

2023 Rhif

2023 No

DEDDF CYNLLUNIO GWLAD A THREF 1990

TOWN AND COUNTRY PLANNING ACT 1990

**GORCHYMYN CAU PRIFFYRDD
(PRIFFORDD DDIENW YN GYFAGOS I
RIVER TERRACE, PORTH, RHONDDA
CYNON TAF) 2023****THE STOPPING UP OF HIGHWAYS (UN-
NAMED HIGHWAY ADJACENT TO RIVER
TERRACE, PORTH, RHONDDA CYNON TAF)
ORDER 2023***Gwnaed* 29 Medi 2023*Made* 29 September 2023*Yn dod i rym* 5 Hydref 2023*Coming into Force* 5 October 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.

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

Enwi a Chychwyn**Title and Commencement**

1. Enw'r Gorchymyn hwn yw Gorchymyn Cau Priffyrdd (Priffordd ddiennw yn gyfagos i River Terrace, Porth, Rhondda Cynon Taf) 2023 a daw i rym ar 5 Hydref 2023.

1. The title of this Order is the Stopping Up of Highways (Un-named highway adjacent to River Terrace, Porth, Rhondda Cynon Taf) Order 2023 and it comes into force on 5 October 2023.

Dehongli**Interpretation****2. Yn y Gorchymyn hwn—**

ystyr “y Cyngor” (“*the Council*”) yw Cyngor Bwrdeistref Sirol Rhondda Cynon Taf;

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 Safle sy'n dwyn yr enw “Gorchymyn Cau Priffyrdd (Priffordd ddiennw yn gyfagos i River Terrace, Porth, Rhondda Cynon Taf) 2023” o dan y cyfeirnod qA1779127 sy'n dod gyda'r Gorchymyn hwn.

2. In this Order—

“the Council” (“*y Cyngor*”) means Rhondda Cynon Taf County Borough Council;

“the deposited plan” (“*y plan a adnewwyd*”) means the Site Plan entitled “The Stopping Up of Highways (Un-named highway adjacent to River Terrace, Porth, Rhondda Cynon Taf) Order 2023” with reference qA1779127 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 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.

(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 Priffordd

3. Yn ddarostyngedig i erthyglau 6 a 7 o'r Gorchymyn hwn mae Gweinidogion Cymru yn awdurdodi cau'r darn o briffordd a ddisgrifir yn Atodlen 1 i'r Gorchymyn hwn. 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 18 Ebrill 2011 o dan y rhif cyfeirnod 10/1172/10 â diwygiad ansylweddol dyddiedig 7 Mawrth 2023 o dan y cyfeirnod 23/0110/39 ac a ddisgrifir yn Atodlen 4 i'r Gorchymyn hwn.

Priffordd Newydd

4. 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 adnewwyd, a fydd yn briffordd sydd i'w chynnal ar draul y pwrs cyhoeddus at ddibenion Deddf Priffyrdd 1980(1). Y Cyngor fydd yr awdurdod priffyrdd sy'n gyfrifol amdani.

Y Briffordd y Gwneir Gwelliannau Iddi

5. Rhaid gwneud gwelliannau, er boddhad rhesymol y Cyngor, i'r darn o briffordd a ddisgrifir yn Atodlen 3 i'r Gorchymyn hwn ac a ddangosir â chroeslinellau ar y plan a adnewwyd, sy'n briffordd sydd i'w chynnal ar draul y pwrs cyhoeddus at ddibenion Deddf Priffyrdd 1980. Y Cyngor fydd yr awdurdod priffyrdd sy'n gyfrifol amdani.

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

6. 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 datblygwr wedi darparu'r darn newydd o briffordd a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn er boddhad rhesymol y Cyngor;
- (c) hyd nes y bydd y datblygwr wedi darparu'r darn o briffordd y gwneir gwelliannau iddi a ddisgrifir yn Atodlen 3 i'r Gorchymyn hwn er boddhad rhesymol y Cyngor;

Stopping Up

3. Subject to articles 6 and 7 of this Order the Welsh Ministers authorise the stopping up of the length 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 18 April 2011 with reference number 10/1172/10 with non material amendment dated 7 March 2023 with reference 23/0110/39 and described in Schedule 4 to this Order.

New Highway

4. There will 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 maintainable at public expense for the purposes of the Highways Act 1980(1) and the Council is to be the highway authority responsible for it.

Improved highway

5. There will be improvements made, to the reasonable satisfaction of the Council, to the length of highway as described in Schedule 3 to this Order and shown by cross hatching on the deposited plan, which is highway maintainable at the public expense for the purposes of the Highways Act 1980 and the Council is to be the highway authority responsible for it.

Provisions necessary or expedient before stopping up

6. The length 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 length of highway is to be stopped up;
- (b) the developer has provided the new length of highway described in Schedule 2 to this Order to the reasonable satisfaction of the Council;
- (c) the developer has provided the improved length of highway described in Schedule 3 to this Order to the reasonable satisfaction of the Council;

- (d) hyd nes y bydd y datblygiad a ddisgrifir yn Atodlen 4 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; ac
- (e) hyd nes y bydd y Cyngor wedi ysgrifennu at y datblygwr i gadarnhau bod paragraffau (a), (b), (c) a (d) wedi eu bodloni.

Ymgwymerwyr Statudol a Darparwyr

7. 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 darn 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.

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

Dyddiedig

29 Medi 2023

Nicci Hunter
Arweinydd y Tîm Busnes
Llywodraeth Cymru

ATODLEN 1 **(Bras amcan yw pob mesuriad)** **Y darn o briffordd sydd i'w gau**

Darn afreolaidd ei siâp o briffordd ddiennw rhwng River Terrace a Pontypridd Road ym Mhorth, y mae cyfanswm ei arwynebedd yn 81 o fetrau sgwâr, a ddangosir â llinellau sebra ac y rhoddir y cyfeirnod 'A' iddo ar y plan a adnewwyd.

ATODLEN 2 **Disgrifiad o'r darn o briffordd newydd sydd i'w ddarparu o dan y Gorchymyn hwn**

Ardal afreolaidd ei siâp rhwng River Terrace a Pontypridd Road ym Mhorth, y mae cyfanswm ei harwynebedd yn 107 o fetrau sgwâr, a ddangosir â llinellau sebra ac y rhoddir y cyfeirnod 'B' iddi ar y

- (d) the development described in Schedule 4 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
- (e) the Council has confirmed in writing to the developer that paragraphs (a), (b), (c) and (d) are satisfied.

Statutory undertakers and providers

7. Where immediately before the length 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

29 September 2023

Nicci Hunter
Business Team Leader
Welsh Government

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

An irregular shaped length of un-named highway located between River Terrace and Pontypridd Road in Porth, having a total area of 81 square metres, shown by zebra hatching and given the reference 'A' on the deposited plan.

SCHEDULE 2 **Description of the length of new highway to be provided under this Order**

An irregular shaped area located between River Terrace and Pontypridd Road in Porth, having a total area of 107 square metres, shown by zebra hatching and given the reference 'B' on the deposited plan.

plan a adnewwyd.

ATODLEN 3
Disgrifiad o'r darn o briffordd y gwneir
gwelliannau iddi sydd i'w ddarparu o dan y
Gorchymyn hwn

Darn afreolaidd ei siâp o briffordd ddiennw rhwng River Terrace a Pontypridd Road ym Mhorth, y mae cyfanswm ei arwynebedd yn 166 o fetrau sgwâr, a ddangosir â llinellau sebra ac y rhoddir y cyfeirnod 'C' iddo ar y plan a adnewwyd.

ATODLEN 4
Y datblygiad

Datblygiad sy'n cynnwys dymchwel adeilad sy'n bodoli eisoes ac adeiladu datblygiad preswyl newydd o 21 o fflatiau a'r holl waith cysylltiedig ar safle cyn-adeilad yr YMCA, Pontypridd Road, Porth CF39 9LS.

SCHEDULE 3
Description of the length of improved highway to
be provided under this Order

An irregular shaped length of un-named highway located between River Terrace and Pontypridd Road in Porth, having a total area of 166 square metres, shown by zebra hatching and given the reference 'C' on the deposited plan.

SCHEDULE 4
The development

Development comprising the demolition of an existing building and the construction of a new residential development of 21 apartments and all associated works at the former YMCA Building, Pontypridd Road, Porth, CF39 9LS.

