

HIGHWAYS, WALES

2015 NO. 38

TOWN AND COUNTRY PLANNING ACT 1990

**THE STOPPING UP OF HIGHWAYS (LAND AT
BROOKFIELD DRIVE, USKLEY COURT,
MILLFIELD CLOSE & POPPYFIELD CLOSE,
ST MELLONS, CARDIFF) ORDER 2015**

Made 7 December 2015

Coming into Force 14 December 2015

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

Title, Interpretation and Commencement

1. (1) The title of this Order is The Stopping Up of Highways (Land at Brookfield Drive, Uskley Court, Millfield Close & Poppyfield Close, St Mellons, Cardiff) Order 2015.

(2) In this Order:-

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

“the developer” (“*y datblygwr*”) means the person carrying out the development for which the planning permission has been given;

“the deposited plans” (“*y planiau a adnewyd*”) means the plans entitled “The Stopping Up of Highways (Land at Brookfield Drive, Uskley Court, Millfield Close & Poppyfield Close, St Mellons, Cardiff) Order 2015” which accompany this Order; and

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

(3) This Order comes into force on the date on which notice that it has been made is published in accordance with section 252(10) of the 1990 Act.

Stopping Up

2. Subject to articles 3, 4, 5 and 6 the Welsh Ministers authorise the stopping up of the lengths of highway described in Schedule 1 shown by zebra hatching on the deposited plans. 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 III of the 1990 Act by the Council on 29 October 2015 under reference number 15/01819/MJR and described in Schedule 4 to this Order.

New and Improved Highways

3. There shall be created, to the reasonable satisfaction of the Council, the new length of highway described in Schedule 2 and shown by stipple marking on deposited plan 1 and the improved highways described in Schedule 3 and shown by cross hatching on deposited plans 1, 2, 3 and 4, which are highways that, for the purposes of the Highways Act 1980(2) are highways maintainable at the public expense and the Council will be the highway authority responsible for them.

Provisions Necessary or Expedient before Stopping Up and for the Provision or Improvement of the Highways

4. The lengths of highway in Schedule 1 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 highway described in Schedule 2 and the improved highways described in Schedule 3 to the reasonable satisfaction of the Council;

(c) the development described in Schedule 4 has commenced and the developer has informed the Council in writing of the necessity to close the highways 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

5. Where immediately before the lengths of highway are stopped up, there is under, in, on, over, along or across the highways 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 4 has not begun within the relevant period specified in Part III 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.

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

Dated 7 December 2015

Richard Morgan
Head of Asset Management and Standards
Welsh Government

- (1) 1990 c. 8. By virtue of S.I. 1999/672, article 2 and Schedule 1, the functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales and are now exercisable by the Welsh Ministers by virtue of section 162 of and paragraph 30(2) of Schedule 11 to the Government of Wales Act 2006.
- (2) 1980 c.66

SCHEDULES

(All measurements are approximate)

SCHEDULE 1

Description of the lengths of highway to be stopped up under this Order

An irregularly shaped length of all purpose highway measuring 40.5 square metres, to the rear of Nos. 22 – 32 Brookfield Drive, St Mellons (deposited plan 1).

An irregularly shaped length of all purpose highway measuring 8.2 square metres, located at the western corner of No. 2 Uskley Court, St Mellons (deposited plan 1).

A square shaped length of all purpose highway measuring 26.2 square metres fronting No. 31 Brookfield Drive, St Mellons (deposited plan 2).

An irregularly shaped length of all purpose highway measuring 37.4 square metres fronting Nos. 33 – 39 Brookfield Drive, St Mellons (deposited plan 2).

A rectangular shaped length of all purpose highway measuring 60.8 square metres fronting Nos. 43 – 47 Brookfield Drive, St Mellons (deposited plan 2).

A rectangular shaped length of all purpose highway measuring 6.7 square metres fronting Nos. 74 – 78 Brookfield Drive, St Mellons (deposited plan 2).

A rectangular shaped length of all purpose highway measuring 54.6 square metres located to the east of Nos. 1, 3 and 5 Millfield Close, St Mellons (deposited plan 3).

An irregularly shaped length of all purpose highway measuring 150 square metres fronting Nos. 11 – 13 Poppyfield Close, St Mellons (deposited plan 4).

SCHEDULE 2

Description of the new highway to be provided

A rectangular shaped length of all purpose highway measuring 7.6 square metres located to the rear and south-west of Nos. 22, 26 and 30 Brookfield Drive, St Mellons (deposited plan 1).

SCHEDULE 3

Description of the improved highways

An irregularly shaped length of footway and all purpose highway measuring 63 square metres located opposite Nos. 1 – 11 Brookfield Drive, St Mellons (deposited plan 1).

An irregularly shaped length of all purpose highway measuring 217.7 square metres fronting Nos. 33 – 47 Brookfield Drive, St Mellons (deposited plan 2).

An irregularly shaped length of all purpose highway measuring 120 square metres fronting Nos. 74 – 78 Brookfield Drive, St Mellons (deposited plan 2).

A rectangular shaped length of all purpose highway measuring 39.2 square metres located east of Nos. 1, 3 and 5 Millfield Close and north of Nos. 3, 7 and 11 Brookfield Drive, St Mellons (deposited plan 3).

A rectangular shaped length of all purpose highway measuring 60 square metres located south west of No. 13 and north of Nos. 16 and 17 Poppyfield Close, St Mellons (deposited plan 4).

SCHEDULE 4

Description of the development

The creation of an enclosed courtyard for Nos. 24 – 30 Brookfield Drive; the extension of the gardens of Nos. 31 – 47 and 74 – 78 Brookfield Drive, No. 2 Uskley Court and Nos. 11 – 13 Poppyfield Close; the provision of a shared bin store for Nos. 1 – 6 Millfield Close and Nos. 1 – 11 Brookfield Drive, St Mellons, Cardiff.

TOWN AND COUNTRY PLANNING ACT 1990

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BROOKFIELD DRIVE, USKLEY COURT,
MILLFIELD CLOSE & POPPYFIELD CLOSE,
ST MELLONS, CARDIFF) ORDER 2015**

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 lengths of highway described in Schedule 1 to this Notice, to provide the new length of highway described in Schedule 2 and to improve the lengths of highway described in Schedule 3 to enable the development described in Schedule 4 to be carried out. The Stopping Up of Highways (Land at Brookfield Drive, Uskley Court, Millfield Close & Poppyfield Close, St Mellons, Cardiff) Order 2015 (“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 plans may be inspected free of charge during normal office hours at Development Control, Cardiff Council, County Hall, Atlantic Wharf, Cardiff CF10 4UW or may be obtained free of charge from the address below quoting reference qA1223585/1.

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 14 December 2015 make an application for the purpose to the High Court.

A copy of the Order and Notice can be viewed at www.gov.wales (Select: Legislation/ Subordinate legislation/ Non-Statutory Instruments/ Transport/ TCPA Stopping Up Orders/ 2015).

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

M D BURNELL
Transport
Welsh Government

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SCHEDULE 4 **Description of the development**

The creation of an enclosed courtyard for Nos. 24 – 30 Brookfield Drive; the extension of the gardens of Nos. 31 – 47 and 74 – 78 Brookfield Drive, No. 2 Uskley Court and Nos. 11 – 13 Poppyfield Close; the provision of a shared bin store for Nos. 1 – 6 Millfield Close and Nos. 1 – 11 Brookfield Drive, St Mellons, Cardiff. The works will be carried out under the Trowbridge Mawr Regeneration Scheme in accordance with the planning permission granted by Cardiff Council on 29 October 2015 under Part III of the Act under reference number 15/01819/MJR.