

EXPLANATORY MEMORANDUM TO

The Rathgael Road, Bangor (Abandonment) Order (Northern Ireland) 2009

S.R. 2009 No. 330

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Regional Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 68(1) and (5) of the Roads (Northern Ireland) Order 1993 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The purpose of the Rule is to abandon 239 square metres of Rathgael Road, Bangor which is currently grass verge, from a point 48 metres north-west of its junction with Birch Drive extending for 111.62 metres in a north-westerly direction.

3. Background

- 3.1. The Department is of the opinion that the area of road is not necessary for road traffic. The abandonment was requested by the adjacent landowner who wishes to include the area in question as part of a new housing development.

4. Consultation

- 4.1. The police have been consulted and have no objections. North Down Borough Council was notified about the proposal. A notice in respect of the proposed abandonment was published in the local press for 2 successive weeks and statutory undertakers notified of the proposal.
- 4.2. An objection was received from NIE and subsequently withdrawn.
- 4.3. An objection was received from a neighbouring landowner whose main concerns were - that she was not made aware of the proposal at any stage; the exact measurements of the abandonment and whether it is adjacent to her property; that she believed part of the land was vested from her previously and therefore she would like to purchase it back and the positioning of a replacement wall or fence.
- 4.4. The Department has considered her objections and informed her that it is satisfied that the proposed abandonment was advertised in the press and posted on site as per current procedures in order to bring it to the attention of members of the public; it is satisfied that the proposed abandonment area does not include her property; it has no record that any of the area to be abandoned was ever vested by the Department and that the area to be abandoned falls within the parcel of land registered to the developer. It also advised her that following abandonment it will be re-developed subject to planning approval and that the part of the grass verge affected will cease to exist as verge and the remaining grass verge will be

maintained in line with normal Roads Service practice. The location of the replacement fence was included in the planning approval granted.

5. Equality Impact

5.1. Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998. No equality issues have been identified by the Department and no issues were raised following the publication of the notice in the press.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment was not considered necessary as the proposal does not result in any costs or savings to business, charities or the voluntary bodies.

7. Financial Implications

7.1. None

8. Section 24 of the Northern Ireland Act 1998

8.1. Consideration has been given to compliance with section 24 of the Northern Ireland Act 1998. No human rights issues have been identified by the Department and no issues were raised following the publication of the notice in the press.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable.

R Sherman

29th September 2009