PRIFFYRDD, CYMRU

LlC22-20

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (TELFORD STREET, CASNEWYDD) 2022

Gwnaed	*5 Mai 2022*
Yn dod i rym	*11 Mai 2022*

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 (Telford Street, Casnewydd) 2022 a daw i rym ar 11 Mai 2022.

Dehongli

2. Yn y Gorchymyn hwn—

ystyr "y Cyngor" ("*the Council*") yw Cyngor Dinas Casnewydd;

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 (Telford Street, Casnewydd) 2022" o dan y cyfeirnod qA1530256 sy'n dod gyda'r Gorchymyn hwn.

Cau Priffordd

3. Yn ddarostyngedig i erthyglau 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. 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 1 Rhagfyr 2021 o dan y cyfeirnod 20/1138, 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

WG22-20

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (TELFORD STREET, NEWPORT) ORDER 2022

Made	*5 May 2022*
Coming into force	*11 May 2022*

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 (Telford Street, Newport) Order 2022 and it comes into force on 11 May 2022.

Interpretation

2. In this Order—

"the Council" *("y Cyngor")* means the Council of the City of Newport;

"the deposited plan" *("y plan a adneuwyd")* means the plan entitled "The Stopping Up of Highways (Telford Street, Newport) Order 2022" with reference qA1530256 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 and 6 of this Order the Welsh Ministers authorise the stopping up of the length of highway described in Schedule 1 to this 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 Council on 1 December 2021 with reference number 20/1138 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.

Y Brifforddd y Gwneir Gwelliannau Iddi

4. Rhaid gwneud gwelliannau, er boddhad rhesymol y Cyngor, i'r darn o briffordd a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn sydd, at ddibenion Deddf Priffyrdd 1980(1), yn briffordd i'w chynnal 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

5. 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 gwella'r darn 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 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

6. 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.

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

Dyddiedig 5 Mai 2022

Nicci Hunter
Arweinydd y Tîm Busnes
Llywodraeth Cymru

(1) 1980 p. 66.

Improved Highway

4. There must be improvements made, to the reasonable satisfaction of the Council, to the length of highway described in Schedule 2 to this Order, which is a highway maintainable at the public expense for the purposes of the Highways Act 1980(1) and the Council is to be the highway authority responsible for them.

Provisions Necessary or Expedient before Stopping Up

5. 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 improved the 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 highway to allow the development to proceed; and

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

Statutory Undertakers and Providers

6. 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.

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.

Dated 5 May 2022

Nicci Hunter
Business Team Leader
Welsh Government

(1) 1980 c. 66.

ATODLEN 1

Y darn o briffordd sydd i'w gau
(Bras amcan yw pob mesuriad)

Darn afreolaidd ei siâp o briffordd ar ymyl ogleddol Telford Street, rhwng Dudley Street a Walsall Street, sy'n 17.3 o fetrau yn y man hiraf ac yn 4.1 metr yn y man lletaf, a ddangosir â llinellau sebra ar y plan a adneuwyd.

ATODLEN 2

Y darn o briffordd sydd i'w wella
(Bras amcan yw pob mesuriad)

Darn afreolaidd ei siâp o briffordd ar ymyl ogleddol Telford Street, rhwng Dudley Street a Walsall Street, sy'n 20 metr yn y man hiraf ac yn 2 fetr yn y man lletaf, a ddangosir â chroeslinellau ar y plan a adneuwyd.

ATODLEN 3

Y Datblygiad

Datblygiad arfaethedig i adeiladu 54 o unedau preswyl, mynedfa, cau priffordd, gweithrediadau peirianyddol, gwaith tirlunio, gwaith draenio a gwaith cysylltiedig.

SCHEDULE 1

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

An irregular shaped length of highway located on the northern edge of Telford Street, in between Dudley Street and Walsall Street, with a maximum length of 17.3 metres and a maximum width of 4.1 metres shown by zebra hatching on the deposited plan.

SCHEDULE 2

Length of highway to be improved
(All measurements are approximate)

An irregular shaped length of highway located on the northern edge of Telford Street, in between Dudley Street and Walsall Street, with a maximum length of 20 metres and a maximum width of 2 metres shown by crosshatching on the deposited plan.

SCHEDULE 3

The Development

The proposed construction of 54 residential units, access, stopping up of highway, engineering operations, landscaping, drainage and associated works.