

**HIGHWAYS, WALES**

**200- No.**

**TOWN AND COUNTRY PLANNING ACT 1990**

**THE STOPPING UP OF HIGHWAYS (MARGAM  
EXTENSION REVISED OPENCAST SITE,  
KENFIG HILL, NEAR BRIDGEND)  
ORDER 200-**

*Made* 200

*Coming into force* 200

Whereas the Welsh Ministers are satisfied that planning permission has been granted for the purpose of enabling minerals to be worked by surface working and that for such purpose the stopping up of highways are required that can be subsequently restored, after the minerals have been worked, to a condition not less substantially less convenient to the public.

The Welsh Ministers make this Order in exercise of their powers under sections 247 and 261 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 Neath Port Talbot County Borough Council;

“the Councils” (“*y Cynghorau*”) mean the County Borough Councils of both Neath Port Talbot and Bridgend;

“the deposited plan” (“*y plan a adnewydd*”) means the plans entitled “The Stopping Up Of Highways (Margam Extension Revised Opencast Site, Kenfig Hill, near Bridgend) Order 200-” which accompany this Order;

“the Mineral Worker” (“*y Gweithiwr Mwynau*”) means Celtic Energy Ltd.

“the period” (“*y cyfnod*”) means the period specified in article 2 of this Order.

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 areas of highway described in Schedules 1 and 2 to this Order and shown by zebra hatching on the deposited plan for a period

coincidental with the duration of the carrying out of the development permitted by the planning permission for opencast coal working or eight years from the date of this Order, whichever is the sooner, being satisfied that the stopping up is necessary to enable minerals to be worked by surface working as described in Schedule 4 to this Order in accordance with planning permission granted under Part III of the Act of 1990 by the Welsh Ministers on \*\*\*\*\* under reference \*\*\*\*\* and that the areas of highway can be restored after the minerals have been worked, to a condition not substantially less convenient to the public.

3. Before the expiration of the period, the Mineral Worker shall to the reasonable satisfaction of the Councils carry out such works of reconstruction as may be necessary to secure the restoration of the areas of highway described in Schedules 1 and 2 to this Order at the expiration of the period to a condition not substantially less convenient to the public and when the Councils give notice to the Mineral Worker that they are satisfied in accordance with the provisions of this paragraph, the areas of highway shall be highways which for the purposes of the Highways Act 1980(3) are highways maintainable at the public expense and the Councils are to be the highway authorities for them.

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

5. 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 highway is to be stopped up;

(b) the developer has provided the new highway described in Schedule 3 to this Order to the reasonable satisfaction of the Council;

(c) the development referred to in Schedule 4 to this Order 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 the provisions of (a), (b) and (c) of this article have been fulfilled.

6. Where immediately before the areas of highway are stopped up in pursuance of this Order there is under, in, on, over, along or across that 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.

7. If the development referred to in Schedule 4 to 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.

8. 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. The title to this Order is The Stopping Up Of Highways (Margam Extension Revised Site, Kenfig Hill, near Bridgend) Order 200-.

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

Dated 200 .

**J COLLINS**

Deputy Director of Transport Planning and Governance Division.  
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 area of highway to be stopped under this Order**

That length of Footpath No. 85 that extends from a point 50 metres north of the railway bridge across the former Crown Road in a generally northerly direction to a point on New Road at 'Hafodheulog Farm'.

### **SCHEDULE 2**

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

That part of Bedford Road that extends from its junction with the unclassified Pen-y-bryn to Tondu Road, known as New Road, in a southerly direction for a distance of 962 metres.

That part of Crown Road that extends from its junction with Bedford Road in a westerly direction for a distance of 472 metres.

### **SCHEDULE 3**

#### **Description of the area of new highway to be provided**

A new length of Footpath No. 85 that extends from a point 50 metres north of the railway bridge across the former Crown Road in a generally northerly direction to a point alongside New Road 180 metres east of 'Hafodheulog Farm' before turning west for a distance of 180 metres to a point on New Road at 'Hafodheulog Farm'.

### **SCHEDULE 4**

#### **Proposed Development**

Proposed Extension to existing Opencast Coal Site, followed by restoration and aftercare management (Revised application dated 8 May 2007).

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **THE STOPPING UP OF HIGHWAYS (MARGAM EXTENSION REVISED OPENCAST SITE, KENFIG HILL, NEAR BRIDGEND)**

**ORDER 200-**

**NOTICE IS HEREBY GIVEN** in accordance with sections 252 and 253 of the Town and Country Planning Act 1990 (“the Act”), that the Welsh Ministers propose to make an Order under sections 247 and 261 of the Act to authorise the temporary stopping up of the areas of highway described in Schedules 1 and 2 to this Notice and to provide for the new area of highway as described in Schedule 3 to this Notice.

If the Order is made, the stopping up will be authorised only in order to enable minerals to be worked at Margam Extension Opencast Site, Kenfig Hill, near Bridgend, as described in Schedule 4 to this Notice should planning permission be granted. The Order will take effect upon the implementation of the planning permission, if granted, and shall cease to have effect should that planning permission expire, be modified or be revoked so as to render the stopping up of the highway unnecessary.

The stopping up of the highways in Schedules 1 and 2 will be for a period coincidental with the duration of the carrying out of the development permitted by the planning permission for opencast coal working or 8 years from the date of this Order, whichever is sooner.

During the 28 days from 29 January 2009, copies of the draft Order and the deposited plan may be inspected free of charge during normal office hours at the offices of Neath Port Talbot County Borough Council, The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG or may be obtained free of charge from the address below.

Within the above mentioned period of 28 days, any person may, by notice to the Welsh Assembly Government, Transport and Strategic Regeneration, Transport Planning and Governance Division 3, Orders Branch, Cathays Park, Cardiff, CF10 3NQ, object to the making of the Order.

Should you wish to object, support or make representations, we may need to consult with people and organisations outside of the Welsh Assembly Government. As part of the process of consulting with others the information you have given us and your personal data will be passed to the applicant/developer and on occasions the local highway authority to enable them to respond to you. We will however, only disclose your personal details where it is necessary to do so to enable us to deal with issues you have brought to our attention. Where a stopping up Order becomes the subject of a Public Inquiry (PI), all correspondence is copied to the Inspector of the Inquiry and is kept in the PI Library when it is publicly available.

A copy of the Order and Notice can be viewed at [www.wales.gov.uk/index.htm](http://www.wales.gov.uk/index.htm) select 'Welsh Assembly Government', 'Legislation', 'Subordinate legislation', 'Draft Non-Statutory Instruments', 'Town and Country Planning Act: Stopping Up Orders'.

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

**M D BURNELL**

Transport Planning and Governance Division  
Welsh Assembly Government

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