PRIFFYRDD, CYMRU

2021 Rhif

DEDDF PRIFFYRDD 1980

GORCHYMYN CEFNFFORDD LLUNDAIN I ABERGWAUN (YR A40) (GWELLIANT PENBLEWIN I REDSTONE CROSS) (FFYRDD YMYL) 202-

Gwnaed *24 Mawrth 2021*

Yn dod i rym *24 Mawrth 2021*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 12, 14, 125 a 268 o Ddeddf Priffyrdd 1980(1) ("Deddf 1980"), yn gwneud y Gorchymyn hwn.

Cychwyn, Enwi a Dehongli

1. Daw'r Gorchymyn hwn i rym ar 24 Mawrth 2021 a'i enw yw "Gorchymyn Cefnffordd Llundain i Abergwaun (yr A40) (Gwelliant Penblewin i Redstone Cross) (Ffyrdd Ymyl) 2021".

2. Yn y Gorchymyn hwn—

(1) gwneir pob mesuriad pellter ar hyd llwybr y briffordd berthnasol neu'r fynedfa berthnasol i fangre, yn ôl y digwydd;

(1) 1980 (p. 66). Yn rhinwedd erthygl 2 o O.S. 1999/672 ac Atodlen 1 iddo, 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

2021 No

THE HIGHWAYS ACT 1980

THE LONDON TO FISHGUARD TRUNK ROAD (A40) (PENBLEWIN TO REDSTONE CROSS IMPROVEMENT) (SIDE ROADS) ORDER 202-

Made *24 March 2021*

Coming into force *24 March 2021*

The Welsh Ministers in exercise of powers conferred by sections 12, 14, 125 and 268 of the Highways Act 1980(1) ("the 1980 Act") make this Order.

Commencement, Title and Interpretation

1. This Order shall come into force on 24 March 2021 and its title is "The London to Fishguard Trunk Road (A40) (Penblewin to Redstone Cross Improvement) (Side Roads) Order 2021".

2. In this Order—

(1) all measurements of distance are measured along the route of the relevant highway or means of access to premises as the case may be;

(1) 1980 (c.66). By virtue of S.I.1999/672 article 2 and Schedule 1, 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

(i) ystyr “ffordd ddosbarthiadol” (“*classified road*”), fel dosbarthiad i briffordd newydd, yw nad yw’r briffordd yn brif ffordd at ddibenion deddfiadau neu offerynnau sy’n cyfeirio at briffyrdd a ddosbarthwyd yn brif ffyrdd ond ei bod yn ffordd ddosbarthiadol at ddibenion pob deddfiad ac offeryn sy’n cyfeirio at briffyrdd a ddosbarthwyd gan Weinidogion Cymru ac nad yw’n cyfeirio’n benodol at eu dosbarthiad yn brif ffyrdd;

(ii) mae “gwella” (“*improvement*”) mewn perthynas â phriffordd yn cynnwys codi, gostwng neu newid y briffordd honno mewn modd arall, a rhaid dehongli “sydd i’w gwella” (“*improved*”) yn unol â hynny;

(iii) ystyr “priffordd newydd” (“*new highway*”) yw priffordd y mae’r Gorchymyn hwn yn awdurdodi ei hadeiladu, a rhaid dehongli “priffyrdd newydd” (“*new highways*”) yn unol â hynny;

(iv) ystyr “y plan a adneuwyd” (“*the deposited plan*”) yw’r plan sy’n cynnwys y planiau safle sydd wedi eu rhifo 1A ac 1B a geir yn y ffolio planiau sy’n dwyn y rhif HA14/1 WG24 ac sydd wedi ei farcio “Gorchymyn Cefnffordd Llundain i Abergwaun (yr A40) (Gwelliant Penblewin i Redstone Cross) (Ffyrdd Ymyl) 2021” ac wedi ei lofnodi ar ran Gweinidogion Cymru ac wedi ei adneuo (cyf: qA1397255) yn Llywodraeth Cymru, Yr Uned Rheoli Gwybodaeth a Chofnodion, Parc Cathays, Caerdydd;

(v) ystyr “y plan safle” (“*the site plan*”) yw un o’r planiau safle sydd wedi eu rhifo 1A ac 1B a geir yn y ffolio planiau sy’n dwyn y rhif HA14/1

(i) “classified road” ("*ffordd ddosbarthiadol*") as a classification for a new highway, means that the highway is not a principal road for the purposes of enactments or instruments which refer to highways classified as principal roads but is a classified road for the purpose of every enactment and instrument which refers to highways classified by the Welsh Ministers and which does not specifically refer to their classification as principal roads;

(ii) “improvement” (*“gwella”*) in relation to a highway includes raising, lowering or otherwise altering that highway and “improved” (*“sydd i’w gwella”*) shall be construed accordingly;

(iii) “new highway” (*“priffordd newydd”*) means a highway authorised by this Order to be constructed, and “new highways” (*“priffyrdd newydd”*) shall be construed accordingly;

(iv) “the deposited plan” *(“y plan a adnewyd”)* means the plan containing the site plans referenced 1A and 1B contained in the plan folio numbered HA14/1 WG24 and marked “The London to Fishguard Trunk Road (A40) (Penblewin to Redstone Cross Improvement) (Side Roads) Order 2021" signed on behalf of the Welsh Ministers and deposited (ref: qA1397255) at the Welsh Government, Information and Records Management Unit, Cathays Park, Cardiff;

(v) “the site plan” *(“y plan safle”)* means one of the site plans referenced 1A and 1B contained in the plan folio numbered HA14/1 WG24 and referred to as “the deposited plan” at paragraph (iv)

WG24 ac y cyfeirir ato fel “y plan a adneuwyd” ym mharagraff (iv) uchod o’r erthygl hon;

(vi) ystyr “y gefnffordd newydd” (“*the new trunk road*”) yw’r darn o gefnffordd newydd sydd i’w adeiladu gan Weinidogion Cymru yn unol â “Gorchymyn Cefnffordd Llundain i Abergwaun (yr A40) (Gwelliant Penblewin i Redstone Cross a Thynnu Statws Cefnffordd) 2021”, ac

(vii) ystyr “y gefnffordd (yr A40)” (“*the trunk road (A40)*”) yw cefnffordd Llundain i Abergwaun (yr A40).

Y Gwaith Awdurdodedig

3. Mae Gweinidogion Cymru wedi eu hawdurdodi mewn perthynas â’r gefnffordd yng Nghymuned Llanddewi Felffre a Chymuned Tref Arberth yn Sir Benfro:

(a) i wneud gwaith i wella’r priffyrdd;

(b) i gau priffyrdd neu rannau o briffyrdd;

(c) i adeiladu priffyrdd newydd;

(d) i gau mynedfeydd preifat i fangreoedd, ac

(e) i ddarparu mynedfeydd newydd i fangreoedd, ac

(f) i adeiladu darnau o briffyrdd dros dro.

4. —(1) Mae’r gwaith a awdurdodir gan erthygl 3 wedi ei nodi yn Atodlenni 1 a 2 i’r Gorchymyn hwn ac fe’i dangosir ar y plan safle a geir yn y plan a adneuwyd sy’n dod gyda’r Gorchymyn hwn fel a ganlyn—

(a) enwir y priffyrdd sydd i’w gwella yn yr Atodlenni ac fe’u dangosir â chroeslinellau ar y plan a adneuwyd;

(b) disgrifir y darnau o briffordd sydd i’w cau yn yr Atodlenni (bras amcan yn unig yw pob pellter a nodir), a rhoddir y rhifau a’r llythrennau cyfeirnod a ddangosir ar y plan a adneuwyd iddynt ac fe’u dangosir â llinellau sebra ar y

above of this Article;

(vi) “the new trunk road” *(“y gefnffordd newydd”)* means the length of new trunk road to be constructed by the Welsh Ministers in pursuance of the “The London to Fishguard Trunk Road (A40) (Penblewin to Redstone Cross Improvement and De-Trunking) Order 2021”, and

(vii) “the trunk road (A40)” *(“y gefnffordd (A40)”)* means The London to Fishguard Trunk Road (A40).

The Authorised Works

3. The Welsh Ministers are authorised, in relation to the trunk road in the Community of Llanddewi Velfrey and the Community of the Town of Narberth in the County of Pembrokeshire:

(a) to carry out the improvement of highways;

(b) to stop up highways or areas of highways;

(c) to construct new highways;

(d) to stop up private means of access to premises;

(e) to provide new means of access to premises, and

(f) to construct temporarily lengths of highway

4. —(1) The works authorised by article 3 are indicated in Schedules 1 and 2 to this Order and are shown on the site plan that is included in the deposited plan that accompanies this Order in the following manner—

(a) highways to be improved are named in the Schedules and are shown by cross hatching on the deposited plan;

(b) lengths of highway to be stopped up are described in the Schedules (all distances stated being approximate

plan a adneuwyd;

(c) dangosir y priffyrdd newydd sydd i'w hadeiladu drwy ddefnyddio'r rhifau a'r llythrennau cyfeirnod yn yr Atodlenni a roddir i'r priffyrdd newydd hynny ar y plan a adneuwyd. Pan fo priffordd newydd i'w hadeiladu mewn cysylltiad â chau darn neu ran o briffordd a ddisgrifir mewn Atodlen, gosodir ei rhif cyfeirnod a'i llythyren gyfeirnod gyferbyn â'r disgrifiad o'r darn hwnnw neu'r rhan honno, a phan fo priffordd newydd i fod yn llwybr troed, yn llwybr beicio neu'n llwybr ceffylau, gwelir "llwybr troed", "llwybr beicio" neu "llwybr ceffylau" (yn ôl y digwydd) mewn cromfachau o dan y rhif cyfeirnod a'r llythyren gyfeirnod. Dangosir llwybrau priffyrdd newydd sydd i'w hadeiladu â dotwaith a dangosir llinell ganol pob priffordd newydd â llinell ddu ddi-dor ar y plan a adneuwyd;

(d) disgrifir darnau o fynedfeydd preifat sydd i'w cau yn yr Atodlenni (bras amcan yn unig yw pob pellter a nodir), a rhoddir y rhifau cyfeirnod a ddangosir ar y plan a adneuwyd iddynt ac fe'u dangosir â bandiau du solet;

(e) nodir mynedfeydd newydd sydd i'w darparu drwy ddefnyddio'r rhifau a'r llythrennau cyfeirnod yn yr Atodlenni a roddir i'r mynedfeydd newydd hynny ar y plan a adneuwyd. Pan fo mynedfa newydd i'w darparu mewn cysylltiad â chau darn o fynedfa breifat a ddisgrifir yn yr Atodlen honno, gosodir ei rhif cyfeirnod a'i llythyren gyfeirnod gyferbyn â'r disgrifiad o'r darn hwnnw. Dangosir llwybrau mynedfeydd newydd sydd i'w darparu â llinellau lletraws ar y plan a adneuwyd, ac

(f) dangosir y darnau o briffordd sydd i'w darparu dros dro â llinellau onglog tenau a dangosir llinell ganol y priffyrdd dros dro â llinell ddu ddi-dor ar y plan a adneuwyd ac fe'u dangosir drwy ddefnyddio rhifau a llythrennau cyfeirnod yn yr Atodlenni.

only), and are given the reference numbers and letters shown on the deposited plan and are shown by zebra hatching on the deposited plan;

(c) new highways to be constructed are indicated by the use of reference numbers and letters in the Schedules which are given to those new highways on the deposited plan. Where a new highway is to be constructed in connection with the stopping up of a length or an area of highway described in a Schedule, its reference number and letter is placed opposite the description of that length or area and, where a new highway is to be a footpath, cycleway or bridleway, the word "footpath", "cycleway" or "bridleway" (as the case may be) appears in brackets beneath the reference number and letter. Routes of new highways to be constructed are shown by stipple and the centre line of each new highway is shown by an unbroken black line on the deposited plan;

(d) lengths of private means of access to be stopped up are described in the Schedules (all distances stated being approximate only), and are given the reference numbers shown on the deposited plan and are shown by solid black bands; and

(e) new means of access to be provided are indicated by the use of reference numbers and letters in the Schedules which are given to those new means of access on the deposited plan. Where a new means of access is to be provided in connection with the stopping up of a length of private means of access described in that Schedule, its reference number and letter is placed opposite the description of that length. Routes of new means of access to be provided are shown by diagonal hatching on the deposited plan, and

(f) lengths of highway to be provided temporarily are shown by thin chevron hatching and the centre line of the temporary highways is shown by an

(2) Mae'r plan a adneuwyd yn nodi safle'r gefnffordd a llwybr y gefnffordd newydd mewn perthynas â'r gwaith awdurdodedig a ddangosir ar y plan a adneuwyd.

(3) Pan fo rhan o briffordd sydd i'w chau yn cyd-fynd â llwybr gwaith awdurdodedig sy'n briffordd newydd neu'n fynedfa newydd, ni ddangosir y rhan honno ar y plan a adneuwyd â llinellau sebra.

Cau Priffyrdd a Mynedfeydd Preifat

5. Datgenir drwy hyn fod Gweinidogion Cymru wedi eu bodloni:-

(1) o ran pob darn o briffordd y mae'r Gorchymyn hwn yn awdurdodi ei gau, naill ai fod llwybr rhesymol gyfleus arall ar gael neu y bydd yn cael ei ddarparu cyn i'r darn hwnnw o briffordd gael ei gau, a

(2) o ran pob mynedfa breifat i fangre y mae'r Gorchymyn hwn yn awdurdodi ei chau, fod mynedfa resymol gyfleus arall i'r fangre ar gael neu y bydd yn cael ei darparu cyn i'r fynedfa breifat honno gael ei chau, neu nad oes angen rhesymol am fynedfa i'r fangre berthnasol.

Trosglwyddo Priffyrdd Newydd (i ffin y briffordd)

6. Mae pob priffordd newydd i'w throsglwyddo i Gyngor Sir Penfro fel a nodir yn yr Atodlenni hynny, o'r dyddiad y bydd Gweinidogion Cymru yn hysbysu Cyngor Sir Penfro ei bod wedi ei chwblhau a'i bod ar agor ar gyfer traffig trwodd.

7. Yn union ar ôl trosglwyddo priffordd newydd y dangosir dosbarthiad ar ei chyfer yn yr Atodlen berthnasol gyferbyn â rhif cyfeirnod a llythyren gyfeirnod y briffordd newydd honno, caiff y briffordd honno ei dosbarthu yn unol â hynny.

8. Pan fo darpariaeth yn cael ei gwneud yn y Gorchymyn hwn:-

(a) i drosglwyddo priffordd newydd i Gyngor Sir Penfro

neu

(b) i alluogi Gweinidogion Cymru i newid

unbroken black line on the deposited plan and are indicated by the use of reference numbers and letters in the Schedules.

(2) The deposited plan marks the position of the trunk road and the route of the new trunk road in relation to the authorised works shown on the deposited plan.

(3) Where the area of a highway to be stopped up coincides with the route of an authorised work consisting of a new highway or a new means of access that area is not shown on the deposited plan by zebra hatching.

Stopping Up of Highways and Private Means of Access

5. It is hereby declared that the Welsh Ministers are satisfied:-

(1) as respects each length of highway the stopping up of which is authorised by this Order, that either another reasonably convenient route is available or will be provided before that length of highway is stopped up, and

(2) as respects each private means of access to premises the stopping up of which is authorised by this Order, that other reasonably convenient means of access to premises is available or will be provided before that private means of access is stopped up or that no access to the relevant premises is reasonably required.

Transfer of New Highways (to highway boundary)

6. Each new highway is to be transferred to Pembrokeshire County Council as indicated in the said Schedules, as from the date when the Welsh Ministers notify Pembrokeshire County Council that it has been completed and is open for through traffic.

7. Immediately after the transfer of a new highway for which a classification is shown in the relevant Schedule opposite the reference number and letter of that new highway, that highway will be classified accordingly.

priffordd a freiniwyd yng Nghyngor Sir Penfro,

yna (yn ddarostyngedig i ddarpariaethau adran 268(3) o Ddeddf 1980) trosglwyddir i Gyngor Sir Penfro ar ddyddiad trosglwyddo'r briffordd honno neu adeg cwblhau'r gwaith newid, neu ar ddyddiad caffael y tir gan Weinidogion Cymru mewn cysylltiad â'r briffordd newydd neu â newid priffordd, os bydd hynny'n hwyrach, unrhyw eiddo, hawliau neu atebolrwyddau (ac eithrio benthyciadau neu ffioedd am fenthyciadau) sydd wedi eu breinio yng Ngweinidogion Cymru neu a ysgwyddwyd ganddynt mewn cysylltiad â'r briffordd newydd neu â newid priffordd, yn ôl y digwydd.

Ymgymerwyr Statudol a Darparwyr

9. Pan fo gan ymgymerwyr statudol, yn union cyn cau darn o briffordd yn unol â'r Gorchymyn hwn, unrhyw gyfarpar o dan y briffordd honno, ynddi, drosti, ar ei thraws, neu ar ei hyd, yna, yn ddarostyngedig i adran 21 o Ddeddf 1980, bydd gan yr ymgymerwyr hynny yr un hawliau, o ran y cyfarpar hwnnw, ar ôl i'r darn o briffordd gael ei gau, ag a oedd ganddynt yn union cyn hynny.

Llofnodwyd ar ran Gweinidogion Cymru

Dyddiad 24 Mawrth 2021

N HUNTER
Arweinydd y Tîm Busnes
Llywodraeth Cymru

8. Where provision is made in this Order:-

(a) for transferring a new highway to Pembrokeshire County Council

or

(b) for enabling the Welsh Ministers to alter a highway vested in Pembrokeshire County Council,

then there will (subject to the provisions of section 268(3) of the 1980 Act) be transferred to Pembrokeshire County Council on the date of transfer of the said highway or on completion of the works of alteration, or on the date of acquisition of the land by the Welsh Ministers in connection with the new highway or the alteration of a highway, if later, any property, rights or liabilities (other than loans or loan charges) vested in or incurred by the Welsh Ministers in connection with the new highway or the alteration of a highway, as the case may be.

Statutory Undertakers and Providers

9. Where immediately before a length of highway is stopped up in pursuance of this Order there is under, in, over, across or along that highway any apparatus of statutory undertakers then, subject to section 21 of the 1980 Act, those undertakers will continue to have the same rights as respects that apparatus after the stopping up takes place as they had immediately prior thereto.

Signed on behalf of the Welsh Ministers

Date 24 March 2021

N HUNTER
Business Team Leader
Welsh Government