

## HIGHWAYS, WALES

2012 NO.44

### TOWN AND COUNTRY PLANNING ACT 1990

#### THE STOPPING UP OF HIGHWAYS (HIGHVIEW ROAD AND CHICHESTER ROAD, PENARTH, VALE OF GLAMORGAN) ORDER 2012

*Made* 24 September 2012

*Coming into Force* 1 October 2012

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 (Highview Road and Chichester Road, Penarth, Vale of Glamorgan) Order 2012.

(2) In this Order:-

“the Council” (“*y Cyngor*”) means the Vale of Glamorgan 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 (Highview Road and Chichester Road, Penarth, Vale of Glamorgan) Order 2012” which accompanies this Order; and

“the 1990 Act” (“*Y Ddeddf 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 areas 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 20 April 2010 under reference number 2007/00295/FUL and described in Schedule 2 to this Order.

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

3. The areas 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 areas of highway are to be stopped up;

(b) the development in Schedule 2 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

(c) the Council has confirmed in writing to the developer that paragraphs (a) and (b) are satisfied.

**Statutory Undertakers and Providers**

4. Where immediately before the areas 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**

5. 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 24 September 2012

*R Morgan*

**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.

## **SCHEDULES**

**(All measurements are approximate)**

### **SCHEDULE 1**

#### **Description of the areas of highway to be stopped up under this Order**

- i. An irregularly shaped area of highway known as Highview Road in Penarth, in the Vale of Glamorgan, from its junction with Chichester Road in a north westerly direction to its cul-de-sac end, having a maximum length of 204.3 metres, maximum width of 17.2 metres and total area of 1466.4 square metres and indicated by 'A' to 'B' on the deposited plan.
- ii. An irregularly shaped area of highway known as Chichester Road in Penarth, in the Vale of Glamorgan, from the rear of the property 18 Plassey Street, in a north westerly direction to its cul-de-sac end, having a maximum length of 184.6 metres, maximum width of 11.3 metres and total area of 1103.3 square metres and indicated by 'C' to 'D' on the deposited plan.

### **SCHEDULE 2**

#### **The Development**

Demolition of existing flats and construction of 377 residential units and associated highway infrastructure and open space at Penarth Heights, off Harbour View Road, Penarth in the Vale of Glamorgan.

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **THE STOPPING UP OF HIGHWAYS (HIGHVIEW ROAD AND CHICHESTER ROAD, PENARTH, VALE OF GLAMORGAN) 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 areas of highway described in Schedule 1 to this Notice.

The stopping up is authorised to enable the development described in Schedule 2 to be carried out. The Stopping Up of Highways (Highview Road and Chichester Road, Penarth, Vale of Glamorgan) Order 2012 (“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 the Highways Department of the The Vale of Glamorgan Council, Planning and Transportation, Dock Offices, Barry Docks, Barry CF63 4RT during normal opening hours or may be obtained free of charge from the address below.

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

A person may, within 6 weeks of 1 October 2012, 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](http://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 Orders Branch, Transport, Welsh Government, Cathays Park, Cardiff CF10 3NQ.**

*M D Burnell*

**M D BURNELL**  
Transport  
Welsh Government

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## **SCHEDULE 2**

### **The Development**

Demolition of existing flats and construction of 377 residential units and associated highway infrastructure and open space at Penarth Heights, off Harbour View Road, Penarth in the Vale of Glamorgan, in accordance with planning permission granted by the Vale of Glamorgan Council under Part III of the Act of 1990, on 20 April 2010 under reference 2007/00295/FUL.