PRIFFYRDD, CYMRU

LLC23-48

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (TIR YN COLLIERS FARM, CAERPHILLY ROAD, NELSON, TREHARRIS) 2023

Gwnaed *1 Tachwedd 2023*

Yn dod i rym *6 Tachwedd 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 (Tir yn Colliers Farm, Caerphilly Road, Nelson, Treharris) 2023 a daw i rym ar 6 Tachwedd 2023.

Dehongli

2. Yn y Gorchymyn hwn—

ystyr "y Cyngor" ("*the Council*") yw Cyngor Bwrdeistref Sirol Caerffili;

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 (Tir yn Colliers Farm, Caerphilly Road, Nelson, Treharris) 2023" o dan y cyfeirnod qA1606760 sy'n dod gyda'r Gorchymyn hwn.

Cau Priffordd

3. Yn ddarostyngedig i erthyglau 4, 5, 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 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

(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

WG23-48

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (LAND AT COLLIERS FARM, CAERPHILLY ROAD, NELSON, TREHARRIS) ORDER 2023

Made *1 November 2023*

Coming into force *6 November 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 (Land at Colliers Farm, Caerphilly Road, Nelson, Treharris) Order 2023 and it comes into force on 6 November 2023.

Interpretation

2. In this Order—

"the Council" *("y Cyngor")* means the Council of the County Borough of Caerphilly;

"the deposited plan" *("y plan a adneuwyd")* means the plan entitled "The Stopping Up of Highways (Land at Colliers Farm, Caerphilly Road, Nelson, Treharris) Order 2023" with reference qA1606760 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.

Stopping Up

3. Subject to articles 4, 5, 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 and 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

(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.

Ran 3 o Ddeddf 1990 gan y Cyngor ar 15 Ebrill 2021 o dan y cyfeirnod 20/0750/FULL 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 adneuwyd sydd, at ddibenion Deddf Priffyrdd 1980**(1)**, i fod yn briffordd i'w chynnal ar draul y pwrs cyhoeddus. Y Cyngor fydd yr awdurdod priffyrdd sy'n gyfrifol amdani.

Priffyrdd y Gwneir Gwelliannau Iddynt

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

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 gwella'r darnau o briffordd a ddisgrifir yn Atodlen 3 i'r Gorchymyn hwn er boddhad rhesymol y Cyngor;

(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 darnau o 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.

Ymgymerwyr Statudol a Darparwyr

7. 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

(1) 1980 p. 66.

granted under Part 3 of the 1990 Act by the Council on 15 April 2021 with reference 20/0750/FULL 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 the public expense for the purposes of the Highways Act 1980**(1)** and the Council is to be the highway authority responsible for it.

Improved Highways

5. There must be improvements made, to the reasonable satisfaction of the Council, to the lengths of highway described in Schedule 3 to this Order, 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 them.

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 improved the lengths of highway described in Schedule 3 to this Order to the reasonable satisfaction of the Council;

(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 lengths of 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.

(1) 1980 c. 66

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 1 Tachwedd 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 o briffordd sy'n rhan o'r trac mynediad i Colliers Farm, Nelson, Treharris sy'n 87.21 o fetrau yn y man hiraf a 5.48 metr yn y man lletaf, sydd wedi ei labelu'n 'A' ac wedi ei farcio â llinellau sebra ar y plan a adneuwyd.

ATODLEN 2
(Bras amcan yw pob mesuriad)

Y darn o briffordd newydd sydd i'w ddarparu

Darn afreolaidd ei siâp o briffordd sydd i ddod yn rhan o'r fynedfa i Colliers Farm, a leolir i'r dwyrain o The Rowan Tree, yn mynd i gyfeiriad y gogledd-ddwyrain o'r A472 Caerphilly Road, sy'n 65.61 o fetrau yn y man hiraf a 2 fetr yn y man lletaf, sydd wedi ei labelu'n 'B' ac wedi ei farcio â dotwaith ar y plan a adneuwyd.

ATODLEN 3
(Bras amcan yw pob mesuriad)

Y darnau o briffordd sydd i'w gwella

Darn afreolaidd ei siâp o briffordd sy'n rhan o'r fynedfa i Colliers Farm, a leolir i'r dwyrain o The Rowan Tree, yn mynd i gyfeiriad y gogledd-ddwyrain o'r A472 Caerphilly Road, sy'n 60.02 o fetrau yn y man hiraf a 4.05 metr yn y man lletaf, sydd wedi ei labelu'n 'C' ac wedi ei farcio â chroeslinellau ar y plan a adneuwyd.

Darn afreolaidd ei siâp o briffordd sy'n rhan o'r

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 1 November 2023

Nicci Hunter
Business Team Leader
Welsh Government

SCHEDULE 1
(All measurements are approximate)

Length of highway to be stopped up

A length of highway being part of the access track to Colliers Farm, Nelson, Treharris with a maximum length of 87.21 metres and a maximum width of 5.48 metres, labelled 'A' and marked with zebra hatching on the deposited plan.

SCHEDULE 2
(All measurements are approximate)

Length of new highway to be provided

An irregular shaped length of highway to become part of the access to Colliers Farm, located east of The Rowan Tree, heading in a north easterly direction from the A472 Caerphilly Road, with a maximum length of 65.61 metres and a maximum width of 2 metres, labelled 'B' and marked with stipple on the deposited plan.

SCHEDULE 3
(All measurements are approximate)

Lengths of highway to be improved

An irregular shaped length of highway being part of the access to Colliers Farm, located east of The Rowan Tree, heading in a north easterly direction from the A472 Caerphilly Road, with a maximum length of 60.02 metres and a maximum width of 4.05 metres, labelled 'C' and marked with cross hatching on the deposited plan.

An irregular shaped length of highway being part of

fynedfa i Colliers Farm, a leolir i'r dwyrain o The Rowan Tree, yn mynd i gyfeiriad y gogledd-ddwyrain o'r A472 Caerphilly Road, sy'n 53.39 o fetrau yn y man hiraf a 7.02 metr yn y man lletaf, sydd wedi ei labelu'n 'D' ac wedi ei farcio â chroeslinellau ar y plan a adneuwyd.

ATODLEN 4

Y Datblygiad

Newid defnydd o amaethyddiaeth i gyfleuster twristiaeth ac addysgol sy'n ymwneud â'r tir ynghyd ag adeiladu canolfan ymwelwyr ac adeilad addysg newydd ar dir yn Colliers Cottage, Caerphilly Road, Nelson, Treharris ym Mwrdeistref Sirol Caerffili.

the access to Colliers Farm, located east of The Rowan Tree, heading in a north easterly direction from the A472 Caerphilly Road, with a maximum length of 53.39 metres and a maximum width of 7.02 metres, labelled 'D' and marked with cross hatching on the deposited plan.

SCHEDULE 4

The Development

Change of use from agriculture to a tourism and educational land based facility together with the erection of a new visitor centre and education building on land at Colliers Cottage, Caerphilly Road, Nelson, Treharris in the County Borough of Caerphilly.