



Belfast City Council

Report to: Parks and Leisure Committee

Subject: **Connswater Community Greenway**

Date: 15 October 2009

Reporting Officer: Ciaran Quigley, Director of Legal Services

Reporting Officer: Colin Campbell, Principal Solicitors, Legal Services

Purpose of Report

To seek the Committee's recommendation to the Council to make nine Public Path Creation Orders under the Access to the Countryside (NI) Order 1983 in respect of the Connswater Greenway Project.

Relevant Background Information

The Committee at its meeting on 13 March 2008 agreed to provide £4.2M capital funding to the Connswater Greenway Project, and agreed to the engagement of officers in relation to the scheme. This included the land assembly necessary for the Greenway being led by the Director of Legal Services with the support of the Estates Team.

At its meeting on 11 June 2009 the Committee endorsed a proposal to utilise the provisions of the Access to the Countryside legislation to secure elements of the critical path for the scheme.

Key Issues

The Council's Estates Officers have been undertaking negotiations with landowners to secure the route for the Connswater Greenway Project.

It has not been possible to secure the acquisition of some portions of land, due either to the ownership being unknown, or to negotiations having broken down with the landowner. Negotiations may have broken down due to the landowner's reluctance to sell to the land, or due to them asking for an excessive price.

The strategy agreed by the Committee for dealing with areas of land such as these is to use the Access to the Countryside legislation to secure the Greenway critical path along those areas which have proved problematic to acquire. This legislation is suitable in the context that the purpose of the scheme is to connect inner urban areas with the rural hinterland.

Following on from the Committee's endorsement of the strategy, officers have identified nine stretches of land over which it is proposed to make Public Path Creation Orders. Officers have undertaken the required statutory consultation in respect of these areas of land and no objections have been forthcoming, although there is some apparatus belonging to Statutory Undertakers along some of the routes. The proposed orders will therefore include a section protecting the Undertakers' rights to maintain their apparatus.

The nine maps attached to the report show the areas over which it is proposed to make the Public Path Creation Orders.

Under the Access to the Countryside (NI) Order 1983, the orders require to be made by resolution of full Council.

The Committee is therefore being asked to recommend to Council that the orders be made.

Once the orders are made at Council there are a number of advertisement requirements to be completed with a four week objection period during which members of the public or other interested parties can object to the making of the orders.

If these objections have substance, then the Department of the Environment has the power to convene a tribunal to adjudicate in relation to them.

These orders are essential to the success of the Greenway Scheme as it is very important that the whole of the critical path of the scheme is acquired before the project construction contract is awarded.

The Committee may be asked to endorse further orders in the future should difficulties arise in respect of further areas of land.

The Committee should also note that officers have identified a further area at Orby Drive where a Public Path Creation Order would be desirable. The local residents have, however, indicated very strong objection to this order on the basis that they feel that it could lead to anti social behaviour. Officers are therefore convening a number of meetings with local residents in order to allow them to express their fears and to allow officers to discuss possible solutions with them. It is therefore possible that endorsement of a Public Path Creation Order over that area will be sought at a future meeting, but this depends on the outcome of these negotiations.

Resource Implications

The Connswater Greenway budget has been agreed at £4.2M capital expenditure to support the project, and Legal and Estates officers are currently engaged in land acquisitions. Adoption of the Access to the Countryside approach is not likely to involve any further Council resources.

Recommendations

The Committee is asked to recommend to Council that Council makes nine Public Path Creation Orders under the Access to the Countryside (NI) Order 1983 over those areas of land outlined on the maps attached.

Decision Tracking

The Director of Legal Services will be responsible for ensuring that the Orders are subsequently confirmed as necessary.

Key to Abbreviations

None.

Documents Attached

Nine maps showing the areas over which the Orders are sought.

Blank Page