PRIFFYRDD, CYMRU

2017 Rhif 1

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (FFORDD WATKISS, BAE CAERDYDD, CAERDYDD) 2017

Gwnaed *11 Ionawr 2017*

Yn dod i rym *13 Ionawr 2017*

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 (Ffordd Watkiss, Bae Caerdydd, Caerdydd) 2017.

(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;

ystyr "y plan a adneuwyd" ("*the deposited plan*") yw'r plan sy'n dwyn yr enw "Gorchymyn Cau Priffyrdd (Ffordd Watkiss, Bae Caerdydd, Caerdydd) 2017" sy'n dod 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.

(1) 1990 p.8. Diwygiwyd gan adran 20(4) o Ddeddf Llywodraeth Leol (Cymru) 1994 (p.19) a pharagraff 24 o Atodlen 6 iddi ac erthygl 5(b) o Orchymyn Deddf Cynllunio a Phrynu Gorfodol 2004 (Cychwyn Rhif 9 a Darpariaethau Canlyniadol) 2006/1281. Yn rhinwedd erthygl 2 o O.S. 1999/672, ac Atodlen 1 iddo, 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.

HIGHWAYS, WALES

2017 No. 1

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (WATKISS WAY, CARDIFF BAY, CARDIFF) ORDER 2017

Made *11 January 2017*

Coming into Force *13 January 2017*

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 (Watkiss Way, Cardiff Bay, Cardiff) Order 2017.

(2) In this Order:-

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

"the deposited plan" ("*y plan a adneuwyd*") means the plan entitled "The Stopping Up of Highways (Watkiss Way, Cardiff Bay, Cardiff) Order 2017" which accompanies this Order;

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

"the 1990 Act" ("*Y 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.

(1) 1990 c. 8. Amended by section 20(4) of, and paragraph 24 of Schedule 6 to, the Local Government (Wales) Act 1994 (c.19) and article5(b) of the Planning and Compulsory Purchase Act 2004 (Commencement No. 9 and Consequential Provisions) Order 2006/1281.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.

Cau Priffordd

2. Yn ddarostyngedig i erthyglau 3, 4, 5 a 6 o'r Gorchymyn hwn, mae Gweinidogion Cymru yn awdurdodi cau'r darn o briffordd a ddisgrifir yn Atodlen 1 ac a ddangosir â llinellau sebra ar y plan a adneuwyd. Mae Gweinidogion Cymru wedi eu bodloni bod angen cau'r briffordd er mwyn gwneud y datblygiad yn unol â'r caniatâd cynllunio a roddwyd o dan Ran 3 o Ddeddf 1990 gan y Cyngor ar 29 Medi 2010 o dan y cyfeirnod 08/02191/C; ar 8 Awst 2014 o dan y cyfeirnodau 13/00310/DCI, 13/01631/DCI ac 13/02547/DCI, ac ar 26 Mai 2016 o dan y cyfeirnod 15/01463/MJR ac a ddisgrifir yn Atodlen 3 i'r Gorchymyn hwn.

Priffordd Newydd

3. Rhaid creu, er boddhad rhesymol y Cyngor, y darn newydd o briffordd a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn, ac a ddangosir â dotwaith ar y plan a adneuwyd, sy'n briffordd sydd, at ddibenion Deddf Priffyrdd 1980(2), i'w chynnal a'i chadw ar draul y pwrs cyhoeddus. Y Cyngor fydd yr awdurdod priffyrdd ar ei chyfer.

Y Darpariaethau sy'n Angenrheidiol neu'n Hwylus cyn Cau Priffordd ac ar gyfer Darparu'r Briffordd

4. Ni chaniateir cau'r darn o briffordd a ddisgrifir yn Atodlen 1:-

(a) hyd nes y bydd y datblygwr wedi darparu, er boddhad rhesymol y Cyngor, blaniau sy'n dangos sut y mae'r darn o'r briffordd a ddisgrifir yn Atodlen 1 i'w gau;

(b) hyd nes y bydd y datblygwr wedi darparu'r briffordd newydd a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn er boddhad rhesymol y Cyngor;

(c) hyd nes y bydd y datblygiad a ddisgrifir yn Atodlen 3 wedi ei ddechrau a bod y datblygwr wedi hysbysu'r Cyngor yn ysgrifenedig ei bod yn angenrheidiol cau'r briffordd a ddisgrifir yn Atodlen 1 er mwyn i'r datblygiad 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.

(2) 1980 p. 66

Stopping Up

2. Subject to articles 3, 4, 5 and 6 of this Order the Welsh Ministers authorise the stopping up of the length 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 29 September 2010 under reference number 08/02191/C; on 8 August 2014 under reference numbers 13/00310/DCI, 13/01631/DCI and 13/02547/DCI, and on 26 May 2016 under reference 15/01463/MJR and described in Schedule 3 to this Order.

New Highway

3. There must be created, to the reasonable satisfaction of the Council, the new length of highway described in Schedule 2 to this Order and shown by stipple marking on the deposited plan, which is to be highway which, for the purposes of the Highways Act 1980(2) is highway maintainable at the public expense and the Council will be the highway authority responsible for it.

Provisions Necessary or Expedient before Stopping Up and for the Provision of the Highway

4. The length 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 the length of highway described in Schedule 1 are to be stopped up;

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

(c) the development described in Schedule 3 has commenced and the developer has informed the Council in writing of the necessity to stop up the highway described in Schedule 1 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.

(2) 1980 c.66

Ymgymerwyr Statudol a Darparwyr

5. Pan fo gan ymgymerwyr statudol neu ddarparwyr system gyfathrebu gyhoeddus unrhyw gyfarpar o dan y briffordd, ynddi, arni, drosti, ar ei hyd neu ar ei thraws yn union cyn cau'r darn o briffordd yna (yn ddarostyngedig i adran 261(4) o Ddeddf 1990), bydd gan yr ymgymerwyr neu'r darparwyr yr un hawliau mewn cysylltiad â'r cyfarpar ag a oedd ganddynt cyn cau'r briffordd.

Statutory Undertakers and Providers

5. Where immediately before the length of highway is to be 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.

Cyfnod Para'r Gorchymyn hwn

6. Os na fydd y datblygiad a ddisgrifir yn Atodlen 3 wedi ei ddechrau yn y cyfnod perthnasol a bennir yn Rhan 3 o Ddeddf 1990 fel cyfnod para'r caniatâd cynllunio, neu os caiff y caniatâd ei ddirymu cyn diwedd y cyfnod hwnnw, bydd y Gorchymyn hwn yn peidio â chael effaith pan ddaw'r caniatâd cynllunio i ben.

Duration of this Order

6. If the development described in Schedule 3 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.

Llofnodwyd o dan awdurdod Ysgrifennydd y Cabinet dros yr Economi a'r Seilwaith, un o Weinidogion Cymru.

Dyddiedig 11 Ionawr 2017

Nina Ley
Pennaeth yr Uned Fusnes, Rheoli'r Rhwydwaith
Llywodraeth Cymru

Signed under authority of the Cabinet Secretary for Economy and Infrastructure, one of the Welsh Ministers.

Dated 11 January 2017

Nina Ley
Head of Business Unit, Network Management
Welsh Government

YR ATODLENNI

(Bras amcan yw pob mesuriad)

ATODLEN 1

Disgrifiad o'r darn o briffordd sydd i'w gau o dan y Gorchymyn

Darn afreolaidd ei siâp o briffordd at bob diben sy'n 53.26 o fetrau sgwâr oddi ar ffin ddeheuol y briffordd o'r enw Ffordd Watkiss sy'n darparu mynediad i faes parcio i gwsmeriaid, Marina Caerdydd.

ATODLEN 2

Disgrifiad o'r darn o briffordd newydd sydd i'w ddarparu o dan y Gorchymyn

SCHEDULES

(All measurements are approximate)

SCHEDULE 1

Description of the length of highway to be stopped up under the Order

An irregularly shaped length of 53.26 square metres of all purpose highway off the southern boundary of the highway known as Watkiss Way that provides access to Cardiff Marina Customer Car Park.

SCHEDULE 2

Description of the length of new highway to be provided under the Order

Darn afreolaidd ei siâp o droetffordd/llwybr beiciau newydd sy'n 88.55 o fetrau sgwâr oddi ar ffin ddeheuol y briffordd o'r enw Ffordd Watkiss.

ATODLEN 3

Y Datblygiad

Datblygiad sy'n cynnwys gwesty (gan gynnwys ystafelloedd cynadledda, campfa, sba, bwytai a bariau); unedau preswyl, manwerthu, swyddfeydd, bwyd a diod; ardaloedd parcio a gwasanaethau; mynedfa newydd; tir y cyhoedd a rhagfur gerrig newydd ar ymyl yr afon, yn Iard Gychod Marina Cambrian a thir cyffiniol, Ffordd Watkiss, Caerdydd.

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (FFORDD WATKISS, BAE CAERDYDD, CAERDYDD) 2017

Mae Gweinidogion Cymru wedi gwneud Gorchymyn o dan adran 247 o Ddeddf Cynllunio Gwlad a Thref 1990, i awdurdodi cau'r darn o briffordd a ddisgrifir yn Atodlen 1 i'r Hysbysiad hwn ac i adeiladu'r darn newydd o briffordd a ddisgrifir yn Atodlen 2 i'r Hysbysiad hwn er mwyn gwneud y datblygiad a ddisgrifir yn Atodlen 3. Bydd Gorchymyn Cau Priffyrdd (Ffordd Watkiss, Bae Caerdydd, Caerdydd) 2015 ("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 gopïau o'r Gorchymyn a'r plan a adneuwyd yn rhad ac am ddim yn Llyfrgell Ganolog Caerdydd, yr Aes, Caerdydd CF10 1FL yn ystod oriau agor arferol neu gellir eu cael yn rhad ac am ddim o'r cyfeiriad isod drwy ddyfynnu'r cyfeirnod qA1266893.

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 gweithdrefnol y Ddeddf;

o fewn 6 wythnos i 13 Ionawr 2017, wneud cais i'r Uchel Lys.

Gellir gweld copi o'r Gorchymyn a'r Hysbysiad ar wefan Llywodraeth Cymru ar www.llyw.cymru

An irregularly shaped length of 88.55 square metres of new footway/cycleway off the southern boundary of the highway known as Watkiss Way.

SCHEDULE 3

The Development

Development consisting of hotel (including conference suite, gym, spa, restaurants and bars); residential, retail, office and food and drinks units; parking and service areas; new access; public realm and new river edge revetment, at Cambrian Marina Boatyard and adjoining land, Watkiss Way, Cardiff.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (WATKISS WAY, CARDIFF BAY, CARDIFF) ORDER 2017

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 length of highway described in Schedule 1 to this Notice and to construct the new length of highway described in Schedule 2 to this Notice to enable the development described in Schedule 3 to be carried out. The Stopping Up of Highways (Watkiss Way, Cardiff Bay, Cardiff) Order 2015 ("the Order") will cease 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 Cardiff Central Library, The Hayes, Cardiff CF10 1FL during normal opening hours or may be obtained free of charge from the address below quoting reference qA1266893.

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 13 January 2017 make an application for the purpose to the High Court.

A copy of the Order and Notice can be viewed on the

(Detholer: Deddfwriaeth/Is-ddeddfwriaeth/Offerynnau Anstatudol/Trafnidiaeth/Cynllunio Gwlad a Thref: Gorchmynion Cau/2017).

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

ATODLEN 1

Disgrifiad o'r darn o briffordd sydd i'w gau o dan y Gorchymyn

Darn afreolaidd ei siâp o briffordd at bob diben sy'n 53.26 o fetrau sgwâr oddi ar ffin ddeheuol y briffordd o'r enw Ffordd Watkiss sy'n darparu mynediad i faes parcio i gwsmeriaid, Marina Caerdydd.

ATODLEN 2

Disgrifiad o'r darn o briffordd newydd sydd i'w ddarparu o dan y Gorchymyn

Darn afreolaidd ei siâp o droetffordd/llwybr beiciau newydd sy'n 88.55 o fetrau sgwâr oddi ar ffin ddeheuol y briffordd o'r enw Ffordd Watkiss.

ATODLEN 3

Y Datblygiad

Datblygiad sy'n cynnwys gwesty (gan gynnwys ystafelloedd cynadledda, campfa, sba, bwytai a bariau); unedau preswyl, manwerthu, swyddfeydd, bwyd a diod; ardaloedd parcio a gwasanaethau; mynedfa newydd; tir y cyhoedd a rhagfur gerrig newydd ar ymyl yr afon, yn Iard Gychod Marina Cambrian a thir cyffiniol, Watkiss Way, Caerdydd yn unol â'r caniatâd cynllunio a roddwyd o dan Ran 3 o Ddeddf 1990 gan Ddinas a Sir Caerdydd ar 29 Medi 2010 o dan y cyfeirnod 08/02191/C; ar 8 Awst 2014 o dan y cyfeirnodau 13/00310/DCI, 13/01631/DCI ac 13/02547/DCI, ac ar 26 Mai 2016 o dan y cyfeirnod 15/01463/MJR.

Welsh Government's website at www.gov.wales (Select: Legislation/Subordinate legislation/Non-Statutory Instruments/Transport/Town and Country Planning Act: Stopping Up Orders/2017).

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

SCHEDULE 1

Description of the length of highway to be stopped up under the Order

An irregularly shaped length of 53.26 square metres of bell-mouth off the southern boundary of the highway known as Watkiss Way that provides access to Cardiff Marina Customer Car Park.

SCHEDULE 2

Description of the length of new highway to be provided under the Order

An irregularly shaped length of 88.55 square metres of new footway/cycleway off the southern boundary of the highway known as Watkiss Way.

SCHEDULE 3

The Development

Development consisting of Hotel (including conference suite, gym, spa, restaurants and bars), residential, retail, office and food and drinks units, parking and service areas, new access, public realm and new river edge revetment, at Cambrian Marina Boatyard and adjoining land, Watkiss Way, Cardiff in accordance with planning permission granted under Part 3 of the Act of 1990 by the City and County of Cardiff on 29 September 2010 under the reference number 08/02191/C; on 8 August 2014 under reference numbers 13/00310/DCI, 13/01631/DCI and 13/02547/DCI, and on 26 May 2016 under reference 15/01463/MJR.