



## Belfast City Council

<b>Report to:</b>	Parks and Leisure Committee
<b>Subject:</b>	Right of Way Stranmillis Road and Hillside Drive
<b>Date:</b>	10 April 2008
<b>Reporting Officer:</b>	Andrew Hassard, Director of Parks and Leisure
<b>Contact Officer:</b>	Stephen Walker, Principal Parks and Cemeteries Development Manager Anne Reid, Countryside Officer Colin Campbell, Legal Services

### Relevant Background Information

Under the Article 3 of the Access to the Countryside Order (NI) 1983 all Local Councils have a duty to

*...assert, protect and keep open and free from obstruction or encroachment any public right of way.*

In September 2007 the Council was contacted by the Crown Solicitor's Office regarding a laneway running between Stranmillis Road and Richmond Park. This laneway has fallen to the Crown, as 'ownerless goods', and it is the Crown's intention to dispose of this land as it is not required for any other Crown purposes. The Crown Solicitor's Office has contacted the Council regarding the laneway prior to sale to ascertain whether or not a public right of way existed over it.

### Key Issues

The Committee is asked to note that:

Investigations with Department of Regional Development, Roads Service has confirmed that the laneway is not an adopted surface and therefore falls under the remit of the Access to the Countryside Legislation.

The laneway has all the legal attributes of a public right of way, i.e. it is a clearly well defined path which links two public places, evidence suggests it has been in place for some time and it is regularly used by members of the public.

**Resource Implications**Financial

There are no specific costs relevant to this matter.

Human Resources

This case has been researched by council staff from Parks and Legal Services.

Asset and Other Implications

None.

**Recommendations**

The Committee is asked to assert the laneway from Stranmillis Road (beside no 342) to between nos 22 & 24 Hillside Drive as a public right of way under the Access to the Countryside (NI) Order 1983.