PRIFFYRDD, CYMRU

LIC 21-74

DEDDF CYNLLUNIO GWLAD A THREF 1990

GORCHYMYN CAU PRIFFYRDD (TIR I'R DE-DDWYRAIN O LÔN CAE DARBI, YSTÂD DDIWYDIANNOL CIBYN, CAERNARFON, GWYNEDD) 2021

Gwnaed	*19 Awst 2021*
Yn dod i rym	*25 Awst 2021*

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.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cau Priffyrdd (Tir i'r De-ddwyrain o Lôn Cae Darbi, Ystâd Ddiwydiannol Cibyn, Caernarfon, Gwynedd) 2021 a daw'r Gorchymyn hwn i rym ar 25 August 2021.

Dehongli

(2) Yn y Gorchymyn hwn—

ystyr "y Cyngor" ("*the Council*") yw Cyngor Gwynedd;

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 (Tir i'r De-ddwyrain o Lôn Cae Darbi, Ystâd Ddiwydiannol Cibyn, Caernarfon, Gwynedd) 202-" sy'n dod gyda'r Gorchymyn hwn.

(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 pwerau hyn yn arferadwy bellach gan Weinidogion Cymru o ran Cymru.

HIGHWAYS, WALES

WG 21-74

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (LAND LOCATED SOUTH EAST OF LÔN CAE DARBI, CIBYN INDUSTRIAL ESTATE, CAERNARFON, GWYNEDD) ORDER 2021

Made	*19 August 2021*
Coming into Force	*25 August 2021*

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.—(1) The title of this Order is the Stopping Up of Highways (Land Located South East of Lôn Cae Darbi, Cibyn Industrial Estate, Caernarfon, Gwynedd) Order 2021 and this Order comes into force on 25 August 2021.

Interpretation

(2) In this Order—

"the Council" *("y Cyngor")* means Gwynedd Council;

"the deposited plan" *("y plan a adneuwyd")* means the plan entitled "The Stopping Up of Highways (Land Located South East of Lôn Cae Darbi, Cibyn Industrial Estate, Caernarfon, Gwynedd) Order 202-" 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.

(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 powers are now exercisable by the Welsh Ministers in relation to Wales

Cau Priffordd

2. Yn ddarostyngedig i erthyglau 3, 4 a 5 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 27 Medi 2018 o dan y cyfeirnod C18/0565/14/LL, fel y'i diwygiwyd gan y caniatâd cynllunio o dan y cyfeirnod C19/0190/14/LL ar 30 Ebrill 2019 ac a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn.

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

3. Ni chaniateir cau'r darn 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 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

4. 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 darparwyr yr un hawliau mewn cysylltiad â'r cyfarpar ag a oedd ganddynt cyn cau'r briffordd.

Cyfnod Para'r Gorchymyn hwn

5. Os na fydd y datblygiad a ddisgrifir yn Atodlen 2 i'r Gorchymyn hwn 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.

Stopping Up

2. Subject to articles 3, 4 and 5 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 granted under Part 3 of the 1990 Act by the Council on 27 September 2018 under reference number C18/0565/14/LL, as amended by planning permission reference number C19/0190/14/LL on 30 April 2019 and described in Schedule 2 to this Order.

Provisions Necessary or Expedient before Stopping Up

3. The length 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 length of highway is 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 length of highway to allow the development to proceed; and

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

Statutory Undertakers and Providers

4. 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

5. If the development described in Schedule 2 to this Order 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.

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

Dyddiedig 19 Medi 2021

Nicci Hunter
Arweinydd y Tîm Busnes
Llywodraeth Cymru

ATODLEN 1
Y darn o briffordd sydd i'w gau
<u>(Bras amcan yw pob mesuriad)</u>

Darn petryalog ei siâp o briffordd, sy'n 13.12 o fetrau yn y man hiraf ac yn 11.26 o fetrau yn y man lletaf, i'r de-ddwyrain o'i chyffordd â Lôn Cae Darbi ac a ddangosir â llinellau sebra ar y plan a adneuwyd.

ATODLEN 2
Y Datblygiad

Adleoli canolfan storio a dosbarthu nwy Calor Gas a gwaith cysylltiedig a ganiateir yn unol â'r caniatâd cynllunio a roddwyd o dan Ran 3 o Ddeddf 1990 gan y Cyngor ar 27 Medi 2018 o dan y cyfeirnod C18/0565/14/LL, fel y'i diwygiwyd gan y caniatâd cynllunio o dan y cyfeirnod C19/0190/14/LL ar 30 Ebrill 2019.

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 19 September 2021

Nicci Hunter
Business Team Leader
Welsh Government

SCHEDULE 1
Length of highway to be stopped up
<u>(All measurements are approximate)</u>

A rectangular shaped length of highway, with a maximum length of 13.12 metres and a maximum width of 11.26 metres located southeast of its junction with Lôn Cae Darbi as shown by zebra hatching on the deposited plan.

SCHEDULE 2
The Development

The relocation of the Calor Gas storage and distribution centre and associated permitted works in accordance with planning permission granted under Part 3 of the 1990 Act by the Council on 27 September 2018 under reference number C18/0565/14/LL, as amended by planning permission reference number C19/0190/14/LL on 30 April 2019.