EXPLANATORY MEMORANDUM TO

The Old Church Road, Newtownabbey (Abandonment) Order (Northern Ireland) 2012

S. R. 2012 No. 43

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 1706 square metres of carriageway and footway at Old Church Road, Newtownabbey.

3. Background

3.1. The abandonment has been requested by a developer who wishes to incorporate part of the area to be abandoned into the redevelopment of Abbey Retail Park. The developer will be required to construct a turning head in front of No. 57 Old Church Road as part of the new road layout.

3.2. On 16 November 2010, Planning Service granted planning approval for the redevelopment of Abbey Retail Park, Newtownabbey. The proposal was for the redevelopment of existing retail units and a social hall, to provide six new retail units, three restaurant units, a new social hall premises and associated parking and road improvements.

3.3. The owners of No. 57 Old Church Road objected to this planning application, mainly on the grounds that it leaves their property isolated within the proposed retail site, it infringes on their human rights to enjoy their property and alters the access to their property from the public road. Their property is already fairly isolated in the Abbey Retail Park area.

3.4. Roads Service has a consultee role in the planning process and provides advice to Planning Service on any applications that may affect the public road network. In this case, Roads Service approved the developer's proposals for altering the local road network to facilitate the development proposal.

4. Consultation

4.1. During the informal consultation stage Roads Service received over 50 letters from the owners of No. 57 Old Church Road objecting to the Abandonment Order. During this informal consultation stage Roads Service also received one objection from a local Councillor and an objection from the NIE.

4.2. The PSNI was consulted and no objection has been received. The NIE's intial objection to the scheme was withdrawn.

4.3. In accordance with the statutory consultation process a notice in respect of the proposed abandonment was published in the local press for two successive weeks. In addition, a notice was posted on site and the statutory undertakers, neighbouring landowners and frontagers were consulted as part of the formal consultation process. Objections were received from the two owners of No. 57 Old Church Road. In addition a letter of concern was received from a local Councillor.

4.4. In deciding whether the Abandonment Order can proceed without recourse to a Public Inquiry, Roads Service must focus on the impact of the Abandonment Order and the objections raised by the objectors that are pertinent to the Order. Roads Service must ensure that the right of access to No. 57 Old Church Road is preserved in the developer's plans for the new road and turning head in front of the subject property.

4.5. Access to the public road to the front of No. 57 Old Church Road will be retained via a new turning head, whose sole purpose is to serve this property. The Abandonment Order does not affect the property boundary. At the front of the property the footpaths, dropped kerbs, street lighting and the turning head itself will all be constructed to the established Roads Service standards (including safety standards). Therefore, the right of access from No. 57 Old Church Road to the public road will be preserved by the Abandonment Order.

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.

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. The Department has carried out a Human Rights Screening Analysis and no human rights issues have been identified with the Abandonment Order.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable.

DEPARTMENT FOR REGIONAL DEVELOPMENT

Map No. 10/1/11/11 referred to in "The Old Church Road, Newtownabbey (Abandonment) Order (Northern Ireland) 2012" made by the Department on 13th February 2012 and coming into operation on 27th March 2012.

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Area to be abandoned

Alternative road layout including turning head

CHURCH ROAD

CHURCH ROAD

Restaurant Unit 8

Restaurant Unit 7

Restaurant Unit 9

Retail Unit 6

Retail Unit 5

Retail Unit 4

Retail Unit 3

Unit 2

Unit 1

CARPARK D:
83 Spaces

2.4m high Brickwork

CARPARK C:
214 Spaces

CARPARK A
579 SPACES

Existing PFS

Kiosk

Filling Station

Servicing Zone

Service lane

No Exit

RAMP

10m high standard lighting columns.(service areas)

8m high standard lighting columns. (carpark)

NOTES

1. Verifying Dimensions.
The contractor shall verify dimensions against such other drawings or site conditions as pertain to this part of the work.

2. Existing Services.
Any information concerning the location of existing services indicated on this drawing is intended for general guidance only. It shall be the responsibility of the contractor to determine and verify the exact horizontal and vertical alignment of all cables, pipes, etc. (both underground and overhead) before work commences.

3. Issue of Drawings.
Hard copies, dwf and pdf will form a controlled issue of the drawing. All other formats (dwg, dxf etc.) are deemed to be an uncontrolled issue and any work carried out based on these files is at the recipients own risk. RPS will not accept any responsibility for any errors arising from the use of these files, either by human error by the recipient, listing of un-dimensioned measurements, compatibility issues with the recipient's software, and any errors arising when these files are used to aid the recipients drawing production, or setting out on site.

4. Datum:

Land to be abandoned

Land to be offered for adoption

N

rev	amendments	drawn	date
C	Amendment to red line	JM	07-06-10
B	Amendment to red line	JM	13-05-10
A	Amendment to red line	JM	12-05-10

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Client
Hammerson Plc

Project
Abbey Retail Park Phase 2A

Title
Controls Of Lands

Drawing Status	Sheet Size	Drawing Scale
Preliminary	A3	1:1000

Drawing Number	Rev
569036 /338	C

Project Leader	Drawn By	Date	Initial Review
COH	JM	11-05-10	COH