PRIFFYRDD, CYMRU

LlC23-49

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (LEWIS ROAD, Y SBLOT, CAERDYDD) 2023

Gwnaed	*14 Tachwedd 2023*
Yn dod i rym	*21 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 (Lewis Road, y Sblot, Caerdydd) 202- a daw i rym ar 21 Tachwedd 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;

ystyr "y plan a adneuwyd" ("*the deposited plan*") yw'r plan sy'n dwyn yr enw "Gorchymyn Cau Priffyrdd (Lewis Road, y Sblot, Caerdydd) 2023 o dan y cyfeirnod qA1505183 sy'n dod gyda'r Gorchymyn hwn.

Cau Priffyrdd

3. Yn ddarostyngedig i erthyglau 4, 5, 6 a 7 o'r Gorchymyn hwn mae Gweinidogion Cymru yn awdurdodi cau'r darnau 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 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 3 Chwefror 2023 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

WG23-49

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (LEWIS ROAD, SPLOTT, CARDIFF) ORDER 2023

Made	*14 November 2023*
Coming into force	*21 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 (Lewis Road, Splott, Cardiff) Order 202- and it comes into force on 21 November 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 (Lewis Road, Splott, Cardiff) Order 2023" with reference qA1505183 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 lengths 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 granted under Part 3 of the 1990 Act by the Council on 3rd February 2023 with reference 22/02308/FUL described in Schedule 4 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.

y cyfeirnod 22/02308/FUL a ddisgrifir yn Atodlen 4 i'r Gorchymyn hwn.

Priffordd Newydd

4. Rhaid creu, er boddhad rhesymol y Cyngor, y darnau newydd o briffordd a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn ac a ddangosir â dotwaith ar y plan a adneuwyd, sydd i fod yn briffordd i'w chynnal ar draul y pwrs cyhoeddus at ddibenion Deddf Priffyrdd 1980(1). 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, sy'n briffyrdd i'w cynnal ar draul y pwrs cyhoeddus at ddibenion Deddf Priffyrdd 1980. Y Cyngor fydd yr awdurdod priffyrdd sy'n gyfrifol amdanynt.

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

6. 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 datblygwr wedi darparu, er boddhad rhesymol y Cyngor, y darn newydd o briffordd a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn;

(c) hyd nes y bydd y datblygwr wedi gwella, er boddhad rhesymol y Cyngor, y darnau o briffordd a ddisgrifir yn Atodlen 3 i'r Gorchymyn hwn;

(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

(1) 1980 p. 66.

New Highway

4. There will be created, to the reasonable satisfaction of the Council, the new lengths 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 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 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

Ddefff 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 14 Tachwedd 2023

Nicci Hunter
Arweinydd y Tîm Busnes
Llywodraeth Cymru

ATODLEN 1
(Bras amcan yw pob mesuriad)

<u>Y darnau o briffordd sydd i'w cau</u>

1. Darn afreolaidd ei siâp o briffordd sy'n rhan o Lewis Road a mynediad cysylltiedig i Uned Ddiwydiannol, y Sblot, Caerdydd y mae cyfanswm ei arwynebedd yn 4665 o fetrau sgwâr, sydd wedi ei labelu ag 'A' ac wedi ei farcio â llinellau sebra ar y plan a adneuwyd.

2. Darn afreolaidd ei siâp o briffordd ar ochr ddeheuol Forgeside Close o'i chyffordd â Lewis Road, y Sblot, Caerdydd i gyfeiriad y gorllewin y mae cyfanswm ei arwynebedd yn 73 o fetrau sgwâr, sydd wedi ei labelu â 'B' ac wedi ei farcio â llinellau sebra ar y plan a adneuwyd.

3. Darn afreolaidd ei siâp o briffordd ar ymyl gorllewinol Ystad Ddiwydiannol Portmanmoor Road, i'r de o Freshmoor Road, y Sblot, Caerdydd y mae cyfanswm ei arwynebedd yn 100 metr sgwâr, sydd wedi ei labelu ag 'C' ac wedi ei farcio â llinellau sebra ar y plan a adneuwyd.

4. Hen fynedfa ar ochr ddeheuol Forgeside Close y mae cyfanswm ei harwynebedd yn 68 o fetrau sgwâr, sydd wedi ei labelu â 'K' ac wedi ei marcio â llinellau sebra ar y plan a adneuwyd.

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 14 November 2023

Nicci Hunter
Business Team Leader
Welsh Government

SCHEDULE 1
(All measurements are approximate)

<u>Lengths of highway to be stopped up</u>

1. An irregular shaped length of highway being part of Lewis Road and associated access to Industrial Unit, Splott, Cardiff having a maximum surface of 4665 square metres, labelled 'A' and marked with zebra hatching on the deposited plan.

2. An irregular shaped length of highway located on the southern side of Forgeside Close from its junction with Lewis Road, Splott, Cardiff heading in a westerly direction having a maximum surface of 73 square metres, labelled 'B' and marked with zebra hatching on the deposited plan.

3. An irregular shaped length of highway located on the western edge of Portmanmoor Road Industrial Estate, south of Freshmoor Road, Splott, Cardiff having a maximum surface of 100 square metres, labelled 'C' and marked with zebra hatching on the deposited plan.

4. A former access located on the southern side of Forgeside Close having a maximum surface of 68 square metres, labelled 'K' and marked with a zebra hatching on the deposit plan.

ATODLEN 2
(Bras amcan yw pob mesuriad)

<u>Y darnau o briffordd newydd sydd i'w ddarparu</u>

1. Darn petryalog ei siâp o briffordd i'r de o Freshmoor Road i gyfeiriad y de-ddwyrain sy'n cysylltu â Portmanmoor Road, y Sblot, Caerdydd y mae cyfanswm ei arwynebedd yn 105 o fetrau sgwâr, sydd wedi ei labelu ag 'F' ac wedi ei farcio â dotwaith ar y plan a adneuwyd.

2. Darn afreolaidd ei siâp o briffordd i'r de o Portmanmoor Road i gyfeiriad y de-ddwyrain ac yna i'r gorllewin sy'n cysylltu o Portmanmoor Road tuag at Lewis Road, y Sblot, Caerdydd y mae cyfanswm ei arwynebedd yn 433 o fetrau sgwâr, sydd wedi ei labelu ag 'G' ac wedi ei farcio â dotwaith ar y plan a adneuwyd.

3. Darn afreolaidd ei siâp o briffordd i'r dwyrain o Lewis Road, y Sblot, Caerdydd i gyfeiriad y dwyrain y mae cyfanswm ei arwynebedd yn 55 o fetrau sgwâr, sydd wedi ei labelu ag 'M' ac wedi ei farcio â dotwaith ar y plan a adneuwyd.

ATODLEN 3
(Bras amcan yw pob mesuriad)

<u>Y darnau o briffordd sydd i'w gwella</u>

1. Darn afreolaidd ei siâp o briffordd ar ochr ddeheuol Forgeside Close o'i chyffordd â Lewis Road, y Sblot, Caerdydd i gyfeiriad y gorllewin y mae cyfanswm ei arwynebedd yn 79 o fetrau sgwâr, sydd wedi ei labelu â 'D' ac wedi ei farcio â chroeslinellau ar y plan a adneuwyd.

2. Darn afreolaidd ei siâp o briffordd sy'n rhan o Lewis Road i'r gorllewin o'i chyffordd â Freshmoor Road, y Sblot, Caerdydd y mae cyfanswm ei arwynebedd yn 55 o fetrau sgwâr, sydd wedi ei labelu ag 'E' ac wedi ei farcio â chroeslinellau ar y plan a adneuwyd.

3. Darn afreolaidd ei siâp o briffordd ar ben de-orllewinol Lewis Road, y Sblot, Caerdydd sy'n dod yn fan troi y mae cyfanswm ei arwynebedd yn 88 o fetrau sgwâr, sydd wedi ei labelu ag 'H' ac wedi ei farcio â chroeslinellau ar y plan a adneuwyd.

4. Darn afreolaidd ei siâp o briffordd ar ochr ddeheuol Forgeside Close o'i chyffordd â Lewis Road, y Sblot, Caerdydd i gyfeiriad y gorllewin y mae cyfanswm ei arwynebedd yn 15 metr sgwâr, sydd wedi ei labelu â 'J' ac wedi ei farcio â chroeslinellau ar y plan a adneuwyd.

SCHEDULE 2
(All measurements are approximate)

<u>Lengths of new highway to be provided</u>

1. A rectangular shaped length of highway located south of Freshmoor Road heading in a south easterly direction connecting to Portmanmoor Road, Splott, Cardiff having a maximum surface of 105 square metres, labelled 'F' and marked with stipple on the deposited plan.

2. An irregular shaped length of highway located south of Portmanmoor Road heading in a south easterly direction and then west connecting from Portmanmoor road towards Lewis Road, Splott, Cardiff having a maximum surface of 433 square metres, labelled 'G' and marked with stipple on the deposited plan.

3. An irregular shaped length of highway located east of Lewis Road, Splott, Cardiff heading in an easterly direction having a maximum surface of 55 square metres, labelled 'M' and marked with stipple on the deposited plan.

SCHEDULE 3
(All measurements are approximate)

<u>Lengths of highway to be improved</u>

1. An irregular shaped length of highway located on the southern side of Forgeside Close from its junction with Lewis Road, Splott, Cardiff heading in a westerly direction having a maximum surface of 79 square metres, labelled 'D' and marked with cross hatching on the deposited plan.

2. An irregular shaped length of highway being part of Lewis Road located west of its junction with Freshmoor Road, Splott, Cardiff having a maximum surface of 55 square metres, labelled 'E and marked with cross hatching on the deposited plan.

3. An irregular shaped length of highway located at the south western end of Lewis Road, Splott, Cardiff becoming a turning head having a maximum surface of 88 square metres, labelled 'H' and marked with cross hatching on the deposited plan.

4. An irregular shaped length of highway located on the southern side of Forgeside Close from its junction with Lewis Road, Splott, Cardiff heading in a westerly direction having a maximum surface of 15 square metres, labelled 'J' and marked with cross hatching on the deposited plan.

5. Darn sgwâr ei siâp o briffordd i'r de o Portmanmoor Road i gyfeiriad y de-ddwyrain ac yna i'r gorllewin sy'n cysylltu o Portmanmoor Road tuag at Lewis Road, y Sblot, Caerdydd y mae cyfanswm ei arwynebedd yn 13 o fetrau sgwâr, sydd wedi ei labelu ag 'L' ac wedi ei farcio â chroeslinellau ar y plan a adneuwyd.

5. A square shaped length of highway located south of Portmanmoor Road heading in a south easterly direction and then west connecting from Portmanmoor road towards Lewis Road, Splott, Cardiff having a maximum surface of 13 square metres, labelled 'L and marked with cross hatching on the deposited plan.

ATODLEN 4

Y Datblygiad

Bydd y datblygiad ar y tir oddi ar Lewis Road, y Sblot, Caerdydd yn cynnwys dymchwel adeiladau, cael gwared ar loriau caled, newid proffil y safle a gwaith cysylltiedig.

SCHEDULE 4

The Development

The development located at the land off Lewis Road, Splott, Cardiff will include the demolition of buildings, removal of hardstanding areas, reprofiling of site and associated works.