

HIGHWAYS, WALES

2013 No. 55

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (U2330, CEFN COCH, LLANFAIR CAEREINION, WELSHPOOL, POWYS) ORDER 2013

Made 10 January 2013

Coming into Force 18 January 2013

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 (U2330, Cefn Coch, Llanfair Caereinion, Welshpool, Powys) Order 2013.

(2) In this Order:-

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

“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 adnewwyd*”) means the plan entitled “The Stopping Up of Highways (U2330, Cefn Coch, Llanfair Caereinion, Welshpool, Powys) Order 2013” which accompanies 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 and 5, the Welsh Ministers authorise the stopping up of the area 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 3 of the 1990 Act by the Council on 9 March 2012, under reference number M/2007/0931 and described in Schedule 4 to this Order .

New Highways

3. There shall be created, to the reasonable satisfaction of the Council, the areas of new highway described in Schedule 2 to this Order and shown by stipple marking on the deposited plan, which is to be highway which, for the purposes of the Highways Act 1980 (2), is to be highway maintainable at the public expense and the Council is to be the highway authority for it

Improved Highway

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

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

5. The area 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 the means whereby the area of highway is to be stopped up;

(b) the developer has provided the new highways described in Schedule 2 to this Order to the reasonable satisfaction of the Council;

(c) the development in Schedule 4 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 the provisions of (a), (b) and (c) of this article have been fulfilled.

Statutory Undertakers and Providers

6. Where immediately before the area of highway is 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

7. If the development in Schedule 2 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 such period, this Order ceases to have effect upon the cessation of the planning permission.

Signed under authority of the Minister for Local Government and Communities, one of the Welsh Ministers.

Dated 10 January 2013

R 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.
- (3) 1980 c.66.

SCHEDULES

SCHEDULE 1

(All measurements are approximate)

**Description of the area of Highway to be Stopped
Up under the Order**

An irregular shaped area of the unnamed highway U2330 adjacent to its junction with the C2013, running between points A and B on the deposited plan, having a maximum length of 98 metres, a maximum width of 15 metres and a total area of 745 square metres.

SCHEDULE 2

**Description of the new areas of Highway to be
provided**

- i) An irregular shaped area of new highway to the north of the unnamed highway U2330, running between points B and C on the deposited plan, having a maximum length of 120 metres, a maximum width of 8.5 metres and a total area of 615 square metres.
- ii) An irregular shaped area of new highway to the south of the unnamed highway U2330, running between points D and E on the deposited plan, having a maximum length of 48 metres, a maximum width of 15 metres and a total area of 630 square metres.

SCHEDULE 3

Description of the Highway to be improved

An irregular shaped area of the unnamed highway U2330, running between points F and G on the deposited plan, having a maximum length of 130 metres, a maximum width of 7 metres and a total area of 715 square metres.

SCHEDULE 4

The Development

Construction of 12 wind turbine generators, crane hardstandings, access tracks, electricity substation and anemometer mast together with engineering operations involving three borrow pits and underground electricity cable network.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (U2330, CEFN COCH, LLANFAIR CAEREINION, WELSHPOOL, POWYS) ORDER 2013

NOTICE IS HEREBY GIVEN that the Welsh Ministers have made an Order under section 247 of the Town and Country Planning Act 1990 to authorise the stopping up of the area of highway described in Schedule 1 to this Notice, to provide the new areas of highway described in Schedule 2 to this Notice and to improve the area of highway described in Schedule 3 to this Notice.

The stopping up is authorised to enable the development in Schedule 4 to be carried out. The Stopping Up of Highways (U2330, Cefn Coch, Llanfair Caereinion, Welshpool, Powys) Order 2013 (“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 at Carno Post Office, Spar Store, Caersws, Powys SY17 5LH during normal office hours or may be obtained free of charge from the address below quoting reference qA1028571.

If any person desires to question the validity of or provisions within the Order, they may do so on the following grounds:

- a. The Order is not within the powers of the Town and Country Planning Act 1990; or

- b. That an interest has been substantially prejudiced by a failure to comply with any of the requirements of the 1990 Act.

A person may, within 6 weeks of 18 January 2013, apply to the High Court for the suspension or quashing of the Order or of any provision in the Order provided grounds a. or b. are satisfied.

A copy of the Order and Notice can be viewed at www.wales.gov.uk (Select: Legislation/Subordinate legislation/Non-Statutory Instruments/Transport Wales/TCPA Stopping Up Orders/ 2013).

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

MD BURNELL
Transport
Welsh Government

SCHEDULES

SCHEDULE 1

(All measurements are approximate)

Description of the area of Highway to be Stopped Up under the Order

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SCHEDULE 3

Description of the Highway to be improved

An irregular shaped area of the unnamed highway U2330, running between points F and G on the deposited plan, having a maximum length of 130 metres, a maximum width of 7 metres and a total area of 715 square metres.

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