

PRIFYRDD, CYMRU

LLC 21-

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFYRDD (GAREJ DOBSHILL, CHESTER ROAD, DOBSHILL, GLANNAU DYFRDWY, SIR Y FFLINT) 2021

Gwnaed 13 Gorffennaf 2021

Yn dod i rym 19 Gorffennaf 2021

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 a Chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Cau Priffyrdd (Garej Dobshill, Chester Road, Dobshill, Glannau Dyfrdwy, Sir y Fflint) 2021 a daw'r Gorchymyn hwn i rym ar 19 Gorffennaf 2021.

Dehongli

2. Yn y Gorchymyn hwn—

ystyr “y Cyngor” (“*the Council*”) yw Cyngor Sir y Fflint;

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 adnewwyd” (“*the deposited plan*”) yw'r plan sy'n dwyn yr enw “Gorchymyn Cau Priffyrdd (Garej Dobshill, Chester Road, Dobshill, Glannau Dyfrdwy, Sir y Fflint) 2021” sy'n dod gyda'r Gorchymyn hwn.

Cau Priffordd

3. Yn ddarostyngedig i erthyglau 4, 5, 6 a 7 o'r Gorchymyn hwn mae Gweinidogion Cymru yn awdurdodi cau'r darnau o briffordd a ddisgrifir yn

(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 swyddogaethau hyn yn arferadwy bellach gan Weinidogion Cymru o ran Cymru.

HIGHWAYS, WALES

WG 21-

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (DOBSHILL GARAGE, CHESTER ROAD, DOBSHILL, DEESIDE, FLINTSHIRE) ORDER 2021

Made 13 July 2021

Coming into force 19 July 2021

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

Title and commencement

1. The title of this Order is the Stopping Up of Highways (Dobshill Garage, Chester Road, Dobshill, Deeside, Flintshire) Order 2021 and this Order comes into force on 19 July 2021.

Interpretation

2. In this Order—

“the Council” (“*y Cyngor*”) means the Council of the County of Flintshire;

“the deposited plan” (“*y plan a adnewwyd*”) means the plan entitled “The Stopping Up of Highways (Dobshill Garage, Chester Road, Dobshill, Deeside, Flintshire) Order 2021” 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

3. Subject to articles 4, 5, 6 and 7 of this Order the Welsh Ministers authorise the stopping up of the lengths of highway described in Schedule 1 to this

(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 functions are now exercisable by the Welsh Ministers in relation to Wales.

Atodlen 1 i'r Gorchymyn hwn. 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 27 Hydref 2020 o dan y cyfeirnod 061240 ac a ddisgrifir yn Atodlen 3 i'r Gorchymyn hwn.

Priffordd Newydd

4. Rhaid creu, er boddhad rhesymol y Cyngor, y darnau newydd o briffordd a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn ac a ddangosir â dotwaith ar y plan a adnewwyd sydd, at ddibenion Deddf Priffyrdd 1980(1), i fod yn briffordd i'w chynnal ar draul y pws cyhoeddus. Y Cyngor fydd yr awdurdod priffyrdd sy'n gyfrifol amdani.

Y Briffordd y Gwneir Gwelliannau Iddi

5. Rhaid creu gwelliannau, er boddhad rhesymol y Cyngor, i'r darnau o briffordd a ddisgrifir yn Atodlen 3 i'r Gorchymyn hwn, sydd, at ddibenion Deddf Priffyrdd 1980, yn briffordd i'w chynnal ar draul y pws cyhoeddus. Y Cyngor fydd yr awdurdod priffyrdd sy'n gyfrifol amdani.

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

6. Ni chaniateir cau'r darnau 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 darnau o briffordd i'w cau;
- (b) hyd nes y bydd y datblygwr wedi darparu'r darnau newydd o briffordd a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn er boddhad rhesymol y Cyngor;
- (c) hyd nes y bydd y datblygwr wedi darparu'r darnau o briffyrdd a ddisgrifir yn Atodlen 3 i'r Gorchymyn hwn er boddhad rhesymol y Cyngor;
- (d) hyd nes y bydd y datblygiad a ddisgrifir yn Atodlen 4 i'r Gorchymyn hwn wedi ei ddechrau a bod y datblygwr wedi hysbysu'r Cyngor yn ysgrifenedig ei bod yn angenrheidiol cau'r briffordd er mwyn i'r datblygiad fynd rhagddo; a

Order. 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 27 October 2020 with reference number 061240 and described in Schedule 4 to this Order.

New Highway

4. There will be created, to the reasonable satisfaction of the Council, the new lengths of highway described in Schedule 2 to this Order and shown by stipple marking on the deposited plan, which is to be highway maintainable at public expense for the purposes of the Highways Act 1980(1) and the Council is to be the highway authority responsible for it.

Improved Highway

5. There must be improvements made, to the reasonable satisfaction of the Council, to the lengths of highway described in Schedule 3 to this Order, which is highway maintainable at the public expense for the purposes of the Highways Act 1980 and the Council is to be the highway authority responsible for it.

Provisions Necessary or Expedient before Stopping Up

6. The lengths 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 lengths of highway are to be stopped up;
- (b) the developer has provided the new lengths of highway described in Schedule 2 to this Order to the reasonable satisfaction of the Council;
- (c) the developer has improved the lengths of highway described in Schedule 3 to this Order to the reasonable satisfaction of the Council;
- (d) the development described in Schedule 4 to this Order has commenced and the developer has informed the Council in writing of the necessity to stop up the highway to allow the development to proceed; and

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

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

Ymgwymerwyr Statudol a Darparwyr

7. Pan fo gan ymgwymerwyr 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 darnau o briffordd yna (yn ddarostyngedig i adran 261(4) o Ddeddf 1990), bydd gan yr ymgwymerwyr neu'r darparwyr yr un hawliau mewn cysylltiad â'r cyfarpar ag a oedd ganddynt cyn cau'r briffordd.

Statutory Undertakers and Providers

7. Where immediately before the lengths of highway are 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.

Cyfnod Para'r Gorchymyn hwn

8. Os na fydd y datblygiad a ddisgrifir yn Atodlen 4 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.

Duration of this Order

8. If the development described in Schedule 4 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.

Llofnodwyd ar ran y Dirprwy Weinidog Newid Hinsawdd, yn gweithredu o dan awdurdod y Gweinidog Newid Hinsawdd, un o Weinidogion Cymru.

Signed on behalf of the Deputy Minister for Climate Change, acting under the authority of the Minister for Climate Change, one of the Welsh Ministers.

Dyddiedig

13 Gorffennaf 2021

Dated

13 July 2021

Nicci Hunter

Arweinydd y Tîm Busnes
Llywodraeth Cymru

Nicci Hunter

Business Team Leader
Welsh Government

ATODLEN 1

Y darnau o briffordd sydd i'w cau (Bras amcan yw pob mesuriad)

Darn afreolaidd ei siâp o briffordd sy'n mesur 331.93 o fetrau sgwâr i'r de-orllewin o gefn Rhif 4 Chester Road, Dobshell, Glannau Dyfrdwy, Sir y Fflint a ddangosir â llinellau sebra ac y rhoddir y cyfeirnod 'A' iddo ar y plan a adnewwyd.

Darn afreolaidd ei siâp o briffordd sy'n mesur 1.85 o fetrau sgwâr i'r de-orllewin o gefn Rhif 4 Chester Road, Dobshell, Glannau Dyfrdwy, Sir y Fflint a ddangosir â llinellau sebra ac y rhoddir y cyfeirnod 'B' iddo ar y plan a adnewwyd.

SCHEDULE 1

(All measurements are approximate) Lengths of highway to be stopped up

An irregular shaped length of highway measuring 331.93 square metres located south-west of the rear of No.4 Chester Road, Dobshell, Deeside, Flintshire shown by zebra hatching and given reference 'A' on the deposited plan.

An irregular shaped length of highway measuring 1.85 square metres located south-west of the rear of No.4 Chester Road, Dobshell, Deeside, Flintshire shown by zebra hatching and given reference 'B' on the deposited plan.

ATODLEN 2

(Bras amcan yw pob mesuriad)

Y darnau newydd o briffordd sydd i'w darparu

Darn afreolaidd ei siâp o briffordd (troetffordd) sy'n mesur 88.71 o fetrau sgwâr i'r de-orllewin o gefn Rhif 4 Chester Road, Dobshell, Glannau Dyfrdwy, Sir y Fflint a ddangosir â dotwaith ac y rhoddir y cyfeirnod 'C' iddo ar y plan a adnewwyd.

Darn afreolaidd ei siâp o briffordd (troetffordd) sy'n mesur 18.60 o fetrau sgwâr i'r de-orllewin o gefn Rhif 4 Chester Road, Dobshell, Glannau Dyfrdwy, Sir y Fflint a ddangosir â dotwaith ac y rhoddir y cyfeirnod 'D' iddo ar y plan a adnewwyd.

Darn afreolaidd ei siâp o briffordd (troetffordd) sy'n mesur 19.23 o fetrau sgwâr i'r de-orllewin o gefn Rhif 4 Chester Road, Dobshell, Glannau Dyfrdwy, Sir y Fflint a ddangosir â dotwaith ac y rhoddir y cyfeirnod 'E' iddo ar y plan a adnewwyd.

ATODLEN 3

Y darnau o briffordd sydd i'w gwella

(Bras amcan yw pob mesuriad)

Darn afreolaidd ei siâp o briffordd sy'n mesur 8.50 o fetrau sgwâr i'r de-orllewin o gefn Rhif 4 Chester Road, Dobshell, Glannau Dyfrdwy, Sir y Fflint a ddangosir â chroeslinellau ac y rhoddir y cyfeirnod 'F' iddo ar y plan a adnewwyd.

Darn petryalog ei siâp o briffordd sy'n mesur 33.72 o fetrau sgwâr i'r de-orllewin o gefn Rhif 4 Chester Road, Dobshell, Glannau Dyfrdwy, Sir y Fflint a ddangosir â chroeslinellau ac y rhoddir y cyfeirnod 'G' iddo ar y plan a adnewwyd.

Darn afreolaidd ei siâp o briffordd sy'n mesur 78.43 o fetrau sgwâr i'r de-orllewin o gefn Rhif 4 Chester Road, Dobshell, Glannau Dyfrdwy, Sir y Fflint a ddangosir â chroeslinellau ac y rhoddir y cyfeirnod 'H' iddo ar y plan a adnewwyd.

Darn afreolaidd ei siâp o briffordd sy'n mesur 56.94 o fetrau sgwâr i'r de-orllewin o gefn Rhif 4 Chester Road, Dobshell, Glannau Dyfrdwy, Sir y Fflint a ddangosir â chroeslinellau ac y rhoddir y cyfeirnod 'I' iddo ar y plan a adnewwyd.

ATODLEN 4

Y datblygiad

Dymchwel adeiladau presennol a chodi gorsaf betrol (sui generis) a chyfleusterau manwerthu cysylltiedig (dosbarth defnydd A1), amwynderau ategol a siop goffi gyrru drwodd gyda mynediad, manau parcio ceir a gwasanaethau cysylltiedig.

SCHEDULE 2

(All measurements are approximate)

New lengths of highway to be provided

An irregular shaped length of highway (footway) measuring 88.71 square metres located south-west of the rear of No.4 Chester Road, Dobshell, Deeside, Flintshire shown by stipple marking and given reference 'C' on the deposited plan.

An irregular shaped length of highway (footway) measuring 18.60 square metres located south-west of the rear of No.4 Chester Road, Dobshell, Deeside, Flintshire shown by stipple marking and given reference 'D' on the deposited plan.

An irregular shaped length of highway (footway) measuring 19.23 square metres located south-west of the rear of No.4 Chester Road, Dobshell, Deeside, Flintshire shown by stipple marking and given reference 'E' on the deposited plan.

SCHEDULE 3

(All measurements are approximate)

Lengths of highway to be improved

An irregular shaped length of highway measuring 8.50 square metres located south-west of the rear of No.4 Chester Road, Dobshell, Deeside, Flintshire shown by cross-hatching and given reference 'F' on the deposited plan.

A rectangular shaped length of highway measuring 33.72 square metres located south-west of the rear of No.4 Chester Road, Dobshell, Deeside, Flintshire shown by cross-hatching and given reference 'G' on the deposited plan.

An irregular shaped length of highway measuring 78.43 square metres located south-west of the rear of No.4 Chester Road, Dobshell, Deeside, Flintshire shown by cross-hatching and given reference 'H' on the deposited plan.

An irregular shaped length of highway measuring 56.94 square metres located south-west of the rear of No.4 Chester Road, Dobshell, Deeside, Flintshire shown by cross-hatching and given reference 'I' on the deposited plan.

SCHEDULE 4

The development

The demolition of existing buildings and erection of a petrol filling station (sui generis) and associated retail facilities (use class A1), supporting amenities and a drive-thru coffee shop with associated access, car parking and servicing.

