

HIGHWAYS, WALES

2016 NO. 4

TOWN AND COUNTRY PLANNING ACT 1990

**THE STOPPING UP OF HIGHWAYS (LAND
ADJACENT TO THE A478 AT BEGELLY PARK
GARDENS, BEGELLY, PEMBROKESHIRE)
ORDER 2016**

Made 5 February 2016

Coming into Force 12 February 2016

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 Adjacent to the A478 at Begelly Park Gardens, Begelly, Pembrokeshire) Order 2016.

(2) In this Order:-

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

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

“the deposited plan” (“*y plan a adnewyd*”) means the plan entitled “The Stopping Up of Highways (Land Adjacent to the A478 at Begelly Park Gardens, Begelly, Pembrokeshire) Order 2016” 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 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 III of the 1990 Act by the Council on 5 August 2015 under reference number 14/0155/PA and described in Schedule 3 to this Order.

Improved Highway

3. There shall be created, to the reasonable satisfaction of the Council, the improved highway described in Schedule 2 and shown by cross hatching on the deposited plan, which is a highway that, for the purposes of the Highways Act 1980(2), is a highway maintainable at the public expense and the Council will be the highway authority responsible for it.

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

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 improved the highway described in Schedule 2 to the reasonable satisfaction of the Council;

(c) the development described in Schedule 3 has commenced and the developer has informed the Council in writing of the necessity to close 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

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 3 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 5 February 2016

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 with a maximum length of 22.74 metres and a maximum width of 8.15 metres located to the south east of No. 2 Park Gardens, Begelly.

An irregularly shaped length of all purpose highway with a maximum length of 22.3 metres and a maximum width of 1.025 metres located to the north west of No. 2 Brookfield Villas, Begelly.

SCHEDULE 2

Description of the improved highway

An irregularly shaped length of footway with a maximum length of 24.4 metres and a maximum width of 1.8 metres located to the south east of No. 2 Park Gardens, Begelly.

SCHEDULE 3

Description of the development

Development of the former tea rooms at Begelly Park Gardens, Begelly, Pembrokeshire to provide 20 new residential dwellings.

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ORDER 2016**

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 and to improve the length of highway described in Schedule 2 to enable the development described in Schedule 3 to be carried out. The Stopping Up of Highways (Land Adjacent to the A478 at Begelly Park Gardens, Begelly, Pembrokeshire) Order 2016 (“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 plan may be inspected free of charge during normal office hours at Pembrokeshire County Council, County Hall, Haverfordwest SA61 1TP or may be obtained free of charge from the address below quoting reference qA1215638/1.

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 12 February 2016 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/ 2016).

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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Description of the development

Development of the former tea rooms at Begelly Park Gardens, Begelly, Pembrokeshire to provide 20 new residential dwellings in accordance with the planning permission granted under Part III of the Act by Pembrokeshire County Council on 5 August 2015 under reference number 14/0155/PA.