EXPLANATORY MEMORANDUM TO

The Candahar Street, Belfast (Abandonment) Order (Northern Ireland) 2011

S.R. 2011 No. 34

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 26.95 square metres of road to the rear of Nos. 48-50 Candahar Street, Belfast.

3. Background

3.1. The abandonment has been requested by the owners of the adjacent properties to facilitate this part of the rear entry to be gated off to allow the frontagers' to extend their gardens.

3.2. The applicants wish to connect their properties to their gardens which are on the opposite side of the back street, but this cannot be done without incorporating that part of the back street / alleyway to the rear of their properties.

3.3. The abandonment was initially requested in 2006. At that time, during the initial consultation, three objections were received, including one from a disabled person who used this alleyway on a daily basis. At that time it was decided not to proceed, however, subsequently, following a further request from the applicant, it was decided to publish a notice of intention in March 2010 to gauge if there were still objections to the proposed abandonment. The individuals who objected in 2006 were notified by the Department, but did not submit an objection at this stage of the formal statutory process.

4. Consultation

4.1. The PSNI has been consulted and has no objections. Belfast City Council was notified about the proposal and no acknowledgement has been received.

4.2. A notice in respect of the proposed abandonment was published in the local press for two successive weeks and the statutory undertakers were notified of the proposal.

4.3. Following the publication in the local press, three further objections were received. The objector's main concerns were:

- one objector uses the back street three times a week to get from the Ormeau Road to Haywood Avenue. Another objector uses it regularly as a

walk to a nearby green area on his way to Haywood Avenue; and

- it is one of the few areas of Belfast in which wildlife thrives and provides a pleasant car free cycling route, which one objector travels across the city to use 30 times a year.

4.4. The substance of these objections is that the back street is a pleasant environment, as part of a longer walk, with a relatively car free environment.

4.5. The Department has considered the objections and has informed the objectors that alternative, well lit, routes are available for use by pedestrians and cyclists, with footways available for the pedestrians. While the carriageways in the area are not free of vehicles, this is a residential area and cyclists presumably can use the roads safely with due care and attention. The Department has also informed the objectors that there are no road reasons for retaining the area of road in question in the public road network.

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 cost 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.