

PRIFFYRDD, CYMRU

2017 RHIF. 34

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (ALEXANDRA ROAD, YR WYDDGRUG, SIR Y FFLINT) 2017

Gwnaed 23 Mehefin 2017

Yn dod i rym 29 Mehefin 2017

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

Enwi, Dehongli a Chychwyn

1. (1) Enw'r Gorchymyn hwn yw Gorchymyn Cau Priffyrdd (Alexandra Road, yr Wyddgrug, Sir y Fflint) 2017.

(2) Yn y Gorchymyn hwn:-

ystyr "y Cyngor" ("*the Council*") yw Cyngor Sir y Fflint;

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 "y plan a adnewwyd" ("*the deposited plan*") yw'r plan sy'n dwyn yr enw "Gorchymyn Cau Priffyrdd (Alexandra Road, yr Wyddgrug, Sir y Fflint) 2017" sy'n dod gyda'r Gorchymyn hwn; a

(3) Daw'r Gorchymyn hwn i rym ar y dyddiad y cyhoeddir yr hysbysiad ei fod wedi ei wneud yn unol ag adran 252(10) o Ddeddf 1990.

(1) 1990 p. 8. Diwygiwyd gan adran 20(4) o Ddeddf Llywodraeth Leol (Cymru) 1994 (p.19) a pharagraff 24 o Atodlen 6 iddi ac erthygl 5 (b) o Orchymyn Deddf Cynllunio a Phrynu Gorfodol 2004 (Cychwyn Rhif 9 a Darpariaethau Canlyniadol) 2006/1281. Yn rhinwedd erthygl 2 o O.S. 1999/672 ac Atodlen 1 iddo, trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru ac maent yn arferadwy bellach gan Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30(2) o Atodlen 11 iddi.

HIGHWAYS, WALES

2017 NO. 34

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (ALEXANDRA ROAD, MOLD, FLINTSHIRE) ORDER 2017

Made 23 June 2017

Coming into Force 29 June 2017

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

Title, Interpretation and Commencement

1. (1) The title of this Order is The Stopping Up of Highways (Alexandra Road, Mold, Flintshire) Order 2017.

(2) In this Order:-

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

"the deposited plan" ("*y plan a adnewwyd*") means the plan entitled "The Stopping Up of Highways (Alexandra Road, Mold, Flintshire) Order 2017" which accompanies this Order;

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

(3) This Order comes into force on the date on which notice that it has been made is published in accordance with section 252(10) of the 1990 Act.

(1) 1990 c. 8. Amended by section 20(4) of, and paragraph 24 of Schedule 6 to, the Local Government (Wales) Act 1994 (c.19) and article 5 (b) of the Planning and Compulsory Purchase Act 2004 (Commencement No. 9 and Consequential Provisions) Order 2006/1281. By virtue of S.I. 1999/672, article 2 and Schedule 1, the functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales and are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30(2) of Schedule 11 to, the Government of Wales Act 2006.

Cau Priffyrdd

2. Yn ddarostyngedig i erthyglau 3, 4, 5 a 6 mae Gweinidogion Cymru yn awdurdodi cau'r darnau o briffordd a ddisgrifir yn Atodlen 1 ac a ddangosir â llinellau sebra ar y plan a adnewyd. 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 23 Tachwedd 2016 o dan y cyfeirnod 055835, ac a ddisgrifir yn Atodlen 4 i'r Gorchymyn hwn.

Priffyrdd Newydd / y Gwneir Gwelliannau Iddynt

3. 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 adnewyd, a'r darn o briffordd y gwneir gwelliannau iddo, a ddisgrifir yn Atodlen 3 i'r Gorchymyn hwn, ac a ddangosir â chroeslinellau ar y plan a adnewyd, a byddant, at ddibenion Deddf Priffyrdd 1980(2) yn briffyrdd i'w cynnal ar draul y pwrs cyhoeddus. Y Cyngor fydd yr awdurdod priffyrdd ar eu cyfer.

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

4. Ni chaniateir cau'r darnau o briffordd a ddisgrifir yn Atodlen 1:-

(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'r darn newydd o'r briffordd a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn er boddhad rhesymol y Cyngor;

(c) hyd nes y bydd y datblygiad a ddisgrifir yn Atodlen 4 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

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

Stopping Up

2. Subject to articles 3, 4, 5 and 6 the Welsh Ministers authorise the stopping up of the lengths of highway described in Schedule 1 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 23 November 2016 under reference number 055835 and described in Schedule 4 to this Order.

New / Improved Highways

3. There must 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 and the length of improved highway described in Schedule 3 to this Order and shown by cross hatching on the deposited plan, which are to be highways which, for the purposes of the Highways Act 1980(2) are highways maintainable at the public expense and the Council is to be the highway authority responsible for them.

Provisions Necessary or Expedient before Stopping Up

4. The lengths of highway described in Schedule 1 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 development described in Schedule 4 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

(d) the Council has confirmed in writing to the developer that paragraphs (a), (b) and (c) are satisfied.

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 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.

Cyfnod Para'r Gorchymyn hwn

6. Os na fydd y datblygiad a ddisgrifir yn Atodlen 4 wedi ei ddechrau yn y cyfnod perthnasol a bennir yn Rhan 3 o Ddeddf 1990 fel cyfnod para'r caniatâd cynllunio, neu os caiff y caniatâd ei ddirymu cyn diwedd y cyfnod hwnnw, bydd y Gorchymyn hwn yn peidio â chael effaith pan ddaw'r caniatâd cynllunio i ben.

Llofnodwyd o dan awdurdod Ysgrifennydd y Cabinet dros yr Economi a'r Seilwaith, un o Weinidogion Cymru.

Dyddiedig

23 Mehefin 2017

Nina Ley
Pennaeth yr Uned Fusnes, Rheoli'r Rhwydwaith
Llywodraeth Cymru

YR ATODLENNI

YR ATODLENNI

ATODLEN 1

(Bras amcan yw pob mesuriad)

Disgrifiad o'r darnau o briffordd sydd i'w cau o dan y Gorchymyn hwn

1. Darn afreolaidd ei siâp o briffordd ar ochr dwyreiniol cilfan ar Alexandra Road, yr Wyddgrug, Sir y Fflint, sy'n 16.5 o fetrau yn y man hiraf ac yn 4 metr yn y man lletaf ac y rhoddir y cyfeirnod 'A' iddo ar y plan a adnewwyd.
2. Darn afreolaidd ei siâp o briffordd ar ochr orllewinol cilfan ar Alexandra Road, yr Wyddgrug, Sir y Fflint, sy'n 12.4 o fetrau yn y man hiraf ac yn 4 metr yn y man lletaf ac y rhoddir y cyfeirnod 'B' iddo ar y plan a adnewwyd.

Statutory Undertakers and Providers

5. 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.

Duration of this Order

6. If the development described in Schedule 4 has not begun within the relevant period specified in Part 3 of the 1990 Act as being the duration of the planning permission, or the permission is revoked before the end of that period, this Order ceases to have effect upon the cessation of the planning permission.

Signed under authority of the Cabinet Secretary for Economy and Infrastructure, one of the Welsh Ministers.

Dated

23 June 2017

Nina Ley
Head of Business Unit, Network Management
Welsh Government

SCHEDULES

SCHEDULE 1

(All measurements are approximate)

Description of the lengths of highway to be stopped up under this Order

1. An irregular shaped length of highway that is located on the eastern side of a layby on Alexandra Road, Mold, Flintshire, with a maximum length of 16.5 metres and a maximum width of 4 metres and given the reference A on the deposited plan.
2. An irregular shaped length of highway that is located on the western side of a layby located on Alexandra Road, Mold, Flintshire, with a maximum length of 12.4 metres and a maximum width of 4 metres and given the reference B on the deposited plan.

ATODLEN 2
(Bras amcan yw pob mesuriad)

Disgrifiad o'r rhan o briffordd y gwneir gwelliannau iddi o dan y Gorchymyn hwn

Darn afreolaidd ei siâp o briffordd gan gynnwys rhan o'r gilfan o'r enw Alexandra Road, yr Wyddgrug, Sir y Fflint, sy'n 11 o fetrau yn y man hiraf a thua 4 metr o led yn y man lletaf ac y rhoddir y cyfeirnod 'C' iddo ar y plan a adnewwyd.

ATODLEN 3

Disgrifiad o'r darn o briffordd newydd sydd i'w ddarparu

Darn o ffordd fynediad newydd sy'n arwain o Alexandra Road, yr Wyddgrug, Sir y Fflint tua'r gogledd sy'n 42 o fetrau yn y man hiraf ac yn 18.5 o fetrau yn y man lletaf ac y rhoddir y cyfeirnod 'D' iddo ar y plan a adnewwyd.

ATODLEN 4

Y Datblygiad

Dymchwel ysgol sy'n bodoli eisoes, o'r enw Ysgol Delyn, ac adeiladu 16 o anheddau a drefnir fel 5 uned teras, a'r holl waith datblygu cysylltiedig.

SCHEDULE 2
(All measurements are approximate)

Description of the area of highway to be improved under this Order

An irregular shaped length of highway including part of the layby known as Alexandra Road, Mold, Flintshire with a maximum length of 11 metres and an approximate width of 4 metres and given the reference 'C' on the deposited plan.

SCHEDULE 3

Description of the length of new highway to be provided

A length of new access road leading from Alexandra Road, Mold, Flintshire in a north westerly direction with a maximum length of 42 metres and a maximum width of 18.5 metres and given the reference 'D' on the deposited plan.

SCHEDULE 4

The Development

Demolition of an existing school, known as Ysgol Delyn and erection of 16 dwellings arranged as 5 terraced units and all associated development works.

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFYRDD (ALEXANDRA ROAD, YR WYDDGRUG, SIR Y FFLINT) 2017

Mae Gweinidogion Cymru wedi gwneud Gorchymyn o dan adran 247 o Ddeddf Cynllunio Gwlad a Thref 1990 ("y Ddeddf") i awdurdodi cau'r darnau o briffordd a ddisgrifir yn Atodlen 1 i'r Hysbysiad hwn a darparu'r darn newydd o briffordd y gwneir gwelliannau iddo a ddisgrifir yn Atodlen 2 a darparu'r darn newydd o briffordd a ddisgrifir yn Atodlen 3, er mwyn gwneud y datblygiad a ddisgrifir yn Atodlen 4. Bydd Gorchymyn Cau Prifffyrdd (Alexandra Road, yr Wyddgrug, Sir y Fflint) 2017 ("y Gorchymyn"), yn peidio â chael effaith os daw'r caniatâd cynllunio mewn cysylltiad â'r datblygiad i ben neu os caiff ei ddirymu.

Gellir edrych ar gopiâu o'r Gorchymyn drafft a'r plan a adnewwyd yn rhad ac am ddim yn swyddfa Cyngor Sir y Fflint, Neuadd y Sir, yr Wyddgrug, Sir y Fflint CH7 6NF yn ystod oriau swyddfa arferol neu gellir eu cael yn rhad ac am ddim o'r cyfeiriad isod drwy ddyfynnu'r cyfeirnod qA1288519.

Caiff unrhyw berson a dramgwyddir gan y Gorchymyn, ar y sail:

- a. nad yw o fewn pwerau'r Ddeddf; neu
- b. na chydymffurfiwyd ag un o ofynion gweithdrefnol y Ddeddf;

o fewn 6 wythnos i 29 Mehefin 2017, wneud cais i'r Uchel Lys at y diben hwnnw.

Gellir gweld copi o'r Gorchymyn a'r Hysbysiad ar www.llyw.cymru (Detholer: Deddfwriaeth/ Is-ddeddfwriaeth/ Offerynnau Anstatudol/ Trafnidiaeth/ Deddf Cynllunio Gwlad a Thref: Gorchymynion Cau/ 2017).

Gellir cael copi print bras o'r Hysbysiad hwn oddi wrth: Y Gangen Orchymynion, Trafnidiaeth, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

M D BURNELL
Trafnidiaeth
Llywodraeth Cymru

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (ALEXANDRA ROAD, MOLD, FLINTSHIRE) ORDER 2017

The Welsh Ministers have made an Order under section 247 of the Town and Country Planning Act 1990 ("the Act") to authorise the stopping up of the lengths of highway described in Schedule 1 to this Notice and provide the improved length of highway described in Scheduled 2 and provide the new length of highway described in Scheduled 3, to enable the development described in Schedule 4 to be carried out. The Stopping Up of Highways (Alexandra Road, Mold, Flintshire) Order 2017 ("the Order"), will cease to have effect if planning permission in respect of the development expires or is revoked.

Copies of the draft Order and the deposited plan may be inspected free of charge at the office of Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF during normal office hours or may be obtained free of charge from the address below quoting reference qA1288519.

If a person is aggrieved by the Order, on the ground that:

- a. it is not within the powers of the Act; or
- b. a procedural requirement of the Act has not been complied with;

that person may, within 6 weeks of 29 June 2017 make an application for the purpose to the High Court.

A copy of the Order and Notice can be viewed at www.gov.wales (Select: Legislation/ Subordinate legislation/ Non-Statutory Instruments/ Transport / TCPA Stopping Up Orders/ 2017).

A copy of this Notice in larger print can be obtained from Orders Branch, Transport, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

M D BURNELL
Transport
Welsh Government

YR ATODLENNI

ATODLEN 1

(Bras amcan yw pob mesuriad)

Disgrifiad o'r darnau o briffordd sydd i'w cau o dan y Gorchymyn hwn

3. Darn afreolaidd ei siâp o briffordd ar ochr dwyreiniol cilfan ar Alexandra Road, yr Wyddgrug, Sir y Fflint, sy'n 16.5 o fetrau yn y man hiraf ac yn 4 metr yn y man lletaf ac y rhoddir y cyfeirnod 'A' iddo ar y plan a adnewwyd.
4. Darn afreolaidd ei siâp o briffordd ar ochr orllewinol cilfan ar Alexandra Road, yr Wyddgrug, Sir y Fflint, sy'n 12.4 o fetrau yn y man hiraf ac yn 4 metr yn y man lletaf ac y rhoddir y cyfeirnod 'B' iddo ar y plan a adnewwyd.

ATODLEN 2

(Bras amcan yw pob mesuriad)

Disgrifiad o'r rhan o briffordd y gwneir gwelliannau iddi o dan y Gorchymyn hwn

Darn afreolaidd ei siâp o briffordd gan gynnwys rhan o'r gilfan o'r enw Alexandra Road, yr Wyddgrug, Sir y Fflint, sy'n 11 o fetrau yn y man hiraf a thua 4 metr o led yn y man lletaf ac y rhoddir y cyfeirnod 'C' iddo ar y plan a adnewwyd.

ATODLEN 3

Disgrifiad o'r darn o briffordd newydd sydd i'w ddarparu

Darn o ffordd fynediad newydd sy'n arwain o Alexandra Road, yr Wyddgrug, Sir y Fflint tua'r gogledd sy'n 42 o fetrau yn y man hiraf ac yn 18.5 o fetrau yn y man lletaf ac y rhoddir y cyfeirnod 'D' iddo ar y plan a adnewwyd.

ATODLEN 4

Y Datblygiad

Dymchwel ysgol sy'n bodoli eisoes, o'r enw Ysgol Delyn, ac adeiladu 16 o anheddau a drefnir fel 5 uned teras, a'r holl waith datblygu cysylltiedig yn unol â chaniatâd cynllunio a roddwyd o dan Ran 3 o Ddeddf 1990 gan y Cyngor ar 23 Tachwedd 2016 o dan y cyfeirnod 055835.

SCHEDULES

SCHEDULE 1

(All measurements are approximate)

Description of the lengths of highway to be stopped up under this Order

3. An irregular shaped length of highway that is located on the eastern side of a layby on Alexandra Road, Mold, Flintshire, with a maximum length of 16.5 metres and a maximum width of 4 metres and given the reference A on the deposited plan.
4. An irregular shaped length of highway that is located on the western side of a layby located on Alexandra Road, Mold, Flintshire, with a maximum length of 12.4 metres and a maximum width of 4 metres and given the reference B on the deposited plan.

SCHEDULE 2

(All measurements are approximate)

Description of the area of highway to be improved under this Order

An irregular shaped length of highway including part of the layby known as Alexandra Road, Mold, Flintshire with a maximum length of 11 metres and an approximate width of 4 metres and given the reference 'C' on the deposited plan.

SCHEDULE 3

Description of the length of new highway to be provided

A length of new access road leading from Alexandra Road, Mold, Flintshire in a north westerly direction with a maximum length of 42 metres and a maximum width of 18.5 metres and given the reference 'D' on the deposited plan.

SCHEDULE 4

The Development

Demolition of an existing school, known as Ysgol Delyn and erection of 16 dwellings arranged as 5 terraced units and all associated development works in accordance with planning permission granted under Part 3 of the 1990 Act by the Council on 23 November 2016 under reference number 055835.

