

PRIFFYRDD, CYMRU

2013 RHIF 27

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (TIR O  
FLAEN RHIFAU 28 – 38 TARWICK DRIVE,  
TROWBRIDGE, CAERDYDD) 2013

*Gwnaed* 15 *Tachwedd* 2013

*Yn dod i rym* 22 *Tachwedd* 2013

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 (Tir o Flaen Rhifau 28 – 38 Tarwick Drive, Trowbridge, Caerdydd) 2013.

(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;

ystyr "Deddf 1990" ("*the 1990 Act*") yw Deddf Cynllunio Gwlad a Thref 1990; ac

ystyr "y plan a adnewydd" ("*the deposited plan*") yw'r plan sy'n dwyn yr enw "Gorchymyn Cau Priffyrdd (Tir o Flaen Rhifau 28 – 38 Tarwick Drive, Trowbridge, Caerdydd) 2013" sy'n mynd 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.

**Cau Priffyrdd**

2. Yn ddarostyngedig i erthyglau 3, 4, 5 a 6 mae Gweinidogion Cymru yn awdurdodi cau'r rhannau o briffordd a ddisgrifir yn Atodlen 1 ac a ddangosir â llinellau sebra ar y plan a adnewydd. Mae Gweinidogion Cymru wedi eu bodloni ei bod yn angenrheidiol cau'r briffordd i alluogi'r datblygiad i gael ei wneud yn unol â'r caniatâd cynllunio a roddwyd o dan Ran III o Ddeddf 1990 gan y Cyngor ar 24 Ebrill 2013 o dan gyfeirnod rhif 12/02137/DCO, ac

HIGHWAYS, WALES

2013 NO. 27

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (LAND  
FRONTING NOS. 28 – 38 TARWICK DRIVE,  
TROWBRIDGE, CARDIFF) ORDER 2013

*Made* 15 *November* 2013

*Coming into Force* 22 *November* 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 (Land Fronting Nos. 28 – 38 Tarwick Drive, Trowbridge, Cardiff) Order 2013.

(2) In this Order:-

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

"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 adnewydd*") means the plan entitled "The Stopping Up of Highways (Land Fronting Nos.28 – 38 Tarwick Drive, Trowbridge, Cardiff) 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, 5 and 6 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 III of the 1990 Act by the Council on 24 April 2013 under reference number 12/02137/DCO and described in Schedule 4

a ddisgrifir yn Atodlen 4 i'r Gorchymyn hwn.

### **Priffordd(Priffyrdd) Newydd/Wedi ei(eu) Gwella**

3. Crëir, er boddhad rhesymol y Cyngor, y briffordd newydd a ddisgrifir yn Atodlen 2 ac a ddangosir â dotwaith ar y plan a adneuwyd, a'r priffyrdd y gwneir gwelliannau iddynt a ddisgrifir yn Atodlen 3 ac a ddangosir â chroeslinellau ar y plan a adneuwyd, a bydd y priffyrdd hyn, at ddibenion Deddf Priffyrdd 1980(2), yn briffyrdd sydd i'w cynnal ar draul y pwrs cyhoeddus, a'r Cyngor fydd yr awdurdod priffyrdd ar eu cyfer.

### **Y Darpariaethau sy'n Angenrheidiol neu'n Hwylus cyn Cau'r Priffyrdd ac ar gyfer Darparu neu Wella'r Priffyrdd**

4. Ni chaniateir cau'r rhannau o briffordd yn Atodlen 1:-

(a) hyd nes y bydd y datblygwr wedi darparu, er boddhad rhesymol y Cyngor, y priffyrdd newydd ac wedi eu gwella a ddisgrifir yn Atodlenni 2 a 3;

(b) hyd nes y bydd y datblygwr wedi darparu, er boddhad rhesymol y Cyngor, blaniau sy'n dangos drwy ba fodd y bwriedir cau'r rhannau o'r briffordd;

(c) hyd nes y bydd y datblygiad yn Atodlen 4 wedi ei ddechrau a bod y datblygwr wedi hysbysu'r Cyngor yn ysgrifenedig ei bod yn angenrheidiol cau'r briffordd i alluogi'r datblygiad i 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.

### **Ymgwymerwyr a Darparwyr Statudol**

5. Pan fo gan ymgwymerwyr statudol neu ddarparwyr system gyfathrebu gyhoeddus unrhyw gyfarpar o dan y priffyrdd, ynddynt, amynt, drostynt, ar eu hyd neu ar eu traws yn union cyn cau'r rhannau o briffordd, yna (yn ddarostyngedig i adran 261(4) o Ddeddf 1990), bydd gan yr ymgwymerwyr neu'r darparwyr yr un hawliau o hyd mewn cysylltiad â'r cyfarpar ag a oedd ganddynt cyn cau'r priffyrdd.

### **Cyfnod Para'r Gorchymyn hwn**

6. Os na fydd y datblygiad yn Atodlen 4 wedi ei ddechrau o fewn y cyfnod perthnasol a bennir yn Rhan III o Ddeddf 1990 fel cyfnod para'r caniatâd cynllunio, neu os yw'r caniatâd yn cael ei ddirymu cyn diwedd y cyfnod hwnnw, bydd y Gorchymyn hwn yn peidio â chael effaith pan ddaw'r caniatâd cynllunio i ben.

to this Order.

### **New/Improved Highway(s)**

3. There shall be created, to the reasonable satisfaction of the Council, the new highway described in Schedule 2 shown by stipple marking on the deposited plan and the improved highways described in Schedule 3 shown by cross hatching on the deposited plan; which are to be highways that, for the purposes of the Highways Act 1980(2), are highways maintainable at the public expense and the Council will be the highway authority for them.

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

4. 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, the new and improved highways described in Schedules 2 and 3;

(b) 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;

(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 paragraphs (a), (b) and (c) are satisfied.

### **Statutory Undertakers and Providers**

5. 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**

6. If the development in Schedule 4 has not begun within the relevant period specified in Part III 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.



Llofnodwyd o dan awdurdod Gweinidog yr Economi, Gwyddoniaeth a Thrafnidiaeth, un o Weinidogion Cymru.

Dyddiedig 15 Tachwedd 2013



**RICHARD MORGAN**  
Pennaeth Rheoli Asedau a Safonau  
Llywodraeth Cymru

- (1) 1990 p. 8. Yn rhinwedd O.S. 1999/672, erthygl 2 ac Atodlen 1, 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.
- (2) 1980 p.66.

## YR ATODLENNI

### ATODLEN 1

(Bras amcan yw pob mesuriad)

#### Disgrifiad o'r rhannau o briffordd sydd i'w cau o dan y Gorchymyn hwn

Rhan sydd fwy neu lai yn betryal ei siâp o droetffordd a phriffordd at bob diben a'i hyd ar y mwyaf yn 18 o fetrau a'i lled ar y mwyaf yn 2 fetr, ac sydd o flaen Rhifau 28 – 32 Tarwick Drive, Trowbridge, Caerdydd.

Rhan afreolaidd ei siâp o droetffordd a phriffordd at bob diben a'i hyd ar y mwyaf yn 18 o fetrau a'i lled ar y mwyaf yn 13 o fetrau, ac sydd i'r dwyrain o Rif 38 Tarwick Drive a chyferbyn â Rhifau 25 – 33 Tarwick Drive, Trowbridge, Caerdydd.

### ATODLEN 2

#### Disgrifiad o'r rhan newydd o briffordd sydd i'w darparu

Rhan afreolaidd ei siâp o briffordd at bob diben sy'n mesur cyfanswm o 189 o fetrau sgwâr sydd i'r dwyrain o Rifau 28 – 34 Tarwick Drive ac i'r gogledd-ddwyrain o Rifau 36 – 38 Tarwick Drive, Trowbridge, Caerdydd.

### ATODLEN 3

#### Disgrifiad o'r rhannau o briffordd sydd i'w gwella

Rhan betryal ei siâp o briffordd at bob diben sy'n mesur cyfanswm o 56.5 o fetrau sgwâr sydd i'r dwyrain o Rif 28 Tarwick Drive a chyferbyn â phen deheuol Rhif 26 Tarwick Drive, Trowbridge, Caerdydd.

Signed under authority of the Minister for Economy, Science and Transport, one of the Welsh Ministers.

Dated 15 November 2013



**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.
- (2) 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 rectangular shaped area of footway and all purpose highway with a maximum length of 18 metres and a maximum width of 2 metres, fronting Nos.28 – 32 Tarwick Drive, Trowbridge, Cardiff.

An irregularly shaped area of footway and all purpose highway with a maximum length of 18 metres and a maximum width of 13 metres, situated to the east of No. 38 Tarwick Drive and opposite Nos.25 – 33 Tarwick Drive, Trowbridge, Cardiff.

### SCHEDULE 2

#### Description of the new area of highway to be provided

An irregularly shaped area of all purpose highway totalling 189 square metre situated east of Nos.28 – 34 Tarwick Drive and north east of Nos. 36 – 38 Tarwick Drive, Trowbridge, Cardiff.

### SCHEDULE 3

#### Description of the areas of highway to be improved

A rectangular shaped area of all purpose highway totalling 56.5 square metres situated to the east of No. 28 Tarwick Drive and opposite the southern end of No. 26 Tarwick Drive, Trowbridge, Cardiff.

Rhan drionglog ei siâp o briffordd at bob diben sy'n mesur cyfanswm o 6 metr sgwâr ac sydd i'r gogledd-ddwyrain o Rif 38 Tarwick Drive, Trowbridge, Caerdydd.

**ATODLEN 4**  
**Y Datblygiad**

Estyn gerddi blaen Rhifau 28 – 32 Tarwick Drive i ddarparu parcio ar y plot, mynedfa a lleoedd parcio ychwanegol ar gyfer Rhifau 34 – 38 Tarwick Drive, Trowbridge, Caerdydd.

A triangular shaped area of all purpose highway totalling 6 square metres situated to the north east of No. 38 Tarwick Drive, Trowbridge, Cardiff

**SCHEDULE 4**  
**The Development**

Extension of the front gardens to Nos.28 – 32 Tarwick Drive to provide on-plot parking and the provision of access and additional parking bays for Nos.34 – 38 Tarwick Drive, Trowbridge, Cardiff.

ELLESMEERE COURT

The Welsh Ministers hereby certify that this is the plan referred to in The Stopping Up of Highways (Land Fronting Nos. 28 – 38 Tarwick Drive, Trowbridge, Cardiff) Order 2013

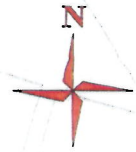
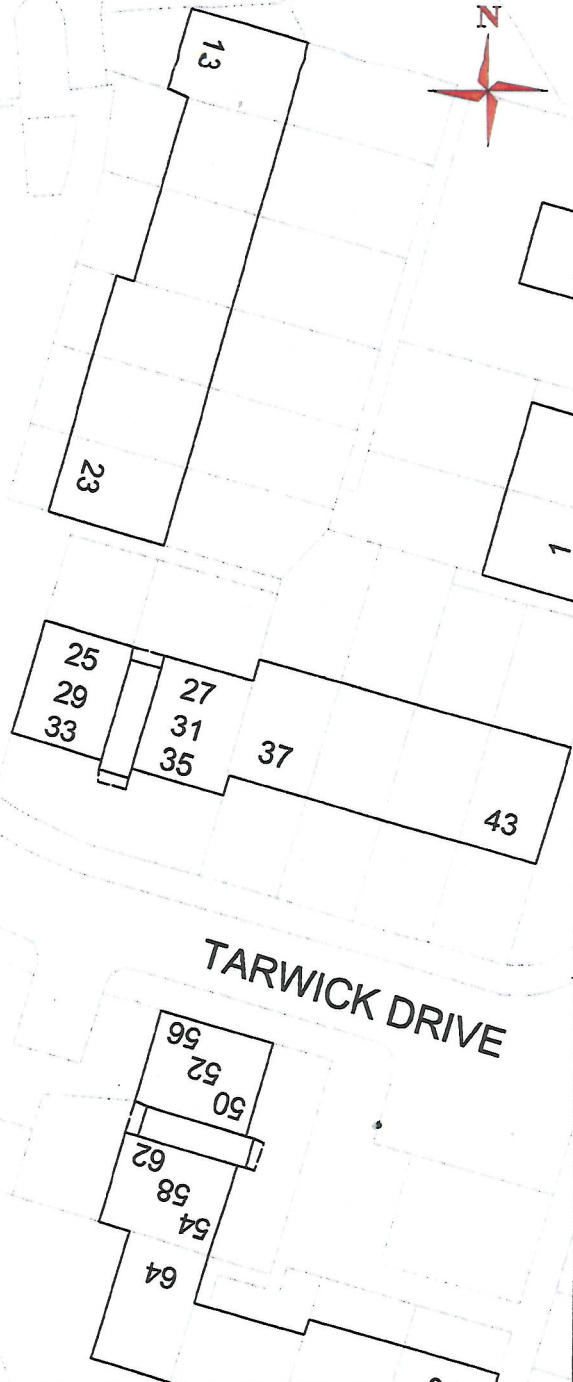
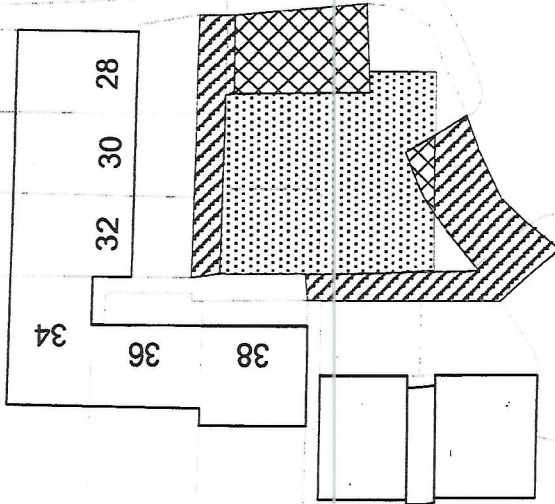
Mae Gweinidogion Cymru drwy hyn yn ardystio mai dyma'r plan y cyfeirir ato yng Ngorchymyn Cau Priffyrdd (Tir o Flaen Rhifau 28 – 38 Tarwick Drive, Trowbridge, Caerdydd) 2013

Dated/ Dyddiedig: 15 November/Tachwedd 2013

RICHARD MORGAN  
Head of Asset Management and Standards/ Pennaeth Rheoli Asedau a Safonau  
Welsh Government/ Llywodraeth Cymru

ESFORD CLOSE

1



CARDIFF COUNCIL  
CYNGOR CAERDYDD

Proposed Order Plan

- KEY**
-  Highway to be stopped up
  -  New highway
  -  Improved highway

Title: 28-38 Tarwick Drive  
Drawn by: Nicky Scott  
Date: 18 July, 2013  
Grid Ref: 315633 180013  
Scale: 1:500

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**DEDDF CYNLLUNIO GWLAD A THREF 1990**

**GORCHYMYN CAU PRIFFYRDD (TIR O  
FLAEN RHIFAU 28 – 38 TARWICK DRIVE,  
TROWBRIDGE, CAERDYDD) 2013**

Mae Gweinidogion Cymru wedi gwneud Gorchymyn o dan adran 247 o Ddeddf Cynllunio Gwlad a Thref 1990 ("y Ddeddf") i awdurdodi cau'r rhannau o briffordd a ddisgrifir yn Atodlen 1 i'r Hysbysiad hwn, i ddarparu'r rhan newydd o briffordd a ddisgrifir yn Atodlen 2 ac i wella'r rhannau o briffordd a ddisgrifir yn Atodlen 3. Bydd hynny'n galluogi'r datblygiad yn Atodlen 4 i gael ei wneud. Bydd Gorchymyn Cau Priffyrdd (Tir o Flaen Rhifau 28 – 38 Tarwick Drive, Trowbridge, Caerdydd) 2013 ("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 gopiâu o'r Gorchymyn a'r plan a adneuwyd yn rhad ac am ddim yn ystod oriau swyddfa arferol yn Swyddfeydd Rheoli Datblygu, Cyngor Caerdydd, Neuadd y Ddinas, Parc Cathays, Caerdydd CF10 3ND, neu gellir eu cael yn rhad ac am ddim o'r cyfeiriad isod gan ddyfynnu'r cyfeirnod qA1117025/1.

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 gweithdrefinol y Ddeddf;

wneud cais o fewn 6 wythnos i 22 Tachwedd 2013 at y diben hwnnw i'r Uchel Lys.

Gellir gweld copi o'r Gorchymyn a'r Hysbysiad yn [www.cymru.gov.uk](http://www.cymru.gov.uk) (Detholer: [Deddfwriaeth/Is-ddeddfwriaeth/Offerynnau](http://Deddfwriaeth/Is-ddeddfwriaeth/Offerynnau) Anstatudol/Trafnidiaeth, Cymru/Gorchymynion Cau TCPA/2013).

**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 (LAND  
FRONTING NOS. 28 - 38 TARWICK DRIVE,  
TROWBRIDGE, CARDIFF) ORDER 2013**

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 areas of highway described in Schedule 1 to this Notice, to provide the new area of highway described in Schedule 2 and to improve the areas of highway described in Schedule 3 to enable the development in Schedule 4 to be carried out. The Stopping up of Highways (Land Fronting Nos.28 – 38 Tarwick Drive, Trowbridge, Cardiff) 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 during normal office hours at Development Control, Cardiff Council, City Hall, Cathays Park, Cardiff CF10 3ND or may be obtained free of charge from the address below quoting reference qA1117025/1.

If a person is aggrieved by the Order, on the grounds 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 22 November 2013 make an application for the purpose to the High Court.

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/ 2013).

**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 rhannau o briffordd sydd i'w cau o dan y Gorchymyn hwn

Rhan sydd fwy neu lai yn betryal ei siâp o droetffordd a phriffordd at bob diben a'i hyd ar y mwyaf yn 18 o fetrau a'i lled ar y mwyaf yn 2 fetr, ac sydd o flaen Rhifau 28 – 32 Tarwick Drive, Trowbridge, Caerdydd.

Rhan afreolaidd ei siâp o droetffordd a phriffordd at bob diben a'i hyd ar y mwyaf yn 18 o fetrau a'i lled ar y mwyaf yn 13 o fetrau, ac sydd i'r dwyrain o Rif 38 Tarwick Drive a chyferbyn â Rhifau 25 – 33 Tarwick Drive, Trowbridge, Caerdydd.

### ATODLEN 2

#### Disgrifiad o'r rhan newydd o briffordd sydd i'w darparu

Rhan afreolaidd ei siâp o briffordd at bob diben sy'n mesur cyfanswm o 189 o fetrau sgwâr sydd i'r dwyrain o Rifau 28 – 34 Tarwick Drive ac i'r gogledd-ddwyrain o Rifau 36 – 38 Tarwick Drive, Trowbridge, Caerdydd.

### ATODLEN 3

#### Disgrifiad o'r rhannau o briffordd sydd i'w gwella

Rhan betryal ei siâp o briffordd at bob diben sy'n mesur cyfanswm o 56.5 o fetrau sgwâr sydd i'r dwyrain o Rif 28 Tarwick Drive a chyferbyn â phen deheuol Rhif 26 Tarwick Drive, Trowbridge, Caerdydd.

Rhan drionglog ei siâp o briffordd at bob diben sy'n mesur cyfanswm o 6 metr sgwâr ac sydd i'r gogledd-ddwyrain o Rif 38 Tarwick Drive, Trowbridge, Caerdydd.

### ATODLEN 4

#### Y Datblygiad

Estyn gerddi blaen Rhifau 28 – 32 Tarwick Drive i ddarparu parcio ar y plot, mynedfa a lleoedd parcio ychwanegol ar gyfer Rhifau 34 – 38 Tarwick Drive, Trowbridge, Caerdydd yn unol â'r caniatâd cynllunio a roddwyd o dan Ran III o'r Ddeddf gan Gyngor Caerdydd ar 24 Ebrill 2013 o dan y rhif cyfeirnod 12/02137/DCO.

## SCHEDULES

### SCHEDULE 1 (All measurements are approximate)

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

A roughly rectangular shaped area of footway and all purpose highway with a maximum length of 18 metres and a maximum width of 2 metres, fronting Nos.28 – 32 Tarwick Drive, Trowbridge, Cardiff.

An irregularly shaped area of footway and all purpose highway with a maximum length of 18 metres and a maximum width of 13 metres, situated to the east of No. 38 Tarwick Drive and opposite Nos.25 – 33 Tarwick Drive, Trowbridge, Cardiff.

### SCHEDULE 2

#### Description of the new area of highway to be provided

An irregularly shaped area of all purpose highway totalling 189 square metres situated east of Nos.28 – 34 Tarwick Drive and north east of Nos. 36 – 38 Tarwick Drive, Trowbridge, Cardiff.

### SCHEDULE 3

#### Description of the areas of highway to be improved

A rectangular shaped area of all purpose highway totalling 56.5 square metres situated to the east of No. 28 Tarwick Drive and opposite the southern end of No. 26 Tarwick Drive, Trowbridge, Cardiff.

A triangular shaped area of all purpose highway totalling 6 square metres situated to the north east of No. 38 Tarwick Drive, Trowbridge, Cardiff

### SCHEDULE 4

#### The Development

Extension of the front gardens to Nos.28 – 32 Tarwick Drive to provide on-plot parking and the provision of access and additional parking bays for Nos.34 – 38 Tarwick Drive, Trowbridge, Cardiff in accordance with planning permission granted under Part III of the Act by Cardiff Council on 24 April 2013 under reference number 12/02137/DCO.