

HIGHWAYS, WALES

2012 NO. 47

TOWN AND COUNTRY PLANNING ACT 1990

**THE STOPPING UP OF HIGHWAYS (LAND AT
HEWELL COURT, GRANGETOWN, CARDIFF)
ORDER 2012**

Made 15 October 2012

Coming into force 22 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) (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 County Council of the City and County of Cardiff;

“the deposited plan” (“*y plan a adnewwyd*”) means the plan entitled “The Stopping Up of Highways (Land at Hewell Court, Grangetown, Cardiff) Order 2012” which accompanies this Order;

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

2. Subject to the provisions of articles 3, 4, 5 and 6 of this Order, the Welsh Ministers authorise the stopping up of the areas of highway described in Schedule 1 to this Order and shown by zebra hatching on the deposited plan, being satisfied that the stopping up is necessary to enable development to be carried out as described in Schedule 3 to this Order in accordance with planning permission granted under Part III of the Act of 1990 by the Council on 5 April 2012 under reference number 12/00170/DCI.

3. There shall be created, to the reasonable satisfaction of the Council, the improved highway described in Schedule 2 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 a highway maintainable at the public expense and the Council is to be the highway authority for it.

4. The areas 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 highway is to be stopped up;

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

(c) the development referred to in Schedule 3 to this Order 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.

5. Where immediately before the areas of highway are 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 will continue to have the same rights in respect of the apparatus as they had before the stopping up.

6. If the development referred to in Schedule 3 to 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 ceases to have effect upon the cessation of the planning permission.

7. This Order comes 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 and will be called The Stopping Up of Highways (Land at Hewell Court, Grangetown, Cardiff) Order 2012.

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

Dated

15 October 2012

RICHARD 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 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.
- (3) 1980 c.66

SCHEDULES

SCHEDULE 1

(All measurements are approximate)

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

A roughly square shaped area of all purpose highway totalling 306 square metres, with a maximum length of 17 metres and a maximum width of 18 metres, situated between the southern elevation of Nos.29-40 Hewell Court and the northern side of No.66 Oakley Place, Grangetown, Cardiff.

A rectangular shaped area of footway totalling 177 square metres, with a maximum length of 59 metres and a maximum width of 3 metres, that extends from the southern side of Bromsgrove Street to northern side of the rear of No.66 Oakley Place, Grangetown, Cardiff.

A rectangular shaped area of footpath totalling 51.8 square metres, with a maximum length of 37 metres and a maximum width of 1.4 metres, that extends in a south westerly direction from the northern side of No.26 Sevenoaks Street to the rear of No.66 Oakley Place, Grangetown, Cardiff.

SCHEDULE 2

Description of the area of highway to be improved

A rectangular shaped area of all purpose highway totalling 83.5 square metres situated on the eastern side of Oakley Place, between No.66 Oakley Place and Nos.29-40 Hewell Court, Grangetown, Cardiff.

SCHEDULE 3

Description of the proposed development

External improvements and alterations to Hewell Court, Grangetown, Cardiff including the extension of a courtyard area to increase the amenity value, provide modern drying facilities and external storage. Also, the provision of two large bin stores to accommodate food waste and recycling facilities.

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THE STOPPING UP OF HIGHWAYS (LAND AT
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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 and the provision of the area of improved highway described in Schedule 2.

The stopping up is authorised only in order to enable the development described in Schedule 3 to this Notice to be carried out. The Order ceases to have effect if the planning permission expires or is revoked.

Copies of the Order and the deposited plan may be inspected during normal office hours at Development Control, Cardiff Council, City Hall, Cathays Park, Cardiff or may be obtained free of charge from the address below quoting the Welsh Government reference qA1004078/1.

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 of the requirements of the Act;

that person may, within 6 weeks of 22 October 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 on 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 Orders Branch, Transport, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

M D BURNELL
Transport
Welsh Government

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