SA1 3SN 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 27 July 2012 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', 'Draft 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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