

HIGHWAYS, WALES

2016 NO. 2

TOWN AND COUNTRY PLANNING ACT 1990

**THE STOPPING UP OF HIGHWAYS (PUMPING
STATION, HENRY MORGAN CLOSE,
DUFFRYN, NEWPORT) ORDER 2016**

Made 25 January 2016

Coming into Force 28 January 2016

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 (Pumping Station, Henry Morgan Close, Duffryn, Newport) Order 2016.

(2) In this Order:-

“the Council” (“*y Cyngor*”) means Newport City 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 adnewyd*”) means the plan entitled “The Stopping Up of Highways (Pumping Station, Henry Morgan Close, Duffryn, Newport) Order 2016” 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 III of the 1990 Act by the Council on 5 December 2013 under

reference number 13/0938 and described in Schedule 2 to this Order.

Provisions Necessary or Expedient before Stopping Up

3. The area of highway described in Schedule 1 must not be stopped up until:-

(a) the developer has provided, to the reasonable satisfaction of the Council, plans showing how the area of highway is to be stopped up;

(b) the development described in Schedule 2 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

(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 area of highway is stopped up, there is under, in, on, over, along or across the highway 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 described in Schedule 2 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 that period, this Order ceases to have effect.

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

Dated 25 January 2016

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.

SCHEDULES

SCHEDULE 1

(All measurements are approximate)

Description of the area of highway to be stopped up under this Order at the Pumping Station, Henry Morgan Close, Duffryn, Newport in the City of Newport

A rectangular shaped area of highway (cul-de-sac) on the site of an existing pumping station forming part of the access road known as Henry Morgan Close, Duffryn, Newport with a maximum length of 16.5 metres, a maximum width of 5.1 metres and a total area of 84.15 square metres.

SCHEDULE 2

The Development

The installation of a new external central boiler plant room to house a new biomass boiler at the site of an existing pumping station at Henry Morgan Close, Duffryn, Newport.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (PUMPING STATION, HENRY MORGAN CLOSE, DUFFRYN, NEWPORT) ORDER 2016

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 area of highway described in Schedule 1 to this Notice to enable the development in Schedule 2 to be carried out. The Stopping Up of Highways (Pumping Station, Henry Morgan Close, Duffryn, Newport) Order 2016 (“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 Newport City Council, Planning Department, Civic Centre, Newport NP20 4UR or may be obtained free of charge from the address below quoting reference qA1224336/1.

If a person is aggrieved by the Order, on the ground 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 28 January 2016 make an application for the purpose to the High Court.

A copy of the Order and Notice can be viewed at www.gov.wales (Select: Legislation/ Subordinate legislation/ Non-Statutory Instruments/ Transport Wales/ TCPA Stopping Up Orders/2016).

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

MD BURNELL
Transport
Welsh Government

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The Development

The installation of a new external central boiler plant room to house a new biomass boiler at the site of an existing pumping station at Henry Morgan Close, Duffryn, Newport in accordance with the planning permission granted under Part III of the Town and Country Planning Act 1990 by Newport City Council on 5 December 2013 under reference number 13/0938.