

PRIFFYRDD, CYMRU

2023 Rhif

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (LOUISA PLACE, BUTETOWN, CAERDYDD) 2023

Gwnaed 15 Mai 2023

Yn dod i rym 17 Mai 2023

Mae Gweinidogion Cymru, drwy arfer eu pwerau o dan adran 247 o Ddeddf Cynllunio Gwlad a Thref 1990(1), yn gwneud y Gorchymyn hwn.

Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Cau Priffyrdd (Louisa Place, Butetown, Caerdydd) 2023 a daw i rym ar 17 Mai 2023.

Dehongli

2. Yn y Gorchymyn hwn—

ystyr “y Cyngor” (“*the Council*”) yw Cyngor 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 adnewwyd” (“*the deposited plan*”) yw'r plan sy'n dwyn yr enw “Gorchymyn Cau Priffyrdd (Louisa Place, Butetown, Caerdydd) 2023” gyda'r cyfeirnod qA1601326 sy'n dod gyda'r Gorchymyn hwn.

(1) 1990 p. 8; diwygiwyd adran 247 gan adran 20(4) o Ddeddf Llywodraeth Leol (Cymru) 1994 (p. 19) a pharagraff 24 o Atodlen 6 iddi. Yn rhinwedd O.S. 1999/672 ac adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi, mae'r swyddogaethau hyn yn arferadwy bellach gan Weinidogion Cymru o ran Cymru.

HIGHWAYS, WALES

2023 No

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (LOUISA PLACE, BUTETOWN, CARDIFF) ORDER 2023

Made 15 May 2023

Coming into Force 17 May 2023

The Welsh Ministers, in exercise of their powers under section 247 of the Town and Country Planning Act 1990(1), make this Order.

Title and Commencement

1. The title of this Order is the Stopping Up of Highways (Louisa Place, Butetown, Cardiff) Order 2023 and it comes into force on 17 May 2023.

Interpretation

2. In this Order—

“the Council” (“*y Cyngor*”) means Cardiff County Council;

“the deposited plan” (“*y plan a adnewwyd*”) means the plan entitled “The Stopping Up of Highways (Louisa Place, Butetown, Cardiff) Order 2023” with reference qA1601326 which accompanies this Order;

“the developer” (“*y datblygwr*”) means the person carrying out the development for which the planning permission has been granted;

“the 1990 Act” (“*Deddf 1990*”) means the Town and Country Planning Act 1990.

(1) 1990 c. 8; section 247 was amended by section 20(4) of, and paragraph 24 of Schedule 6 to, the Local Government (Wales) Act 1994 (c 19). By virtue of S.I. 1999/672, and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), these functions are now exercisable by the Welsh Ministers in relation to Wales.

Cau priffyrdd

3. Yn ddarostyngedig i erthyglau 4 a 5 o'r Gorchymyn hwn mae Gweinidogion Cymru yn awdurdodi cau'r darnau o briffordd a ddisgrifir yn Atodlen 1 i'r Gorchymyn hwn. Mae Gweinidogion Cymru wedi eu bodloni bod angen cau'r priffyrdd er mwyn gwneud y datblygiad yn unol â'r caniatâd cynllunio a roddwyd o dan Ran 3 o Ddeddf 1990 gan y Cyngor ar 13 Rhagfyr 2022 o dan y cyfeirnod 22/02348/FUL, ac a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn.

Y darpariaethau sy'n angenrheidiol neu'n hwylus cyn cau priffyrdd

4. Ni chaniateir cau'r darnau o briffordd a ddisgrifir yn Atodlen 1 i'r Gorchymyn hwn—

- (a) hyd nes y bydd y datblygwr wedi darparu, er boddhad rhesymol y Cyngor, blaniau sy'n dangos sut y mae'r darnau o briffordd i'w cau;
- (b) hyd nes y bydd y datblygiad a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn wedi ei ddechrau a bod y datblygwr wedi hysbysu'r Cyngor yn ysgrifenedig ei bod yn angenrheidiol cau'r briffordd er mwyn i'r datblygiad fynd rhagddo; a
- (c) hyd nes y bydd y Cyngor wedi ysgrifennu at y datblygwr i gadarnhau bod paragraffau (a) a (b) wedi eu bodloni.

Ymgwymerwyr statudol a darparwyr

5. Pan fo gan ymgwymerwyr 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 darnau o briffordd yna (yn ddarostyngedig i adran 261(4) o Ddeddf 1990), bydd gan yr ymgwymerwyr neu'r darparwyr yr un hawliau mewn cysylltiad â'r cyfarpar ag a oedd ganddynt cyn cau'r briffordd.

Stopping Up

3. Subject to articles 4 and 5 of this Order the Welsh Ministers authorise the stopping up of the lengths of highway described in Schedule 1 to this Order. 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 13 December 2022 with reference number 22/02348/FUL and described in Schedule 2 to this Order.

Provisions necessary or expedient before stopping up

4. The lengths of highway described in Schedule 1 to this Order must not be stopped up until—

- (a) the developer has provided, to the reasonable satisfaction of the Council, plans showing how the lengths of highway are to be stopped up;
- (b) the development described in Schedule 2 to this Order has commenced and the developer has informed the Council in writing of the necessity to stop up 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

5. Where immediately before the lengths of highway are 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.

Llofnodwyd ar ran y Dirprwy Weinidog Newid Hinsawdd, yn gweithredu o dan awdurdod y Gweinidog Newid Hinsawdd, un o Weinidogion Cymru.

Dyddiedig

15 Mai 2023

Signed on behalf of the Deputy Minister for Climate Change, acting under the authority of the Minister for Climate Change, one of the Welsh Ministers.

Dated

15 May 2023



Nicci Hunter
Arweinydd y Tîm Busnes
Llywodraeth Cymru



Nicci Hunter
Business Team Leader
Welsh Government

ATODLEN 1
(Bras amcan yw pob mesuriad)
Y darnau o briffordd sydd i'w cau

1. Darn afreolaidd ei siâp o briffordd sy'n cynnwys troetffordd, sydd rhwng yr eiddo o'r enw Rhif 3 Louisa Place a Rhif 7 Adelaide Street, yn Butetown, Caerdydd y mae cyfanswm ei arwynebedd yn 50 o fetrau sgwâr, a ddangosir â llinellau sebra ac y rhoddir y cyfeirnod '1' iddo ar y plan a adnewwyd.
2. Darn afreolaidd ei siâp o briffordd sy'n cynnwys troetffordd, sydd rhwng yr eiddo o'r enw Rhifau 11 i 15 Louisa Place a Rhifau 16 i 19 Louisa Place, yn Butetown, Caerdydd y mae cyfanswm ei arwynebedd yn 135 o fetrau sgwâr, a ddangosir â llinellau sebra ac y rhoddir y cyfeirnod '2' iddo ar y plan a adnewwyd.
3. Darn afreolaidd ei siâp o briffordd sy'n cynnwys troetffordd, sy'n cysylltu Louisa Place a James Street, yn Butetown, Caerdydd y mae cyfanswm ei arwynebedd yn 75 o fetrau sgwâr, a ddangosir â llinellau sebra ac y rhoddir y cyfeirnod '3' iddo ar y plan a adnewwyd.
4. Darn petryalog ei siâp o briffordd sy'n cynnwys troetffordd, sy'n gyfagos i'r eiddo o'r enw Rhif 33 Louisa Place, yn Butetown, Caerdydd y mae cyfanswm ei arwynebedd yn 14 o fetrau sgwâr, a ddangosir â llinellau sebra ac y rhoddir cyfeirnod '4' iddo ar y plan a adnewwyd.

ATODLEN 2
Y datblygiad

Datblygiad sy'n cynnwys newid defnydd priffordd/llwybr cerdded i gwrtil preswyl (estyn gerddi) yn Louisa Place, Butetown, Caerdydd.

SCHEDULE 1
(All measurements are approximate)
Lengths of highway to be stopped up

1. An irregularly shaped length of highway comprising footway, situated between the properties known as No. 3 Louisa Place and No. 7 Adelaide Street, in Butetown, Cardiff having a total area of 50 square metres, shown by zebra hatching and given the reference '1' on the deposited plan.
2. An irregularly shaped length of highway comprising footway, situated between the properties known as Nos. 11 to 15 Louisa Place and Nos. 16 to 19 Louisa Place, in Butetown, Cardiff having a total area of 135 square metres, shown by zebra hatching and given the reference '2' on the deposited plan.
3. An irregularly shaped length of highway comprising footway, that connects Louisa Place and James Street, in Butetown, Cardiff having a total area of 75 square metres, shown by zebra hatching and given the reference '3' on the deposited plan.
4. A rectangular shaped length of highway comprising footway, situated adjacent to the property known as No. 33 Louisa Place, in Butetown, Cardiff having a total area of 14 square metres, shown by zebra hatching and given the reference '4' on the deposited plan.

SCHEDULE 2
The development

Development comprising the change of use from highway/walkway to residential curtilage (garden extensions) at Louisa Place, Butetown, Cardiff.