

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Streetscene & Engineering Cabinet Board

25 May 2018

Report of the Head of Engineering & Transport

D. W. Griffiths

Matter for Decision

Wards Affected: Neath North

Neath Town Centre Redevelopment – Stopping Up Order and Diversion of the Highway under Section 247 of the Town and Country Planning Act 1990

Purpose of Report

1. To seek authorisation for the Director of Environment or Head of Engineering to sign the application for a 'Stopping Up' Order for Fairfield Way, Neath and duly submit the application to Welsh Government for their approval.

Executive Summary

2. Authorisation to submit an application for a 'Stopping Up' Order for Fairfield Way, Neath.

Background

3. Following the demolition of the old Civic building, multi-storey car park, retail units and Law Court, and subsequent construction of new civic building, multi-storey car park and retail units, the Council has aspirations to develop the remaining area. Stopping up Fairfield Way would allow the site to be made available for future development.

4. To enable Fairfield Way to be stopped up, Water Street will become two way. The following works will be necessary:-

- Widening the carriageway to the front of the Civic Building.
- Installing traffic signals on the junction with Gnoll Park Road and St. David's Street.

- Replacement of existing disabled and residential on street parking with 14 residents' parking spaces and two disabled spaces.
- Provision of a new vehicle turning area.
- Relocation of the pedestrian crossing point on Gnoll Park Road to become part of the signal controlled junction.
- Relocation of loading bay.
- For legal reasons, the Council must authorise the relevant Director or Head of Service to sign the application.

Financial Impact

5. There is no financial impact associated with this report.
6. Consequences of not approving the authorisation required will seriously affect the highway works necessary to allow Neath Town Centre Redevelopment Scheme to commence.

Equality Impact Assessment

7. A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this proposal does not require an Equalities Impact Assessment.

Workforce Impacts

8. There are no workforce impacts associated with this report.

Legal Impacts

9. All of the land required for the proposed alterations to Water Street is designated as highway or highway verge. The works can therefore be undertaken under permitted development rights. There is no requirement for planning approval.

Risk Management

10. There are no risk management issues associated with this report.

Consultation

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

Recommendation

It is recommended that:-

12. Authority is delegated to the Director of Environment and the Head of Engineering & Transport to submit an application for a Stopping Up and Diversion of Highways under Section 247 of the Town and Country Planning Act 1990 to the Welsh Government.

Reason for Proposed Decision

13. To allow development of the Neath Town Centre Redevelopment. Stopping up Fairfield Way would allow the site to be made available for future development.

Implementation of Decision

14. The decision is proposed for implementation after the three-day call-in period.

Appendices

- | | | |
|------------|---|---|
| Appendix 1 | – | Order Plan |
| Appendix 2 | – | Application form S247 Stopping Up of Diversion of Highways 2015 |
| Appendix 3 | – | Proposed development plan |

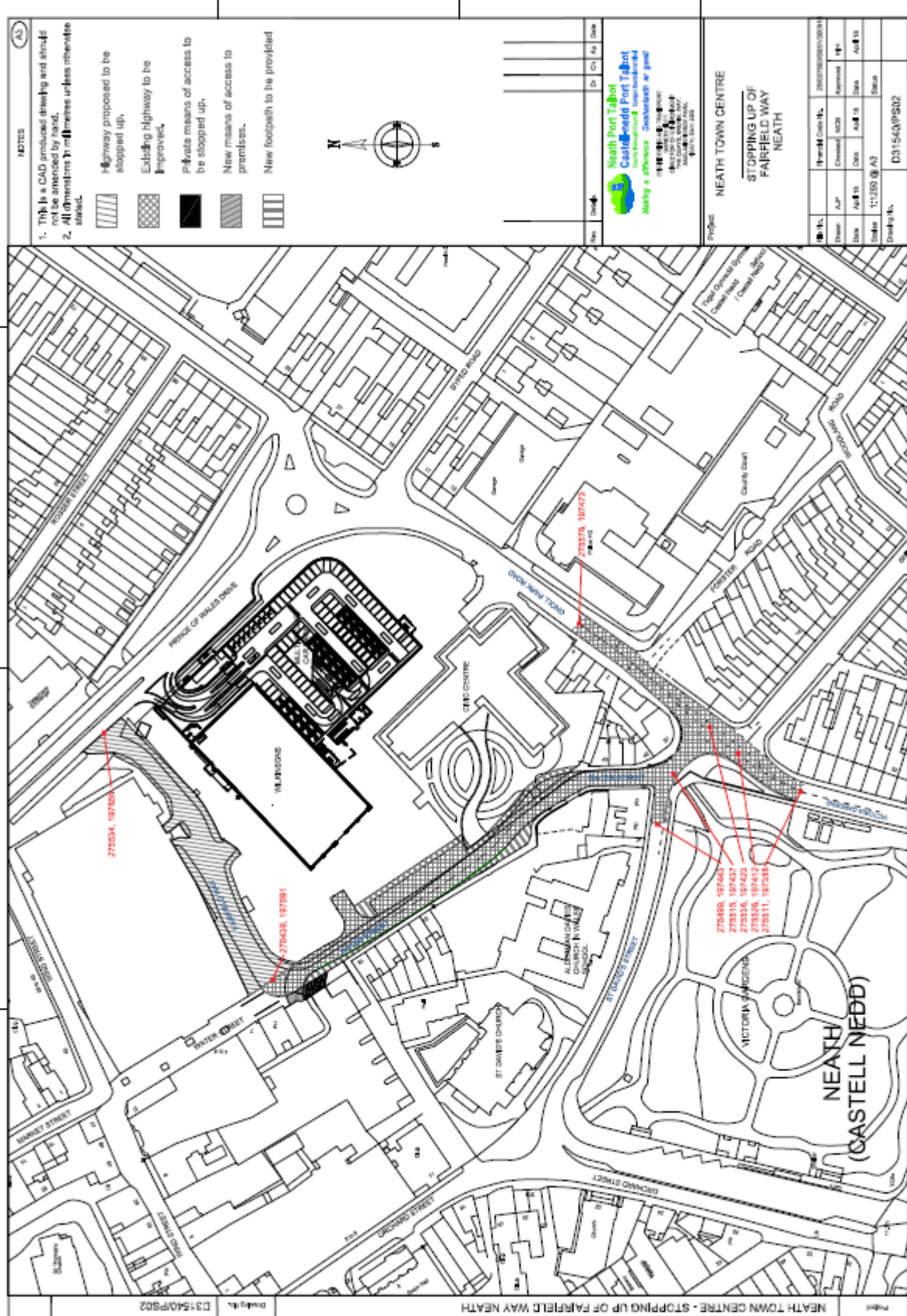
List of Background Papers

15. None

Officer Contact

16. Mrs Amanda J. Phillips – Programme & Commissioning Manager
Tel: 01639 686483 or e-mail: a.phillips2@npt.gov.uk

Appendix 1



Appendix 2

Last update: Aug 2015



Llywodraeth Cymru
Welsh Government

TCPA 247 (2015)

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

FAIRFIELD WAY, NEATH

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

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

THE QUAYS, BRUNEL WAY, BAGLAN ENERGY PARK

Postcode SA11 2GG Telephone: 01639 686868

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

AS ABOVE

Postcode: Telephone:

(Named contact also, if available)

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

NEATH TOWN COUNCIL 10-12 ORCHARD STREET NEATH

Postcode: SA11 1DU Telephone: 01639 642726

the developer's full name,
address and telephone number

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

THE QUAYS, BRUNEL WAY, BAGLAN ENERGY PARK

Postcode: SA11 2GG Telephone: 01639 686868

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

AS ABOVE

Postcode: Telephone:

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

NONE

Postcode: Telephone:

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

WESTERN MAIL - DAILY
SOUTH WALES EVENING POST - DAILY

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

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

THE QUAYS, BRUNEL WAY, BAGLAN ENERGY PARK

Postcode: SA11 2GG Telephone: 01639 686868

(The office would usually be expected to be open during
normal business hours. Prior agreement with the Office
should be sought)

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.

FOLLOWING THE:
 - DEMOLITION OF THE OLD CIVIC BUILDING, MULTI STOREY CAR PARK, RETAIL UNITS AND LAW COURT; &
 - THE CONSTRUCTION OF A NEW CIVIC BUILDING, MULTI STOREY CARPARK AND RETAIL UNITS.
 NPTCBC HAS ASPIRATIONS TO DEVELOP THE REMAINING AREA. STOPPING UP FAIRFIELD WAY WOULD ALLOW THE SITE TO BE MADE AVAILABLE FOR FUTURE DEVELOPMENT.

● 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) Length (metres) / Width (metres)		Area in square metres if irregular in shape	Terminal points	
				From	To
1	118 m	22 m	1611 m ²	E 275439 N 197591	E 275534 N 197656
2					
3					
4					

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

1	NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
2	
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.

- LAND UNDER HIGHWAY TO BE STOPPED UP (FAIRFIELD WAY) IS OWNED BY NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
- ADJOINING LAND IS OWNED BY NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
- LAND UNDER HIGHWAY TO BE IMPROVED (WATER STREET) IS UNREGISTERED BUT IS ADOPTED HIGHWAY. CONSENT HAS NOT BEEN SOUGHT FROM THE ADJOINING LAND OWNERS.

(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?

- 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)

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).

The following highway improvements will be made:

- Water Street will become a two way single carriageway.
- There will be a new turning area created (on highway verge) at the end of Water Street to permit vehicles to turn.
- Water Street will be locally widened to allow two vehicles to pass.
- New traffic signals will be installed at the junction of Water Street and B4434.
- Pedestrian crossing point on St Davids Street will be moved to E 275504 N 197442
- Pedestrian crossing point on B4434 will be moved to E 275549 N 197439.

WATER STREET	200m in length.	Terminal points E 275536 N 197423 TO E 275439 N 197591.
ST DAVIDS STREET	21m in length.	Terminal points E 275499 N 197443 TO E 275499 N 197443.
B4434 GNOLL PARK ROAD	79m in length.	Terminal points E 275526 N 197412 TO E 275576 N 197473.
VICTORIA GARDENS	28m in length.	Terminal points E 275526 N 197412 TO E 275511 N 197388.

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 4 to check enclosures)

- 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.

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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.

