EXPLANATORY MEMORANDUM TO

The Lower Braniel Road, Castlereagh (Abandonment) Order (Northern Ireland) 2010

S.R. 2010 No. 364

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) 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 161.5 square metres of road (consisting of former side slope) at Lower Braniel Road, Castlereagh.

3. Background

3.1. The abandonment has been requested by the adjacent landowners, who wish to incorporate the area of land in question into their development. The original side slope has been removed and a retaining wall constructed by the applicant. The Department is, therefore, of the opinion that the area of road is no longer necessary for road traffic. The bed and soil is owned by the Department and following the abandonment it will be disposed of as surplus to requirements.

4. Consultation

4.1. The PSNI has been consulted and has no objections. Castlereagh 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 the statutory undertakers were notified of the proposal.

4.2. One objection was received and considered. The objector is of the view that insufficient time has elapsed since the remedial works (i.e. the construction of the retaining wall) were carried out to allow a proper assessment of their efficacy. He is also of the view that the resulting sightlines are poor and that it is too early to assess the impact on the terrace on which the bank and the road stand.

4.3. The Department has considered the objection. The Department is satisfied the retaining wall which has replaced the side slope has been appropriately certified in accordance with the Roads Service Technical Approval Scheme (TAS) on 14th December 2009 and that it is fit for purpose. It is of the view that the existing forward visibility on the public road is not affected by the proposed abandonment. Visibility requirements at the access from the proposed development to the public road will be subject to planning approval. The abandonment is for an area that was previously embankment but has been replaced by a retaining wall certified in

accordance with TAS. The remainder of the embankment remains in place and is under the Department's control.

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 Lower Braniel Road, Castlereagh (Abandonment) Order (Northern Ireland) 2010

Observations of the Department upon the objection made to the proposed Order and not withdrawn

The Department for Regional Development has made The Lower Braniel Road, Castlereagh (Abandonment) Order (Northern Ireland) 2010.

The order abandons 161.5 square metres of road (consisting of former side slope) at Lower Braniel Road, Castlereagh. The original side slope has been removed and a retaining wall constructed. One objection was made to the proposed order and not subsequently withdrawn. The objector made the following points:

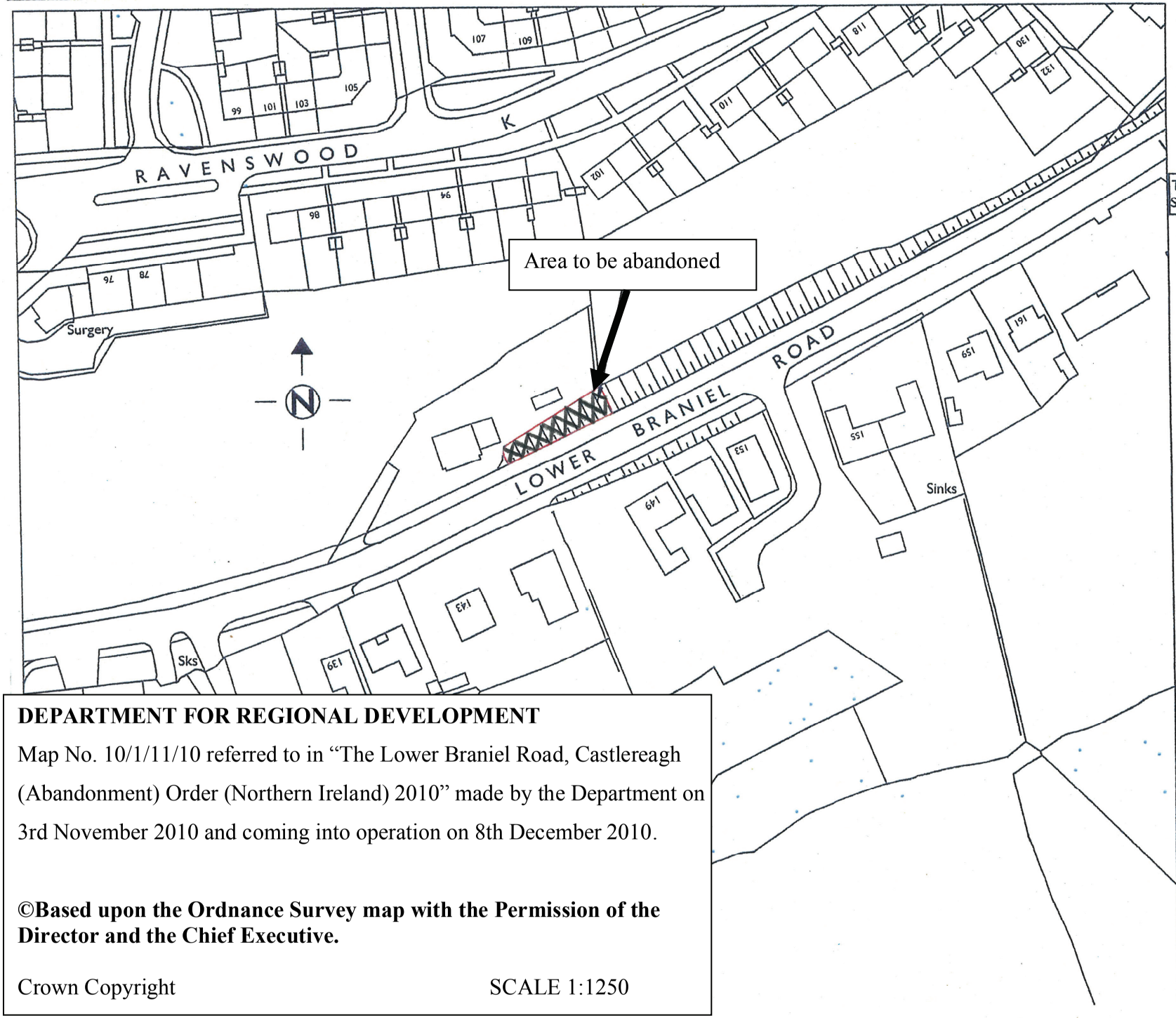
- insufficient time has elapsed since the remedial works (i.e. the construction of the retaining wall) were carried out to allow a proper assessment of their efficacy;
- the resulting sightlines are poor; and
- it is too early to assess the impact on the rest of the terrace on which the bank and the road stand.

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 is satisfied the retaining wall which has replaced the side slope has been appropriately certified in accordance with the Roads Service Technical Approval Scheme (TAS) on 14th December 2009 and that it is fit for purpose.
- The existing forward visibility on the public road is not affected by the proposed abandonment. Visibility requirements at the access from the proposed development to the public road will be subject to planning approval.
- The abandonment is for an area that was previously embankment but has been replaced by a retaining wall certified in accordance with TAS. The remainder of the embankment remains in place and is under the Department's control.

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

D J Millar
A Senior Officer of the Department
3rd November 2010



DEPARTMENT FOR REGIONAL DEVELOPMENT

Map No. 10/1/11/10 referred to in "The Lower Braniel Road, Castlereagh (Abandonment) Order (Northern Ireland) 2010" made by the Department on 3rd November 2010 and coming into operation on 8th December 2010.

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SCALE 1:1250

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THIS PLAN IS BASED ON MAPS/DIMENSIONS SUPPLIED BY LANDS SECTION

PLOT No.2 AREA = 161.554sq.m.

NO.	REVISION	DATE

Project

DISPOSAL OF LAND AT

Title

LOWER BRANIEL ROAD
BELFAST

FILE NO.		DESIGNED	date
DRAWN		CHECKED	date
TRACED	I.McB	APPROVED	date 17/09/07

Drg. No. 147/3SE4&147/07NE2

Revision

Scales 1/1250

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