PRIFFYRDD, CYMRU

2017 RHIF 23

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (CLOS TŶ-TO-MAEN, PENTRE LLANEIRWG, CAERDYDD) 2017

Gwnaed	*10 Mai 2017*
Yn dod o rym	*17 May 2017*

Mae Gweinidogion Cymru yn gwneud y Gorchymyn hwn drwy arfer eu pwerau o dan adran 247 o Ddeddf Cynllunio Gwlad a Thref 1990(1).

Enwi, Dehongli a Chychwyn

1. (1) Enw'r Gorchymyn hwn yw Gorchymyn Cau Priffyrdd (Clos Tŷ-to-maen, Pentre Llaneirwg, Caerdydd) 2017.

(2) Yn y Gorchymyn hwn:-

ystyr "y Cyngor" ("*the Council*") yw Cyngor Dinas a Sir Caerdydd;

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 "y plan a adneuwyd" ("*the deposited plan*") yw'r plan sy'n dwyn yr enw "Gorchymyn Cau Priffyrdd (Clos Tŷ-to-maen, Pentre Llaneirwg, Caerdydd) 2017" ac sy'n dod gyda'r Gorchymyn hwn.

(3) Daw'r Gorchymyn hwn i rym ar y dyddiad y cyhoeddir yr hysbysiad ei fod wedi ei wneud yn unol ag adran 252(10) o Ddeddf 1990.

(1) 1990 p. 8. Diwygiwyd gan adran 20(4) o Ddeddf Llywodraeth Leol (Cymru) 1994 (p. 19) a pharagraff 24 o Atodlen 6 iddi, ac erthygl 5(b) o Orchymyn Deddf Cynllunio a Phrynu Gorfodol 2004 (Cychwyn Rhif 9 a Darpariaethau Canlyniadol) 2006/1281. Yn rhinwedd erthygl 2 o O.S. 1999/672, ac Atodlen 1 iddo, trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru ac maent yn arferadwy bellach gan Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30(2) o Atodlen 11 iddi.

HIGHWAYS, WALES

2017 NO. 23

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (TY-TO-MAEN CLOSE, OLD ST MELLONS, CARDIFF) ORDER 2017

Made	*10 May 2017*
Coming into Force	*17 May 2017*

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 (Ty-To-Maen Close, Old St Mellons, Cardiff) Order 2017.

(2) In this Order:-

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

"the deposited plan" *("y plan a adneuwyd")* means the plan entitled "The Stopping Up of Highways (Ty-To-Maen Close, Old St Mellons, Cardiff) Order 2017" which accompanies this Order;

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

(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.

(1) 1990 c. 8. Amended by section 20(4) of, and paragraph 24 of Schedule 6 to, the Local Government (Wales) Act 1994 (c.19) and article 5(b) of the Planning and Compulsory Purchase Act 2004 (Commencement No. 9 and Consequential Provisions) Order 2006/1281. 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.

Cau Priffordd

2. Yn ddarostyngedig i erthyglau 3, 4, 5 a 6, mae Gweinidogion Cymru yn awdurdodi cau'r darn o briffordd a ddisgrifir yn Atodlen 1 ac a ddangosir â llinellau sebra ar y plan a adneuwyd. 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 25 Ionawr 2017 o dan y cyfeirnod 16/01592/MJR ac a ddisgrifir yn Atodlen 3 i'r Gorchymyn hwn.

Priffordd Newydd / y Gwneir Gwelliannau Iddi

3. Rhaid creu, er boddhad rhesymol y Cyngor, y darn newydd o briffordd a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn, ac a ddangosir â dotwaith ar y plan a adneuwyd, sy'n briffordd sydd, at ddibenion Deddf Priffyrdd 1980**(2)**, i'w chynnal a'i chadw ar draul y pwrs cyhoeddus. Y Cyngor fydd yr awdurdod priffyrdd cyfrifol ar gyfer y darn newydd o'r briffordd.

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

4. Ni chaniateir cau'r darn o briffordd a ddisgrifir yn Atodlen 1:-

(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 darparu'r darn newydd 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 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

5. 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.

(2) 1980 p. 66

Stopping Up

2. Subject to articles 3, 4, 5 and 6 the Welsh Ministers authorise the stopping up of the length of highway described in Schedule 1 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 Council on 25 January 2017 under reference number 16/01592/MJR and described in Schedule 3 to this Order.

New / Improved Highway

3. There must 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 marking on the deposited plan, which, for the purposes of the Highways Act 1980**(2)** is to be a highway maintainable at the public expense and the Council is to be the highway authority responsible for the new length of highway.

Provisions Necessary or Expedient before Stopping Up

4. The length of highway described 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 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 development described in Schedule 3 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

5. 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.

(2) 1980 c.66.

Cyfnod Para'r Gorchymyn hwn

6. Os na fydd y datblygiad a ddisgrifir yn Atodlen 3 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.

Llofnodwyd o dan awdurdod Ysgrifennydd y Cabinet dros yr Economi a'r Seilwaith, un o Weinidogion Cymru.

Dyddiedig 10 Mai 2017

Nina Ley
Pennaeth yr Uned Fusnes, Rheoli'r Rhwydwaith
Llywodraeth Cymru

YR ATODLENNI

ATODLEN 1
(Bras amcan yw pob mesuriad)

Disgrifiad o'r darn o briffordd sydd i'w gau o dan y Gorchymyn hwn

Darn afreolaidd ei siâp o briffordd ym mhen mwyaf gorllewinol Clos Tŷ-to-maen, Pentre Llaneirwg, Caerdydd ac sy'n gyfagos i ochr ogleddol y Clos, sy'n 53.6 o fetrau yn y man hiraf ac yn 5 metr yn y man lletaf ac a ddangosir â llinellau sebra ar y plan a adneuwyd.

ATODLEN 2

Disgrifiad o'r darn o briffordd newydd sydd i'w ddarparu

Darn o briffordd i'r gorllewin o ffordd bengaead Clos Tŷ-to-maen, Pentre Llaneirwg, Caerdydd sy'n 38.3 o fetrau yn y man hiraf ac yn 8.46 metr yn y man lletaf ac a ddangosir â dotwaith ar y plan a adneuwyd.

ATODLEN 3

Y Datblygiad

Datblygu 8 annedd yng Nghlos Tŷ-to-maen, Pentre Llaneirwg, Caerdydd Mae'r cynnig yn cynnwys 6 annedd i'w gwerthu ar y farchnad agored a 2 annedd fforddiadwy, a gwaith cysylltiedig o ran tirlunio, creu mynediad a gwaith ffordd.

Duration of this Order

6. If the development described in Schedule 3 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.

Signed under authority of the Cabinet Secretary for Economy and Infrastructure, one of the Welsh Ministers.

Dated 10 May 2017

Nina Ley
Head of Business Unit, Network Management
Welsh Government

SCHEDULES

SCHEDULE 1
(All measurements are approximate)

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

An irregular shaped length of highway located at the far western end and adjacent to the northern side of Ty-To-Maen Close, Old St Mellons, Cardiff, with a maximum length of 53.6 metres and a maximum width of 5 metres and shown by zebra hatching on the deposited plan.

SCHEDULE 2

Description of the length of new highway to be provided

A length of highway located to the west of the Ty-To-Maen Close cul-de-sac, Old St Mellons, Cardiff with a maximum length of 38.3 metres and a maximum width of 8.46 metres and shown by stipple hatching on the deposited plan.

SCHEDULE 3

The Development

Development of 8 dwellings at Ty-To-Maen Close, Old St Mellons, Cardiff. Proposal includes 6 open market sale and 2 affordable dwellings, associated landscaping, access and highways works.

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (CLOS TŶ-TO-MAEN, PENTRE LLANEIRWG, CAERDYDD) 2017

Mae Gweinidogion Cymru wedi gwneud Gorchymyn o dan adran 247 o Ddeddf Cynllunio Gwlad a Thref 1990 ("y Ddeddf") i awdurdodi cau'r darn o briffordd a ddisgrifir yn Atodlen 1 i'r Hysbysiad hwn a darparu'r darn newydd o briffordd a ddisgrifir yn Atodlen 2, er mwyn gwneud y datblygiad a ddisgrifir yn Atodlen 3. Bydd Gorchymyn Cau Priffyrdd (Clos Tŷ-to-maen, Pentre Llaneirwg, Caerdydd) 2017 ("y Gorchymyn") yn peidio â chael effaith os daw'r caniatâd cynllunio mewn cysylltiad â'r datblygiad i ben neu os caiff ei ddirymu.

Gellir edrych ar gopïau o'r Gorchymyn drafft a'r plan a adneuwyd yn rhad ac am ddim yn swyddfa Cyngor Caerdydd, Neuadd y Sir, Glanfa'r Iwerydd, Caerdydd CF10 4UW yn ystod oriau swyddfa arferol neu gellir eu cael yn rhad ac am ddim o'r cyfeiriad isod gan ddyfynnu'r cyfeirnod qA1282410.

Caiff unrhyw berson a dramgwyddir gan y Gorchymyn, ar y sail:

a. nad yw o fewn pwerau'r Ddeddf; neu

b. na chydymffurfiwyd ag un o ofynion gweithdrefnol y Ddeddf;

o fewn 6 wythnos i 17 Mai 2017, wneud cais i'r Uchel Lys at y diben hwnnw.

Gellir gweld copi o'r Gorchymyn a'r Hysbysiad ar www.llyw.cymru (Detholer: Deddfwriaeth/ Is-ddeddfwriaeth/ Offerynnau Anstatudol/ Trafnidiaeth/ Deddf Cynllunio Gwlad a Thref: Gorchmynion Cau/ 2017).

Gellir cael copi print bras o'r Hysbysiad hwn oddi wrth: Y Gangen Orchmynion, Trafnidiaeth, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

M D BURNELL
Trafnidiaeth
Llywodraeth Cymru

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (TY-TO-MAEN CLOSE, OLD ST MELLONS, CARDIFF) ORDER 2017

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 length of highway described in Schedule 1 to this Notice and provide the new length of highway described in Scheduled 2, to enable the development described in Schedule 3 to be carried out. The Stopping Up of Highways (Ty-To-Maen Close, Old St Mellons, Cardiff) Order 2017 ("the Order"), will cease to have effect if planning permission in respect of the development expires or is revoked.

Copies of the draft Order and the deposited plan may be inspected free of charge at the office of Cardiff Council, County Hall, Atlantic Wharf, Cardiff CF10 4UW during normal office hours or may be obtained free of charge from the address below quoting reference qA1282410.

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 17 May 2017 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/ 2017).

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

YR ATODLENNI

ATODLEN 1
(Bras amcan yw pob mesuriad)

Disgrifiad o'r darn o briffordd sydd i'w gau o dan y Gorchymyn hwn

Darn afreolaidd ei siâp o briffordd ym mhen mwyaf gorllewinol Clos Tŷ-to-maen, Pentre Llaneirwg, Caerdydd ac sy'n gyfagos i ochr ogleddol y Clos, sy'n 53.6 o fetrau yn y man hiraf ac yn 5 metr yn y man lletaf ac a ddangosir â llinellau sebra ar y plan a adneuwyd.

ATODLEN 2

Disgrifiad o'r darn o briffordd newydd sydd i'w ddarparu

Darn o briffordd i'r gorllewin o ffordd bengaead Clos Tŷ-to-maen, Pentre Llaneirwg, Caerdydd sy'n 38.3 o fetrau yn y man hiraf ac yn 8.46 metr yn y man lletaf ac a ddangosir â dotwaith ar y plan a adneuwyd.

ATODLEN 3

Y Datblygiad

Datblygu 8 annedd yng Nghlos Tŷ-to-maen, Pentre Llaneirwg, Caerdydd. Mae'r cynnig yn cynnwys 6 annedd i'w gwerthu ar y farchnad agored a 2 annedd fforddiadwy, a gwaith cysylltiedig o ran tirlunio, creu mynediad a gwaith ffordd, yn unol â chaniatâd cynllunio a roddwyd o dan Ran 3 o Ddeddf 1990 gan y Cyngor ar 25 Ionawr 2017 o dan y cyfeirnod 16/01592/MJR.

SCHEDULES

SCHEDULE 1
(All measurements are approximate)

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

An irregular shaped length of highway located at the far western end and adjacent to the northern side of Ty-To-Maen Close, Old St Mellons, Cardiff, with a maximum length of 53.6 metres and a maximum width of 5 metres and shown as zebra hatching on the deposited plan.

SCHEDULE 2

Description of the length of new highway to be provided

A length of highway located to the west of the Ty-To-Maen Close cul-de-sac, Old St Mellons, Cardiff with a maximum length of 38.3 metres and a maximum width of 8.46 metres and shown in stipple hatching on the deposited plan.

SCHEDULE 3

The Development

Development of 8 dwellings at Ty-To-Maen Close, Old St Mellons, Cardiff. Proposal includes 6 open market sale and 2 affordable dwellings, associated landscaping, access and highways works, in accordance with planning permission granted under Part 3 of the 1990 Act by the Council on 25 January 2017 under reference number 16/01592/MJR