



Subject:	Notifications from statutory bodies
Date:	Tuesday, 20 th September 2022
Reporting Officer:	Kate Bentley, Director of Planning & Building Control
Contact Officer:	Keith Sutherland, Ext 3578, Planning Manager (Plans & Policy) Dermot O’Kane, Ext 2293, Principal Planning Officer

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	Members have requested that information be provided in relation to notifications referred to the Planning Committee with particular reference to the making of Abandonment Orders and the reasons for abandonment.
1.2	The report provides members with details of the various notifications received by the council and outlines the Abandonment Order process. It also proposes that an informal, internal review is carried out with regard to the consideration of, and subsequent responses, to the various notifications received.
2.0	Recommendations
2.1	Committee is requested to note: <ul style="list-style-type: none">• the outline of the consultations set out in the report; and• the proposed review of the current process and procedures in respect of the various notifications and their reporting to committee.
3.0	Main report
3.1	The council receives various notifications from a range of sources such as DfI, DfC and NIHE. These include: <ul style="list-style-type: none">• Abandonment Orders;• Vesting Orders;• Extinguishments of Public Rights of Way;• Waiting Restrictions;• Provision of Accessible/Disabled Parking Bays; and• Other Traffic Management Schemes e.g. one-way systems, bus lane extensions
3.2	Members will be aware that the first three types of notification regularly appear as agenda items for the Planning Committee. The remaining types of notification are normally referred

	to the City Growth and Regeneration Committee. Typically there will be a legislative basis for the council being notified and/or consulted on these provisions (see Appendix 1).
3.3	In the case of an Abandonment Order (AO) this is made by DfI (the Department) under Article 68 of the Roads (Northern Ireland) Order 1993 . 'Abandonment' is the removal of all, or part of, a road from the public road network when, in the opinion of the Department, the road is not necessary for road traffic. Abandonments will only usually happen where another 'road' that provides alternative facilities is available, or alternative facilities will be provided.
3.4	The effect when the Order is confirmed is that the road ceases to be maintained by the Department and any public right of way (PRoW) over the road is extinguished. Abandonment Orders are restricted to 'roads' e.g. carriageways and streets but it should be noted that the definition of 'road' can, and does, include verges, footways, footpaths, lay-bys and alleyways.
3.5	A request for an Abandonment Order can come from a range of sources including the landowner, private developers, housing associations, the council and other public bodies as well as the Department itself. The main reason(s) as to why abandonment orders are requested should be included within the notification document. According to the Department the most common reasons are, to: <ul style="list-style-type: none"> • facilitate the development/ redevelopment of an area, including environmental improvement schemes; or • formally remove from DfI records roads that no longer form part of the public road network.
3.6	The development of 14 social housing units by Apex Housing Association at Parkgate Avenue (LA04/2020/1377/F) is one recent example of where an AO has been requested in order to facilitate development. The updating of DfI records was the basis for the recent notifications of AOs relating to the Council car parks at Charlotte Street, Little Victoria Street and Shaw's Bridge.
3.7	On receipt of an application for abandonment, all branches within the Eastern Division of DfI Roads are consulted to determine whether or not it is necessary to retain the 'road' as part of the network. If any branch identifies a need for, or have future plans for the 'road', the abandonment will not proceed and the applicant will be notified accordingly.
3.8	Where this initial assessment suggests that the abandonment could be appropriate the Department, under Schedule 8 of the Roads (NI) Order 1993, is required to publish a notice in the Belfast Gazette and at least one newspaper circulating in the affected area stating the general effect of the proposed order. The Department is also required to serve a copy of the notice together with a draft of the order and any relevant map or plan to the council in whose area the order will be situated.
3.9	DfI's internal guidance suggests that the Department should receive a response from all parties notified of the proposed abandonment, but the Department acknowledges that this is not always possible. The absence of a response does not prevent the order from proceeding. In terms of the timeframe for providing a response the council has a period of 6 weeks from first notification and a further 6 weeks during the public consultation period for the Draft Abandonment Order. DfI has indicated that objections to a proposed order

	<p>would usually relate to opposition to the proposed development of the area and/ or loss of amenity rather than loss of a PRow.</p> <p>3.10 If an objection to the proposed abandonment is received within the specified timeframe the response of the Department will depend on the grounds for, and volume of, objections. In some cases the abandonment will simply not proceed. However, the Divisional Roads Manager (DRM) can take a decision to “set aside” objections if it is determined the objections have no sound basis.</p> <p>3.11 In cases of public interest the DRM can recommend that a public inquiry is held. Public inquiries are not a regular occurrence and there is no record of an inquiry being held for an abandonment in Belfast in the past fifteen years. After assessing any objections which are not withdrawn or where a public inquiry is held the Department may, following conclusion of the consideration, continue to make the order, with or without modifications, as it sees fit.</p> <p>3.12 The final Abandonment Order is a Statutory Rule having been laid before the Assembly. A copy of the final Abandonment Order confirming the date from which the abandonment takes effect can be accessed from the legislation.gov.uk website on the pages that details abandonments. The Statutory Rule is accompanied by an Explanatory Memorandum which sets out the purpose, background and consultation process associated with the Order. The map accompanying the order can be accessed under the ‘More Resources’ tab on the webpage.</p> <p>3.13 When considering the necessity for a formal response to any of the notifications listed in paragraph 3.1 the assessment of the potential implications will often require input from a range of services within the council. This may include input from City & Neighbourhood Services in relation to PRow issues or Off-Street parking, City Regeneration and Development in terms of regeneration, accessibility, and connectivity issues as well as Planning with regards to land use implications.</p> <p>3.14 The range of potential considerations and the different approaches to the matters being brought to Committee(s) suggest that it would be appropriate to carry out a review of the process and procedures associated with these notifications. This would include consideration of whether it would be more appropriate for these matters to be brought before a single committee.</p> <p><u>Financial & Resource Implications</u> None</p> <p><u>Equality or Good Relations Implications</u> None</p>
4.0	Appendices – Document Attached
	Appendix 1: Examples of notifications received by the council