

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

**Environment and Highways Cabinet Board**

**14 April 2016**

**Report of the Head of Corporate Strategy and Democratic  
Services - K.Jones**

Matter for Information

Wards Affected: Port Talbot

Officer Urgency Action 1276 re:  
Port Talbot Integrated Transport Hub - Stopping Up Order and  
Diversion of the Highway under Section 247 of the Town and County  
Planning Act 1990

Details of the above Urgency Action taken by the Head of  
Engineering and Transport in consultation with the requisite  
Members, for immediate implementation.

There is no call-in of this matter.

The report was dated 8 March 2016 and is attached below for  
Members' Information.

# NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

## Highways and Engineering Board

14 April 2016

### Urgency Action Report of the Head of Engineering and Transport D. W. Griffiths

**Wards Affected:** Port Talbot

#### **Port Talbot Integrated Transport Hub - Stopping Up Order and Diversion of the Highway under Section 247 of the Town and County Planning Act 1990**

#### **Purpose of the Report**

To seek authorisation for the Director of Environment or Head of Engineering to sign the application for a 'stopping up' order for sections of the highway on Station Road and Heilbronn Way associated with construction of the Port Talbot Integrated Transport Hub and duly submitted to Welsh Government for their approval.

#### **Background**

Construction of the Transport Hub requires an exchange of land between Network Rail (NWR) and the Council, as shown in Appendix 1.

The affected NWR land was the ticket office and forecourt car park franchised to Arriva Trains Wales (ATW). This was used for disabled parking, taxis and passenger drop-off and pick-up; it is now required for the proposed road realignment.

In order to meet DfT requirements, ATW's operation should not be significantly adversely affected by any 'station change'.

In order to meet this requirement, it is proposed to transfer part of the highway to NWR, which will then be 'refranchised' to ATW, to enable their operation to continue reasonably unaffected. The area of land affected is shown in Appendix 1.

The affected highway must be 'stopped-up' before NWR will accept it. There will also be an area of highway 'stopped up' to accommodate the bus station operation. This area is also shown in Appendix 1.

For legal reasons, the Council must authorise the relevant Director or Head of Service to sign the application.

The application form is included as Appendix 2.

### **Financial Impact**

There is no financial impact associated with this report.

Consequences of not approving the authorisation required will seriously affect delivery of the strategic Transport Hub.

### **Equality Impact Assessment**

There are no equality impacts associated with this report.

### **Workforce Impacts**

There are no workforce impacts associated with this report.

### **Legal Impacts**

The 'stopping up' order will remove a section of highway from the Council's asset register that it is legally required to maintain and keep safe.

### **Risk Management**

There are no risk management issues associated with this report.

### **Consultation**

There is no requirement under the Constitution for external consultation on this item.

## **Recommendations**

That authority is delegated to the Director of Environment and the Head of Engineering & Transport to submit a stopping up and diversion of Highways under Section 247 of the Town and County Planning Act 1990 to the Welsh Government, to enable the delivery of the Port Talbot Integrated Transport Hub.

## **Reasons for Proposed Decision**

In order that the Transport Hub can proceed as planned.

## **Implementation of Decision**

The decision is an urgent one for immediate implementation, subject to the consent of the relevant Scrutiny Chair (and is therefore not subject to the call-in procedure.)

## **Appendices**

Appendix 1 - Order Plan C19650-SUO

Appendix 2 - Application Form - S247 - Stopping Up or Diversion of Highways - (2015)

## **List of Background Papers**

'Update on developments for an Integrated Transport Hub in Port Talbot and Network Rail's consultation on closure of the level crossing at Port Talbot Station'; Cabinet Members Briefing, 23 September 2015, Report of the Head of Engineering and Transport; D W Griffiths

## **Officer Contact**

Brian Biscoe, Programme and Commissioning Manager

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email [b.biscoe@npt.gov.uk](mailto:b.biscoe@npt.gov.uk)



**Appendix Two** - Application Form - S247 - Stopping Up or Diversion of Highways - (2015)



Llywodraeth Cymru  
Welsh Government

## Stopping Up and Diversion of Highways Section 247 of the Town and Country Planning Act 1990

### Important

- You have no authority to stop up or divert a highway until the notice announcing that the Welsh Ministers have made an Order is published. Not only is it an offence to obstruct or interfere with a highway before this is done, but it may also make it impossible for the Welsh Ministers to make an Order.
- Please read the guidance notes at the end of this form before answering any questions.
- Please ensure all the necessary enclosures accompany this form (see guidance note)

### A - Names and Addresses

Please give:

the address of the place where  
the highway(s) is/are situated

<b>O/S PORT TALBOT RAILWAY STATION</b>
<b>HEILBRONN WAY, PORT TALBOT</b>

the name, address  
and telephone number  
of the Council Planning Department  
for the highway(s) concerned

<b>NPTCBC</b>
<b>THE QUAYS, BRUNEL WAY</b>
<b>BAGLAN ENERGY PARK</b>
Postcode <b>SA11 2GG</b> Telephone: <b>01639 686868</b>

the name, address  
and telephone number  
of the Council Highways Department  
if different from above

<b>AS ABOVE</b>
Postcode: Telephone:
<b>MARTIN BRUMBY, HIGHWAYS MANAGER</b>

*(Named contact also, if available)*

the name of the Community  
or Town Council and  
the address of its Clerk  
(if none, put 'none')

<b>NONE</b>
PostPostcode: Telephone:

the developer's full name,  
address and telephone number

<b>NEATH PORT TALBOT COUNTY BOROUGH COUNCIL</b>
<b>THE QUAYS, BRUNEL WAY, BAGLAN ENERGY PARK, SA11 2GG</b>
Postcode: <b>SA11 2GG</b> Telephone: <b>01639 686868</b>

the applicant's full name, address, postcode  
and telephone number if not the developer

<b>AS ABOVE</b>
PostPostcode: Telephone:

the agent's full name, address  
and telephone number  
(if none, put 'none')

<b>NOT APPLICABLE</b>
Postcode: Telephone:

the names of two local newspapers and  
the days on which they are published

--

a contact name, address and telephone number of a local  
public office where the public may inspect the Order and  
deposited plan free of charge  
*(The office would usually be expected to be open during  
normal business hours. Prior agreement with the Office  
should be sought)*

<b>NEATH PORT TALBOT COUNTY BOROUGH COUNCIL</b>
<b>PLANNING DEPARTMENT,</b>
<b>THE QUAYS, BRUNEL WAY, BAGLAN ENERGY PARK</b>
PostPostcode: <b>SA11 2GG</b> Telephone: <b>01639 686868</b>

Last update: Aug 2015

**B - The Development**

Describe briefly the development, which necessitates the proposed stopping up, or diversion. You should also attach a statement justifying this stopping up or diversion, either as an appendix or as a covering letter.

<b>PORT TALBOT INTEGRATED TRANSPORT HUB</b>

- Who granted planning permission for this development?
  - What is the date of this permission?
  - On what date is work on the development expected to start?
  - Is there a related compulsory purchase Order, or other statutory action? Yes  No
- If 'Yes', please give details.


**C - Highway to be stopped up or diverted**

- Is it:  
all purpose highway     bridleway     footpath     or cycle track   
(including footways and verges)
- What is its name?   
and classification number? (if any)

● Description of each section

	(Maximum if appropriate)		Area in square metres if irregular in shape	Terminal points	
	Length (metres)	Width (metres)		From	To
1	83 m	16 m	1113 m2	E 276698, N 189707	E 276739, N 189634
2	40 m	15 m	640 m2	E 276768, N 189644	E 276783, N 189606
3					
4					

● Who owns the land on either side of each section?

1	NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
2	NETWORK RAIL
3	
4	





**D - Consents**

- Please confirm in writing that the consent of every person having an interest in the land to be developed whether adjoining or under the highway to be stopped up necessary to enable the development to be carried out has been obtained. If 'Yes', please attach these consents.

If 'No', please attach any consents received and give particulars below of those that you have yet to obtain.

● YES –PLEASE SEE ATTACHED SCHEDULES 05 AND 06
●
●

(Continue on a separate sheet)

**WARNING** – IF THERE IS NO EVIDENCE TO THE CONTRARY, THEN IT IS PRESUMED THAT THE OWNERS OF THE ADJOINING LAND OWN THE SUB-SOIL OF THE HIGHWAY, UP TO THE CENTRE LINE. THE MAKING OF AN ORDER MAY BE DELAYED OR FRUSTRATED IF YOU FAIL TO OBTAIN CONSENT FROM THE OWNER OF THE SUB-SOIL. EVEN IF AN ORDER IS MADE A DEVELOPMENT MAY BE FRUSTRATED IF CONSENT HAS BEEN WITHHELD.

**E - New highway to be provided (if any)**

- Will it be:  
all purpose highway  bridleway  footpath  or cycle track

- Has the highway authority been asked to accept responsibility for maintaining the new highway? Yes  No

If 'Yes', please attach copies of any correspondence.

- Who owns the land to be dedicated as new highway? NETWORK RAIL / NPTCBC

- If the applicant will not own or control the land to be dedicated, has the landowner's consent been given to the proposed dedication? Yes  No

- Describe highway to be provided and give approximate measurements (maximum length and maximum width)

A NEW SINGLE LANE TWO WAY 7.3m WIDE SECTION OF HIGHWAY CONNECTING HEILBRON WAY
TO TALBOT ROAD, RUNNING PARALLEL WITH THE ADJACENT RAILWAY LINE IS TO BE PROVIDED
ALONG WITH A 2.5m WIDE SHARED FOOTWAY/CYCLEWAY AS SHOWN IN DRAWING 04 ..C19650/SUO
ATTACHED

**F - Highway to be improved (if any)**

● Is it: all purpose highway  bridleway  footpath  or cycle track

● What is its name?   
and classification number? (if any)

● Description of highway(s) to be improved including terminal points and approximate measurements (maximum length and maximum width).

STATION ROAD: 90m in length, 7.3m wide. Terminal points – E276747, N189749 to E276759, N189719
HEILBRONN WAY: 88m in length, 16m wide. Terminal points - E276672, N189783 to E276719, N189663
GROVE PLACE: 20m in length, 9m wide. Terminal points -E276762, N189723 to E276778, N189732
TALBOT ROAD: 58m in length, 10m wide. Terminal points – E276783, N189604 to E276832, N189573

**G - Applying in anticipation of planning permission in accordance with Section 253 of the Act**  
(Normally only applicable to Local Authority or Statutory Undertakers unless (D) or (E) applies)

● If you are applying in anticipation of planning permission, then please state:

(A) the name of the local authority or statutory undertaker which is applying

(B) the date on which it applied

or (C) the date on which the local authority or statutory undertaker applied to a government department for deemed planning permission under section 90 of the Act or section 2 of the Opencast Coal Act 1958

or (D) the date on which the application was referred to the Welsh Government under section 77 of the Act

or (E) the date on which an appeal was made to the Welsh Government under Section 78 of the Act

**H - Undertaking and declaration**

- I declare that:

I understand that authority to stop up or divert a highway is conferred solely by the publication of a notice announcing that an Order has been made:

Except to the extent authorised by or under some other statutory provision, the highway(s) to be stopped up or diverted is/are in no way obstructed and is/are fully available for use.

- I undertake that:

Except to the extent authorised as above, such highway(s) shall in no way be obstructed before the Order comes into operation.

- All the information given in this form is, to the best of my knowledge and belief, true and accurate.

- I apply for an Order to authorise the stopping up or diversion of the highway(s) described above.

Signed

Name

Position

Date



Last update: Aug 2015

**Please check that you have enclosed everything specified in the guide then send your application to:**

**Orders Branch  
Transport  
Welsh Government  
Cathays Park  
Cardiff CF10 3NQ**

**Failure to submit all necessary documentation will result in your application being delayed. Your attention is drawn to the guidance notes within this application form.**

**Check List – Items to be submitted with the application (please refer to check enclosures)**

**PLEASE SEE ATTACHED CHECK LIST SCHEDULE (page 9)**

- Approved planning permission – (Order cannot be made without it)
- One** set of the plans approved by the above planning permission, including the approved site layout plan.
- One** copy of existing ground floor plan indicating the approved site boundary edged red and the existing highway boundary within the approved site edged blue.
- One** copy of existing highway layout taken from an up to date Ordnance Survey map scale 1/1250 or 1/500 as appropriate.
- Four** copies of proposed Order plan, showing the highway to be stopped up or diverted to scale as above (see guidance note).
- One** copy of Section 106 agreement (if applicable).
- One** copy of Compulsory Purchase Order details (if applicable).
- S253 relevant documents to be submitted (if applicable).
- Copies of correspondence with statutory undertakers.
- Copies of correspondence with highway authority including their approval to the proposal together with a plan.
- Photograph(s) of the location may be helpful (*optional*).

## Guidance Notes

### To be read before completing the application form for stopping up or diversion Orders

### These notes relate to Orders under Section 247 of the Town and Country Planning Act 1990

#### Definitions

- 'Highway' means land over which the public have certain rights of way. Highways may be classified as follows:
  - 'all-purpose highway' means one over which the public have rights of way on foot and with vehicles, and over which they may exercise an animal that can use a bridleway;
  - 'carriageway' means a way forming all, or part of, a highway (other than a cycle track) over which the public have a right of way for the passage of vehicles;
  - 'footway' means that part of an all-purpose highway over which the public have a right of way on foot only;
  - 'bridleway' means a highway over which the public have rights of way on foot and on horseback, or when leading horses, with or without a right to drive any sort of animal along that highway. There is no other right of way on a bridleway, except in certain circumstances for non-motorised bicycles.
  - 'footpath' means a highway over which the public have a right of way on foot.
  - 'cycle track' means a way forming all, or part of, a highway, over which the public have a right of way on pedal cycles, with or without a right of way on foot. There is no other right of way on a cycle track.

#### Welsh Ministers' Powers

- Under section 247 of the Act, the Welsh Ministers may, by Order, authorise the stopping up or diversion of any highway, if it is satisfied that it is necessary to do so to enable development to be carried out in accordance with planning permission granted under part III of the Act, or to be carried out by a government department.

Therefore a copy of the relevant planning permission must be submitted before an application can proceed – see advice under "Enclosures".
- In the case of footpaths and bridleways, section 257 of the Act empowers a local planning authority to make a stopping up or diversion

Order if satisfied that it is necessary to do so to enable development to be carried out in accordance with planning permission granted under Part III of the Act, or to be carried out by a government department.

- Where an application for the stopping up or diversion of all-purpose highways also affects a footpath the Welsh Ministers may make the Order stopping up or diverting all-purpose highways and footpath.

#### Enclosures

- When the Welsh Government is considering an application to stop up or divert a highway, it must be able to understand the effect of the development on the highway. Also, it needs to know that the local highway authority have been fully consulted on the proposed stopping up or diversion. Therefore, it requires a letter and related plan confirming that the local highway authority agree to the proposed stopping up or diversion.
- It is essential that measurements be accurately described in the Order schedule, measurements must be to scale. It should be possible to scale the measurements from the approved plan and the Order plan and for both to agree.
- You should send the following items with your application:
  - a copy of the planning permission granted under part III of the Act, together with any plans. **Applicants are reminded that an Order can only be made if Welsh Ministers are satisfied that it is necessary to do so in order to enable the development for which permission has been granted to be carried out. Where only an outline permission has been granted it may not be possible to meet this test.**
  - a copy of the approved site layout plan with the site boundary edged red and the existing highway within that site edged blue.
  - copies of correspondence with the highway authority.
  - copies of correspondence with statutory undertakers.
  - a plan showing the highway to be stopped up or diverted.

Last update: Aug 2015

## Applying in anticipation of planning permission in accordance with Section 253

Copy of the application for planning permission and relevant plans, a copy of the appeal, CPO or submission to the Welsh Assembly Government.

### Submission of plans for incorporation in Order

- The following will be required:

4 copies of an up to date plan, or plans A3 or A4 size based on Ordnance Survey and drawn to a scale of 1/1250 or 1/500 or to other suitable scales.

The plans should show existing highway(s) clearly labelled and be marked to show the details of stopping up etc as indicated below. It is also important that sufficient of the surrounding area appears on the plan to enable the location to be easily identified. Where locations to which reference is made in the form do not appear on the plan, their direction and the distance in metres from the end of the highway to be stopped up should be indicated.

plan(s) to be marked as follows:

- a) The highways proposed to be stopped up or diverted should be shown by zebra hatching.



- b) any new highway (all-purpose highways, footpaths or bridgeways) pursuant to the Order should be shown by stipple:



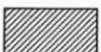
- c) Any existing highway to be improved pursuant to the Order should be shown by crossing hatching over the affected length. The cross hatching should also include any widening or realignment:



- d) Any private means of access to premises or footpath to be stopped up should be shown in solid black:



- e) Any new means of access to premises should be shown by thin diagonal hatching:



- f) New footpath to be provided:



- g) All plans must clearly show a North point, preferably prepared so that North is shown parallel with the vertical side of the plan:

- h) The terminal points of the lengths of highway proposed to be stopped up or diverted must be clear on the plans:

- i) Highways such as footpaths and bridleways must be identified in Orders in words eg “the footpath/bridleway leading to North Street from “West Road”. Sufficient information should be given on the plans to enable an adequate description to be prepared:

- j) An unmarked copy of the above plan is required.

- Measurements – metric, taken from a terminal point(s) clearly identifiable on the plan.
- No other details are required.

### Timescale for making an Order

- Once the details of an application have been agreed, it can take a **minimum of 5 months** to make an Order providing there are no objections:

If objections are received and cannot be resolved within a reasonable timescale, it will normally be necessary for the Welsh Assembly Government to hold a local inquiry. **In such cases the period before a decision is taken will be considerably longer, possibly a year or even longer in some cases.**

### Objections

- If any objections to the proposed Order are made to the Welsh Government, they will be copied to the applicant so that he may, if he wishes, negotiate with the objectors with a view to resolving the objections. Where objections cannot be resolved within a reasonable timescale, it will normally be necessary for the Welsh Government to hold a local inquiry.

### Return of form

- One completed copy of form TCPA 247(2015) (together with all the necessary enclosures) should be sent to:

Orders Branch  
Transport  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ.



**Check List – Items to be submitted with the application (please ✓ to check enclosures)**

✓	Approved planning permission – (Order cannot be made without it)	00 -Planning Application form attached  P2015/1128 submitted December 2015. Can be seen at <a href="http://planning.npt.gov.uk">http://planning.npt.gov.uk</a>
✓	<b>One</b> set of the plans approved by the above planning permission, including the approved site layout plan.	01-Location Plan C19650-CR1 02-Site Plan, Streetscene, Materials & Landscaping
	<b>One</b> copy of existing ground floor plan indicating the approved site boundary edged red and the existing highway boundary within the approved site edged blue.	NA
✓	<b>One</b> copy of existing highway layout taken from an up to date Ordnance Survey map scale 1/1250 or 1/500 as appropriate.	See 01-Location Plan C19650-CR1 03-Existing Road Layout
✓	<b>Four</b> copies of proposed Order plan, showing the highway to be stopped up or diverted to scale as above (see guidance note).	04 -Order Plan C19650-SUO
	<b>One</b> copy of Section 106 agreement (if applicable).	NA
	<b>One</b> copy of Compulsory Purchase Order details (if applicable).	NA
	S253 relevant documents to be submitted (if applicable).	NA
✓	Copies of correspondence with statutory undertakers.	05 -Copy of E-mail from Network Rail re agreement in principal to the scheme  06 -Schedule and copies of correspondence to date with Statutory Undertakers British Telecom Western Power National Grid WelshWater Wales and West Utilities GTC Virgin Media Public Sewers
	Copies of correspondence with highway authority including their approval to the proposal together with a plan.	NA (Highway Authority Making Application)
✓	Photograph(s) of the location may be helpful ( <i>optional</i> ).	07