

HIGHWAYS, WALES

2012 No.30

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (FORMER VALE OF NEATH PUBLIC HOUSE, FABIAN WAY, PORT TENNANT, SWANSEA) ORDER 2012

Made 20 June 2012

Coming Into Force 25 June 2012

The Welsh Ministers make this Order in exercise of their powers under section 247 of the Town and Country Planning Act 1990 (1) (hereinafter referred to as "the Act of 1990") and of all other enabling powers (2).

1. In this Order: -

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

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

"the deposited plan" ("y *plan a adnewydd*") means the plan entitled "The Stopping Up of Highways (Former Vale of Neath Public House, Fabian Way, Port Tennant, Swansea) Order 2012" which accompanies this Order.

2. Subject to the provisions of articles 3, 4, 5 and 6 of this Order, the Welsh Ministers authorise the stopping up of the area of highway described in Schedule 1 to this Order and shown with zebra hatched lines on the deposited map, being satisfied that the stopping up is necessary to enable the development described in Schedule 2 to this Order to be carried out in accordance with planning permission granted under Part III of the Act of 1990 by the Council on 12 October 2011 under reference 2011/1028.

3. The area of highway described in Schedule 1 to this Order may 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 are to be stopped up;
- (b) the development referred to in Schedule 2 of this Order has commenced and the developer has informed the Council in writing of the

necessity to close the area of highway to allow the development to proceed; and

- (c) the Council has confirmed in writing to the developer that the provisions of (a) and (b) of this article have been fulfilled.

4. Where, immediately before the area of highway is stopped up in pursuance of this Order, there is under, in, on, over, along or across that highway any apparatus of statutory undertakers or public communications providers then, (subject to section 261(4) of the Act of 1990), the undertakers or providers are to continue to have the same rights in respect of the apparatus as they had before the stopping up.

5. If the development referred to in Schedule 2 of this Order has not begun within the relevant period specified in Part III of the Act of 1990 as being the duration of the planning permission or the permission is revoked before the end of such period, this Order will cease to have effect upon cessation of the planning permission

6. This Order will come into operation on the date on which notice that it has been made is first published in accordance with section 252 (10) of the Act of 1990. The title to this Order is The Stopping Up of Highways (Former Vale of Neath Public House, Fabian Way, Port Tennant, Swansea) Order 2012.

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

Dated 20 June 2012

R MORGAN
Head of Asset Management and Standards
Welsh Government

(1) 1990 c.8.

(2) By virtue of S.I. 1999/672, Article 2 and Schedule 1 and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006, these powers are now exercisable by the Welsh Ministers in relation to Wales.

SCHEDULES

SCHEDULE 1

(All measurements are approximate)

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

A rectangular area of highway at the junction of Fabian Way and Wern Terrace, adjacent to the south west side of the former Vale of Neath public house, having a maximum length of 10 metres, a maximum width of 6 metres and a total area of 60 square metres.

SCHEDULE 2

Proposed Development

Change of use from public house to 4 one bedroom flats and 4 two bedroom flats with associated two storey extension and parking for 8 vehicles.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (FORMER VALE OF NEATH PUBLIC HOUSE, FABIAN WAY, PORT TENNANT, SWANSEA) ORDER 2012

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.

The stopping up will be authorised only in order to enable the development described in Schedule 2 of this Notice to be carried out. The Order will cease to have effect if the planning permission expires or is revoked.

During the 6 weeks from 25 June 2012, copies of the Order and the deposited map may be inspected free of charge at St Thomas Library, Grenfell Park Road, St Thomas, Swansea SA1 8EZ or may be obtained free of charge from the address below quoting the Welsh Government reference qA999214.

If any person desires to question the validity of the Order, or of any of the provisions contained therein, on the grounds:

- a. that it is not within the powers of the Town and Country Planning Act 1990; or
- b. that their interests have been substantially prejudiced by a failure to comply with any requirements of the Act.

that person may, within 6 weeks of 25 June 2012, apply to the High Court for the suspension or quashing of the Order or of any provision contained therein.

A copy of the Order and Notice can be viewed at the Welsh Government's website at www.wales.gov.uk . (Select: Legislation / Subordinate Legislation/ Non-Statutory Instruments / Transport, Wales/ TCPA Stopping Up Orders/ 2012).

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

M D BURNELL
Transport
Welsh Government

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