

## HIGHWAYS, WALES

WG[REF]

### THE DIVERSION OF HIGHWAYS (PUBLIC FOOTPATH 56, MOLD, FLINTSHIRE) ORDER 2024

*Made* [Date]

*Coming into force* [Date]

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 Diversion of Highways (Public Footpath 56, Mold, Flintshire) Order 2024 and it comes into force on [Date].

#### Interpretation

2. In this Order –

“the Council” means Flintshire County Council;

“the deposited plan” means the plan entitled “The Diversion of Highways (Public Footpath 56, Mold, Flintshire) Order 2024” with reference [2022-34-FP02] which accompanies this Order;

“the developer” means the person carrying out the development for which the planning permission has been granted; and

“the 1990 Act” means the Town and Country Planning Act 1990.

#### Diversion

3. Subject to articles 5 and 6 of this Order the Welsh Ministers authorise the diversion of the length of highway described in Schedule 1 to this Order and shown by the hatched line between points A to B on the deposited plan. The Welsh Ministers are satisfied that the diversion 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 [Date] under reference number [Ref] and described in Schedule 3 to this Order.
4. There will be created, to the reasonable satisfaction of the Council, the new highway described in Schedule 2 to this Order and shown by the dashed line between points C and D on the deposited plan, which is to be highway which, for the purposes of the Highways Act 1980 is a highway maintainable at the public expense and the Council is to be the highway authority for it.

#### Provisions Necessary or Expedient before Diversion

5. The area of highway described in Schedule 1 to this order may not be diverted until:-
  - (a) The developer has provided the new highway described in Schedule 2 to this Order to the reasonable satisfaction of the Council;
  - (b) The developer has provided plans showing how the highway is to be diverted to the reasonable satisfaction of the Council;

(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.

- (c) The development referred to in Schedule 3 to this Order has been commenced and the developer has informed the Council in writing of the necessity to divert the highway to allow the development to proceed; and
- (d) The Council has confirmed in writing to the developer that the provisions of (a), (b) and (c) of this article have been fulfilled.

### **Statutory Undertakers and Providers**

- 6. Where immediately before the length of highway is diverted, 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 diversion.

### **Duration of this Order**

- 7. If the development described in Schedule 3 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.

Signed on behalf of the Minister for Climate Change, one of the Welsh Ministers.

Dated [date]

### **SCHEDULE 1**

**(all measurements are approximate)**

#### **Length of highway to be diverted**

A length of highway known as Public Footpath 56 in Mold, Flintshire, with a maximum length of 437.7 metres and a maximum width of 2metres, which extends from points A to B on the deposited plan.

### **SCHEDULE 2**

**(all measurements are approximate)**

#### **Length of highway to be provided**

A length of footpath located to the south of Padeswood Cement Works, Chester Rd, Mold CH7 4HB with a maximum length of 385.3 metres and a minimum width of 2 metres, extending from points D to C on the deposited plan.

### **SCHEDULE 3**

#### **The Development**

Erection of a post combustion carbon capture plant, together with a combined heat and power plant and other associated plant and structures. Temporary and permanent works required to facilitate the Proposed Development including accesses, drainage, temporary construction areas, site offices, control centre, car parking, landscaping, biodiversity mitigation areas and other ancillary infrastructure. Demolition of existing structures and buildings within the site boundary to facilitate the Proposed Development including one residential property (Padeswood Hall Farm), Padeswood Hall (derelict) and outbuildings.

(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.