EXPLANATORY MEMORANDUM TO

The Ballyrobin Road (Route C28), Templepatrick (Abandonment) Order (Northern Ireland) 2011

S. R. 2011 No. 394

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 an area of 1328 square metres of Ballyrobin Road, Templepatrick, from its junction with the A6 Belfast-Antrim Road extending for 140 metres in a south-easterly direction to the unmanned railway crossing.

3. Background

3.1. The abandonment has been requested by the Northern Ireland Transport Holding Company on behalf of the adjacent landowner in order to reduce the health and safety risk at the railway crossing and to prevent anti-social behaviour in the area. The bed and soil of the area of road to be abandoned is owned by an adjacent landowner and following the abandonment, the area of road in question will be incorporated into his property. The Department is of the opinion that the road is not necessary for road traffic.

4. Consultation

4.1. The PSNI has been consulted and has no objection. Antrim Borough Council has also been advised of the scheme. 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. Following the publication of the notice in the local press, an unsigned objection was received that the area of road to be abandoned is a valuable asset to the public, that it is necessary for people to park and enjoy the countryside; and that the area of road in question has been illegally closed with a double gate. The Department has considered the objection and is of the view that the countryside in the immediate vicinity of the area to be abandoned has no scenic advantages; that there are ample facilities for parking in the surrounding vicinity; and that thearea in question has been fenced off for health and safety reasons. The Department is further of the view that the abandonment will assist in the reduction of the health and safety risk at the railway crossing and prevent anti-social behaviour in the area.

4.3. An objection from NIE was also received at the initial consultation stage and subsequently withdrawn.

4.4. BT Telecommunications plc has confirmed that its request for an easement has been met with the agreement that it will be granted access to its equipment.

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.