

PRIFFYRDD, CYMRU

LLC25

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (HEOL-Y-WERN, CASLLWCHWR, ABERTAWE) 202-

Gwnaed ***** 202-

Yn dod i rym *****202-

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 (Heol-y-Wern, Casllwchwr, Abertawe) 202- a daw i rym ar ***** 202-.

Dehongli

2. Yn y Gorchymyn hwn—

ystyr “y Cyngor” (“*the Council*”) yw Cyngor Dinas a Sir Abertawe;

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

ystyr “Deddf 1990” (“*the 1990 Act*”) yw Deddf Cynllunio Gwlad a Thref 1990;

ystyr “y plan a adnewwyd” (“*the deposited plan*”) yw'r plan sy'n dwyn yr enw “Gorchymyn Cau Priffyrdd (Heol-y-Wern, Casllwchwr, Abertawe) 202-” o dan y cyfeirnod qA2252700 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 ac a ddangosir â llinellau sebra ar y plan a adnewwyd. 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 Gyngor Dinas a Sir Abertawe ar 14 Medi 2021 o dan y cyfeirnod 2021/1820/FUL a ddisgrifir yn Atodlen 4 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 swyddogaethau hyn yn arferadwy bellach gan Weinidogion Cymru o ran Cymru.

HIGHWAYS, WALES

WG25

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (HEOL-Y-WERN, LOUGHOR, SWANSEA) ORDER 202-

Made ***** 202-

Coming into force *****202-

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 (Heol-Y-Wern, Loughor, Swansea) Order 202- and it comes into force on ***** 202-.

Interpretation

2. In this Order—

“the Council” (“*y Cyngor*”) means the City and County of Swansea Council;

“the deposited plan” (“*y plan a adnewwyd*”) means the plan entitled “The Stopping Up of Highways (Heol-Y-Wern, Loughor, Swansea) Order 202-” with reference qA2252700 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 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 City and County of Swansea Council on 14 September 2021 with reference 2021/1820/FUL described in Schedule 4 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 functions are now exercisable by the Welsh Ministers in relation to Wales.

Prifffordd Newydd

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

Prifffordd y Gwneir Gwelliannau Iddi

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

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

6. Ni chaniateir cau'r darn o brifffordd 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 brifffordd i'w gau;
- (b) hyd nes y bydd y datblygwr wedi darparu'r darn newydd o brifffordd a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn er boddhad rhesymol y Cyngor;
- (c) hyd nes y bydd y datblygwr wedi gwella'r darn o brifffordd 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 darn o brifffordd er mwyn i'r datblygiad fynd rhagddo; ac
- (e) hyd nes y bydd y Cyngor wedi ysgrifennu at y datblygwr i gadarnhau bod (a), (b), (c) a (d) wedi eu bodloni.

Ymgymrwyr Statudol a Darparwyr

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

New Highway

4. There will 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 hatching on the deposited plan, which is to be 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 it.

Improved Highway

5. There must be improvements made, to the reasonable satisfaction of the Council, to the length 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 them.

Provisions Necessary or Expedient before Stopping Up

6. 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 developer has improved the length 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 length of highway to allow the development to proceed; and
- (e) the Council has confirmed in writing to the developer that (a), (b), (c) and (d) are satisfied.

Statutory Undertakers and Providers

7. 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.

Llofnodwyd ar ran Ysgrifennydd y Cabinet dros Drafnidiaeth a Gogledd Cymru, un o Weinidogion Cymru.

Dyddiedig ** **** 202-

Nicci Hunter
Arweinydd y Tîm Busnes
Llywodraeth Cymru

Signed on behalf of the Cabinet Secretary for Transport and North Wales, one of the Welsh Ministers.

Dated ***** 202-

Nicci Hunter
Business Team Leader
Welsh Government

ATODLEN 1
(Bras amcan yw pob mesuriad)
Y darn o briffordd sydd i'w gau

Y man troi presennol ar y ffin ddeheuol i Heol-y-Wern, Casllwchwr, Abertawe, SA4 6JE, sydd â chyfanswm arwynebedd o 127.5 o fetrau sgwâr yn y man lletaf ac sydd wedi ei farcio â llinellau sebra ar y plan a adnewwyd.

ATODLEN 2
(Bras amcan yw pob mesuriad)
Y briffordd newydd sydd i'w darparu

Darn afreolaidd ei siâp o briffordd yn union gyfagos i ben dwyreiniol Heol-y-Wern, Casllwchwr, Abertawe, SA4 6JE, sydd â chyfanswm arwynebedd o 1756 o fetrau sgwâr ac sydd wedi ei farcio â dotwaith ar y plan a adnewwyd.

ATODLEN 3
(Bras amcan yw pob mesuriad)
Y darn o briffordd sydd i'w gwella

Gwaith gosod arwyneb newydd ar ddarn presennol o'r gerbyttfordd a'r llwybrau troed yn Heol-y-Wern, Casllwchwr, Abertawe, SA4 6JE, gan ddechrau 60 o fetrau i'r gorllewin o ffin y safle, sydd â chyfanswm arwynebedd o 605 o fetrau sgwâr ac sydd wedi ei farcio â chroeslinellau ar y plan a adnewwyd.

ATODLEN 4
Y Datblygiad

Datblygiad preswyl o 98 o anheddau sy'n cynnwys 37 o anheddau fforddiadwy a 61 o anheddau preifat gyda mynediad cysylltiedig, gwaith tirlunio, gwaith draenio a gwaith cysylltiedig yn y tir cyfagos i Beili Glas, Casllwchwr, Abertawe, SA4 6JE.

SCHEDULE 1
(All measurements are approximate)
Length of highway to be stopped up

The existing turning head on the southern boundary to Heol-Y-Wern, Loughor, Swansea, SA4 6JE, with a maximum area of 127.5 sq metres and marked with zebra hatching on the deposited plan.

SCHEDULE 2
(All measurements are approximate)
New highway to be provided

An irregular shaped length of highway immediately adjacent to the eastern end of Heol-Y-Wern, Loughor, Swansea, SA4 6JE, with a maximum area of 1756 sq. metres and marked with stipple on the deposited plan.

SCHEDULE 3
(All measurements are approximate)
Lengths of highway to be improved

Resurfacing works in an existing length of the carriageway and footpaths in Heol-Y-Wern, Loughor, Swansea, SA4 6JE, starting 60 metres west from the site boundary, with a maximum area of 605 sq. metres and marked with cross hatching on the deposited plan.

SCHEDULE 4
The Development

Residential development of 98 dwelling comprising 37 affordable dwellings and 61 private dwellings with associated access, landscaping, drainage and associated works in the land adjacent to Beili Glas, Loughor, Swansea, SA4 6JE.