PRIFFYRDD, CYMRU

2019 RHIF

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (HEATH MEAD, Y MYNYDD BYCHAN, CAERDYDD) 2019

Gwnaed	*5 Tachwedd 2019*
Yn dod i rym	*7 Tachwedd 2019*

Mae Gweinidogion Cymru, drwy arfer eu pwerau o dan adran 247 o Ddeddf Cynllunio Gwlad a Thref 1990(1), yn gwneud y Gorchymyn hwn.

Enwi, Cychwyn a Dehongli

1. (1) Enw'r Gorchymyn hwn yw Gorchymyn Cau Priffyrdd (Heath Mead, Y Mynydd Bychan, Caerdydd) 2019 a daw i rym ar 7 Tachwedd 2019.

(2) Yn y Gorchymyn hwn:-

ystyr "y Cyngor" ("*the Council*") yw Cyngor Dinas a Sir Caerdydd;

ystyr "y datblygwr" ("*the developer*") yw'r person sy'n gwneud y datblygiad y mae'r caniatâd cynllunio wedi ei roi ar ei gyfer;

ystyr "Deddf 1990" ("*the 1990 Act*") yw Deddf Cynllunio Gwlad a Thref 1990; ac

ystyr "y plan a adneuwyd" ("*the deposited plan*") yw'r plan sy'n dwyn yr enw "Gorchymyn Cau Priffyrdd (Heath Mead, Y Mynydd Bychan, Caerdydd) 2019" sy'n dod gyda'r Gorchymyn hwn.

Cau Prifffordd

2. Yn ddarostyngedig i erthyglau 3, 4, 5 a 6 o'r Gorchymyn hwn mae Gweinidogion Cymru yn awdurdodi cau'r darn o briffordd a ddisgrifir yn Atodlen 1 i'r Gorchymyn hwn ac a ddangosir â llinellau sebra ar y plan a adneuwyd. Mae Gweinidogion Cymru wedi eu bodloni bod angen cau'r briffordd er mwyn gwneud y datblygiad yn unol â'r caniatâd cynllunio a roddwyd o dan Ran 3 o Ddeddf 1990 gan y Cyngor ar 11 Gorffennaf 2018 o dan y cyfeirnod 17/02464/MJR, ac a ddisgrifir yn Atodlen 3 i'r Gorchymyn hwn.

(1) 1990 p. 8; diwygiwyd adran 247 gan adran 20(4) o Ddeddf Llywodraeth Leol (Cymru) 1994 (p. 19) a pharagraff 24 o Atodlen 6 iddi. Yn rhinwedd O.S. 1999/672, ac adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi, mae'r pwerau hyn yn arferadwy bellach gan Weinidogion Cymru o ran Cymru.

HIGHWAYS, WALES

2019 NO.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (HEATH MEAD, HEATH, CARDIFF) ORDER 2019

Made	*5 November 2019*
Coming into Force	*7 November 2019*

The Welsh Ministers, in exercise of their powers under section 247 of the Town and Country Planning Act 1990(1), make this Order.

Title, Commencement and Interpretation

1. (1) The title of this Order is the Stopping Up of Highways (Heath Mead, Heath, Cardiff) Order 2019 and it comes into force on 7 November 2019.

(2) In this Order:-

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

"the deposited plan" *("y plan a adneuwyd")* means the plan entitled "The Stopping Up of Highways (Heath Mead, Heath, Cardiff) Order 2019" which accompanies this Order;

"the developer" *("y datblygwr")* means the person carrying out the development for which the planning permission has been granted; and

"the 1990 Act" ("*Deddf 1990")* means the Town and Country Planning Act 1990.

Stopping Up

2. Subject to articles 3, 4, 5 and 6 of this Order the Welsh Ministers authorise the stopping up of the length of highway described in Schedule 1 to this Order and 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 3 of the 1990 Act by the Council on 11 July 2018 under reference number 17/02464/MJR, and described in Schedule 3 to this Order.

(1) 1990 c. 8; section 247 was amended by section 20(4) of, and paragraph 24 of Schedule 6 to, the Local Government (Wales) Act 1994 (c. 19). By virtue of S.I. 1999/672, and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), these powers are now exercisable by the Welsh Ministers in relation to Wales.

Priffordd Newydd

3. Rhaid creu, er boddhad rhesymol y Cyngor, y darn newydd o briffordd a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn ac a ddangosir â dotwaith ar y plan a adneuwyd, ac a fydd yn briffordd sydd, at ddibenion Deddf Priffyrdd 1980(2), i'w chynnal a'i chadw ar draul y pwrs cyhoeddus. Y Cyngor fydd yr awdurdod priffyrdd sy'n gyfrifol amdani.

Y Darpariaethau sy'n Angenrheidiol neu'n Hwylus cyn Cau Priffordd

4. Ni chaniateir cau'r darn o briffordd a ddisgrifir yn Atodlen 1 i'r Gorchymyn hwn:-

(a) hyd nes y bydd y datblygwr wedi darparu, er boddhad rhesymol y Cyngor, blaniau sy'n dangos sut y mae'r darn o briffordd i'w gau;

(b) hyd nes y bydd y datblygwr wedi darparu'r darn newydd o briffordd a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn er boddhad rhesymol y Cyngor;

(c) hyd nes y bydd y datblygiad a ddisgrifir yn Atodlen 3 i'r Gorchymyn hwn wedi ei ddechrau a bod y datblygwr wedi hysbysu'r Cyngor yn ysgrifenedig ei bod yn angenrheidiol cau'r darn o briffordd er mwyn i'r datblygiad fynd rhagddo; a

(d) hyd nes y bydd y Cyngor wedi ysgrifennu at y datblygwr i gadarnhau bod paragraffau (a), (b) ac (c) wedi eu bodloni.

Ymgymerwyr Statudol a Darparwyr

5. Pan fo gan ymgymerwyr statudol neu ddarparwyr system gyfathrebu gyhoeddus unrhyw gyfarpar o dan y briffordd, ynddi, arni, drosti, ar ei hyd neu ar ei thraws yn union cyn cau'r darn o briffordd yna (yn ddarostyngedig i adran 261(4) o Ddeddf 1990), bydd gan yr ymgymerwyr neu'r darparwyr yr un hawliau mewn cysylltiad â'r cyfarpar ag a oedd ganddynt cyn cau'r briffordd.

Cyfnod Para'r Gorchymyn hwn

6. Os na fydd y datblygiad a ddisgrifir yn Atodlen 3 i'r Gorchymyn hwn wedi ei ddechrau yn y cyfnod perthnasol a bennir yn Rhan 3 o Ddeddf 1990 fel cyfnod para'r caniatâd cynllunio, neu os caiff y caniatâd ei ddirymu cyn diwedd y cyfnod hwnnw, bydd y Gorchymyn hwn yn peidio â chael effaith pan ddaw'r caniatâd cynllunio i ben.

(2) 1980 p. 66

New Highway

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

Provisions Necessary or Expedient before Stopping Up

4. The length of highway described in Schedule 1 to this Order must not be stopped up until:-

(a) the developer has provided, to the reasonable satisfaction of the Council, plans showing how the length of highway is to be stopped up;

(b) the developer has provided the new length of highway described in Schedule 2 to this Order to the reasonable satisfaction of the Council;

(c) the development described in Schedule 3 to this Order has commenced and the developer has informed the Council in writing of the necessity to stop up the length of highway to allow the development to proceed; and

(d) the Council have confirmed in writing to the developer that paragraphs (a), (b) and (c) are satisfied.

Statutory Undertakers and Providers

5. Where immediately before the length 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 described in Schedule 3 to this Order 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 that period, this Order ceases to have effect upon the cessation of the planning permission.

(2) 1980 c. 66

Llofnodwyd o dan awdurdod Gweinidog yr Economi a Thrafnidiaeth, un o Weinidogion Cymru.

Dyddiedig 5 Tachwedd 2019

Richard Morgan
Pennaeth Cynllunio, Rheoli Asedau a Safonau
Llywodraeth Cymru

ATODLEN 1
(Bras amcan yw pob mesuriad)

Y darn o briffordd sydd i'w gau

Darn afreolaidd ei siâp o briffordd ar ochr ogleddol y ffordd o'r enw Heath Mead, sy'n gyfagos i Allensbank Road, Y Mynydd Bychan, Caerdydd, sy'n 3.69 o fetrau yn y man hiraf ac yn 14.60 o fetrau yn y man lletaf.

ATODLEN 2

Y darn o briffordd newydd sydd i'w ddarparu

Priffordd newydd sy'n darparu mynediad i'r datblygiad preswyl oddi ar Allensbank Road, Y Mynydd Bychan, Caerdydd, sy'n 19 o fetrau o hyd yn y man hiraf i gyfeiriad y dwyrain o Allensbank Road, a 97 o fetrau o hyd yn y man hiraf i gyfeiriad y gogledd o Heath Mead, heb gynnwys y man troi ar yr ochr.

ATODLEN 3

Y Datblygiad

42 o anheddau gan gynnwys 12 o dai â dwy ystafell wely ac 20 o randai â dwy ystafell wely ar gyfer y farchnad agored a 10 rhandy fforddiadwy (5 ag un ystafell wely a 5 â dwy ystafell wely), mannau parcio ceir a beiciau a gwaith cysylltiedig o ran tirweddu ar hen safle Canolfan Highfields, 18 Allensbank Road, Y Mynydd Bychan, Caerdydd.

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

Dated 5 November 2019

Richard Morgan
Head of Planning, Asset Management and Standards
Welsh Government

SCHEDULE 1
(All measurements are approximate)

Length of highway to be stopped up

An irregular shaped length of highway located on the northern side of the road known as Heath Mead, adjacent to Allensbank Road, Heath, Cardiff with a maximum length of 3.69 metres and a maximum width of 14.60 metres.

SCHEDULE 2

Length of new highway to be provided

A new highway providing access to the residential development off Allensbank Road, Heath, Cardiff having a maximum length of 19 metres in an easterly direction from Allensbank Road, and a maximum length of 97 metres in a northerly direction from Heath Mead, exclusive of the side turning area.

SCHEDULE 3

The Development

42 dwellings comprising 12 x two bedroom houses and 20 x two bedroom apartments for open market and 10 x affordable apartments (5 x one bedroom and 5 x two bedroom), car and cycle parking and associated landscaping at former Highfields Centre, 18 Allensbank Road, Heath, Cardiff.

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (HEATH MEAD, Y MYNYDD BYCHAN, CAERDYDD) 2019

Mae Gweinidogion Cymru wedi gwneud Gorchymyn o dan adran 247 o Ddeddf Cynllunio Gwlad a Thref 1990 ("y Ddeddf") i awdurdodi cau'r darn o briffordd a ddisgrifir yn Atodlen 1 i'r Hysbysiad hwn a darparu'r darn o briffordd newydd a ddisgrifir yn Atodlen 2 i'r Hysbysiad hwn. Nid awdurdodir cau'r briffordd ond er mwyn gwneud y datblygiad a ddisgrifir yn Atodlen 3.

Bydd Gorchymyn Cau Priffyrdd (Heath Mead, Y Mynydd Bychan, Caerdydd) 2019 ("y Gorchymyn") yn peidio â chael effaith os daw'r caniatâd cynllunio mewn cysylltiad â'r datblygiad i ben neu os caiff ei ddirymu.

Gellir edrych ar gopïau o'r Gorchymyn a'r plan a adneuwyd yn rhad ac am ddim yn swyddfa Cyngor Caerdydd, Neuadd y Sir, Glanfa'r Iwerydd, Caerdydd CF10 4UW yn ystod oriau swyddfa arferol neu gellir eu cael yn rhad ac am ddim o'r cyfeiriad isod gan ddyfynnu'r cyfeirnod qA1398307.

Caiff unrhyw berson a dramgwyddir gan y Gorchymyn, ar y sail:

a. nad yw o fewn pwerau'r Ddeddf; neu

b. na chydymffurfiwyd ag un o ofynion gweithdrefnol y Ddeddf;

o fewn 6 wythnos i 7 Tachwedd 2019, wneud cais i'r Uchel Lys at y diben hwnnw.

Gellir gweld copi o'r Gorchymyn a'r Hysbysiad ar https://llyw.cymru/gorchmynion-cau.

Gellir cael copi print bras o'r Hysbysiad hwn oddi wrth: Y Gangen Orchmynion, Trafnidiaeth, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

J SADDLER
Trafnidiaeth
Llywodraeth Cymru

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (HEATH MEAD, HEATH, CARDIFF) ORDER 2019

The Welsh Ministers have made an Order under section 247 of the Town and Country Planning Act 1990 ("the Act") to authorise the stopping up of the length of highway described in Schedule 1 to this Notice and to provide for the length of new highway 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 be carried out.

The Stopping Up of Highways (Heath Mead, Heath, Cardiff) Order 2019 ("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 office of Cardiff Council, County Hall, Atlantic Wharf, Cardiff CF10 4UW during normal office hours or may be obtained free of charge from the address below quoting reference qA1398307.

If a person is aggrieved by the Order, on the ground that:

a. it is not within the powers of the Act; or

b. a procedural requirement of the Act has not been complied with;

that person may, within 6 weeks of 7 November 2019 make an application for the purpose to the High Court.

A copy of the Order and Notice can be viewed at https://gov.wales/stopping-orders.

A copy of this Notice in larger print can be obtained from Orders Branch, Transport, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

J SADDLER
Transport
Welsh Government

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Y darn o briffordd newydd sydd i'w ddarparu

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