PRIFFYRDD, CYMRU

LlC23-06

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (BRYNHEULOG, PENTWYN, CAERDYDD) 2023

Gwnaed *15 Chwefror 2023*

Yn dod i rym *22 Chwefror 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 (Brynheulog, Pentwyn, Caerdydd) 2023 a daw i rym ar 22 Chwefror 2023.

Dehongli

2. Yn y Gorchymyn hwn—

ystyr "y Cyngor" ("*the Council*") yw Cyngor Sir 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 adneuwyd" ("*the deposited plan*") yw'r plan sy'n dwyn yr enw "Gorchymyn Cau Priffyrdd (Brynheulog, Pentwyn, Caerdydd) 2023" gyda'r cyfeirnod qA1597343 sy'n dod gyda'r Gorchymyn hwn.

Cau Priffordd

3. Yn ddarostyngedig i erthyglau 4, 5 a 6 o'r Gorchymyn hwn mae Gweinidogion Cymru yn awdurdodi cau'r darn o briffordd a ddisgrifir yn Atodlen 1 i'r Gorchymyn hwn 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 28 Medi 2021 o dan y

(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

WG23-06

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (BRYNHEULOG, PENTWYN, CARDIFF) ORDER 2023

Made *15 February 2023*

Coming into force *22 February 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 (Brynheulog, Pentwyn, Cardiff) Order 2023 and it comes into force on 22 February 2023.

Interpretation

2. In this Order—

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

"the deposited plan" *("y plan a adneuwyd")* means the plan entitled "The Stopping Up of Highways (Brynheulog, Pentwyn, Cardiff) Order 2023" with reference qA1597343 which accompanies this Order;

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

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

Stopping Up

3. Subject to articles 4, 5, and 6 of this Order the Welsh Ministers authorise the stopping up of the length of highway described in Schedule 1 to this Order and shown by zebra hatching on the deposited plan. The Welsh Ministers are satisfied that the stopping up is necessary to enable a development to be carried out in accordance with planning permission granted under Part 3 of the 1990 Act by the Council on 28 September 2021 with reference 21/00321/MJR and described in Schedule 2 to this Order.

(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.

cyfeirnod 21/00321/MJR ac a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn.

Y Darpariaethau sy'n Angenrheidiol neu'n Hwylus cyn Cau Priffordd

4. Ni chaniateir cau'r darn 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 darn o briffordd i'w gau;

(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 darn o briffordd er mwyn i'r datblygiad fynd rhagddo; ac

(c) hyd nes y bydd y Cyngor wedi ysgrifennu at y datblygwr i gadarnhau bod paragraffau (a) a (b) wedi eu bodloni.

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 darnau 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.

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

Dyddiedig 15 Chwefror 2023

Nicci Hunter
Arweinydd y Tîm Busnes
Llywodraeth Cymru

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 lengths of 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 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.

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 February 2023

Nicci Hunter
Business Team Leader
Welsh Government

ATODLEN 1
(Bras amcan yw pob mesuriad)

Y darn o briffordd sydd i'w gau

Darn afreolaidd ei siâp o briffordd sy'n rhan o fynedfa danfoniadau safle blaenorol siop Morrisons, i'r de-orllewin o'r eiddo o'r enw 241 Brynheulog, Pentwyn, Caerdydd, sy'n 5 metr yn y man hiraf ac yn 2 fetr yn y man lletaf, fel y'i dangosir â llinellau sebra ar y plan a adneuwyd.

ATODLEN 2

Y Datblygiad

Bydd y datblygiad yn galluogi adeiladu 28 o dai fforddiadwy gan gynnwys maes parcio, draenio cynaliadwy, gwaith tirlunio a gwaith cysylltiedig yn safle blaenorol siop Morrisons, 113 Brynheulog, Pentwyn, Caerdydd, CF23 7JD.

SCHEDULE 1
(All measurements are approximate)

Length of highway to be stopped up

An irregular shaped length of highway being part of the delivery entrance of the former Morrisons store, located southwest of the property known as 241 Brynheulog, Pentwyn, Cardiff, with a maximum length of 5 metres, and a maximum width of 2 metres, as shown by zebra hatching on the deposited plan.

SCHEDULE 2

The Development

The development will enable the construction 28 affordable homes including car parking, sustainable drainage, landscaping and associated works at the former Morrisons, 113 Brynheulog, Pentwyn, Cardiff, CF23 7JD.