EXPLANATORY MEMORANDUM TO

The Longlands Avenue, Newtownabbey (Abandonment) Order (Northern Ireland) 2012

S.R. 2012 No. 210

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 352 square metres of road comprising the turning head on Longlands Avenue, Newtownabbey.

3. Background

3.1. The abandonment has been requested by a developer to facilitate the construction of a housing development adjacent to the turning head.

4. Consultation

4.1. The PSNI has been consulted and has no objections. Newtownabbey Borough Council was notified about the proposal. No acknowledgement has been received. A notice in respect of the proposed abandonment was published in the local press for 2 successive weeks and the statutory undertakers were notified of the proposal.

4.2. One objection was received from a scrap metal business located opposite to the turning head. The objector’s main concerns were:- the turning head is used by them on a daily basis by heavy machinery turning into their top site; this is the only means of access to that site; and the proposal to construct further dwellings at this particular location would affect their day to day activities and would restrict their access to their site.

4.3. The Department has considered the objection. In particular, the Department noted that the turning head was originally provided to allow vehicles to turn at the point where the road ended and not for the purposes of providing access to the objector's site. Since its original provision there has been additional development beyond that point and the Department is of the view that this turning head is no longer necessary.

4.4. The Department considered carefully the issue of whether large vehicles can access the objector's site without using the turning head and from its research is satisfied that they can do so.

4.5. The issue of additional development being permitted at this location is a matter for the Department of Environment's Planning Service.

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.

The Longlands Avenue, Newtownabbey (Abandonment) Order (Northern Ireland) 2012

Observations of the Department upon the objection made to the proposed Order and not withdrawn

The Department for Regional Development has made The Longlands Avenue, Newtownabbey (Abandonment) Order (Northern Ireland) 2012. The Order abandons 352 square metres of road comprising the turning head on Longlands Avenue, Newtownabbey.

One objection was received from a scrap metal business located opposite to the turning head. The objector's main concerns were:

- the turning head is used by them on a daily basis by heavy machinery turning into their top site;
- this is the only means of access to that site; and
- the proposal to construct further dwellings at this particular location would affect their day to day activities and would restrict their access to their site.

In accordance with Article 133(4)(a) of the Roads (Northern Ireland) Order 1993, the Department's observations on the objection are as follows:

- The Department has noted that the turning head was originally provided to allow vehicles to turn at the point where the road ended and not for the purposes of providing access to the objector's site.
- Since its original provision there has been additional development beyond that point and the Department is of the view that this turning head is no longer necessary.
- The Department has considered carefully the issue of whether large vehicles can access the objector's site without using the turning head and from its research is satisfied that they can do so.
- The issue of additional development being permitted at this location is a matter for the Department of Environment's Planning Service.

The Department having considered the objection made and not withdrawn decided that the proposed abandonment order should be made.

David J Millar
A Senior Officer of the Department
22nd May 2012

DEPARTMENT FOR REGIONAL DEVELOPMENT

Map No. 10/1/8/09 referred to in "The Longlands Avenue, Newtownabbey (Abandonment) Order (Northern Ireland) 2012" made by the Department on 22nd May 2012 and coming into operation on 4th July 2012.

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