

**2011 No. 314**

**ROADS**

**The Donaghadee Road, Groomsport (Abandonment) Order  
(Northern Ireland) 2011**

*Made* - - - - *14th September 2011*

*Coming into operation* - *26th October 2011*

The Department for Regional Development<sup>(a)</sup> makes the following Order in exercise of the powers conferred by Article 68(1) and (5) of the Roads (Northern Ireland) Order 1993<sup>(b)</sup> and now vested in it<sup>(c)</sup>.

The Department in accordance with Article 68(4) of that Order proposes to abandon the area of road described in the Schedule as it is not necessary.

Notice has been published, served and displayed in compliance with paragraphs 1, 2 and 3 of Schedule 8 to that Order.

One objection was received and duly considered.

**Citation and commencement**

1. This Order may be cited as The Donaghadee Road, Groomsport (Abandonment) Order (Northern Ireland) 2011 and shall come into operation on 26th October 2011.

**Application**

2. The area of road described in the Schedule is abandoned.

3.—(1) All existing cables, wires, mains, pipes and other apparatus placed along, across, over or under the abandoned area of road shall be retained.

(2) All existing rights as to the use or maintenance of such cables, wires, mains, pipes or other apparatus shall be preserved.

Sealed with the Official Seal of the Department for Regional Development on 14th September 2011

(L.S.)

*D J Millar*  
A senior officer of the Department for Regional Development

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(a) S.I. 1999/283 (N.I. 1) Article 3(1)  
(b) S.I. 1993/3160 (N.I. 15)  
(c) S.R. 1999 No. 481 Article 6(d) and Schedule 4 Part IV

## SCHEDULE

Article 2

### AREA OF ROAD TO BE ABANDONED

An area of 109.06 square metres of road fronting No. 115 Donaghadee Road, Groomsport more particularly delineated and shown coloured red on Map No. 10/1/21/10.

A copy of the map has been deposited at the Department's Roads Service offices, Headquarters, Room 213, Clarence Court, 10-18 Adelaide Street, Belfast and Eastern Division, Hydebank, 4 Hospital Road, Belfast.

## **The Donaghadee Road, Groomsport (Abandonment) Order (Northern Ireland) 2011**

### **Observations of the Department upon the objection made to the proposed Order and not withdrawn**

The Department for Regional Development has made The Donaghadee Road, Groomsport (Abandonment) Order (Northern Ireland) 2011.

The order abandons an area of 109.06 square metres of road fronting No. 115 Donaghadee Road, Groomsport. One objection was made to the proposed order and not subsequently withdrawn. The objector made the following points:

- there is a right of way across the area of road to be abandoned leading to a set of steps up to the main road which would be of value to his property;
- a storm water drain passes under the area and if it is no longer public road the problem of potential flooding will only get worse and he is afraid that as a frontager he would be liable; and
- following abandonment there could be disputes over boundaries.

The objector also enquired about any financial saving to the public purse as a result of the proposed abandonment.

In accordance with Article 133(4) (a) of the Roads (Northern Ireland) Order 1993, the Department's observations on the objection are as follows:

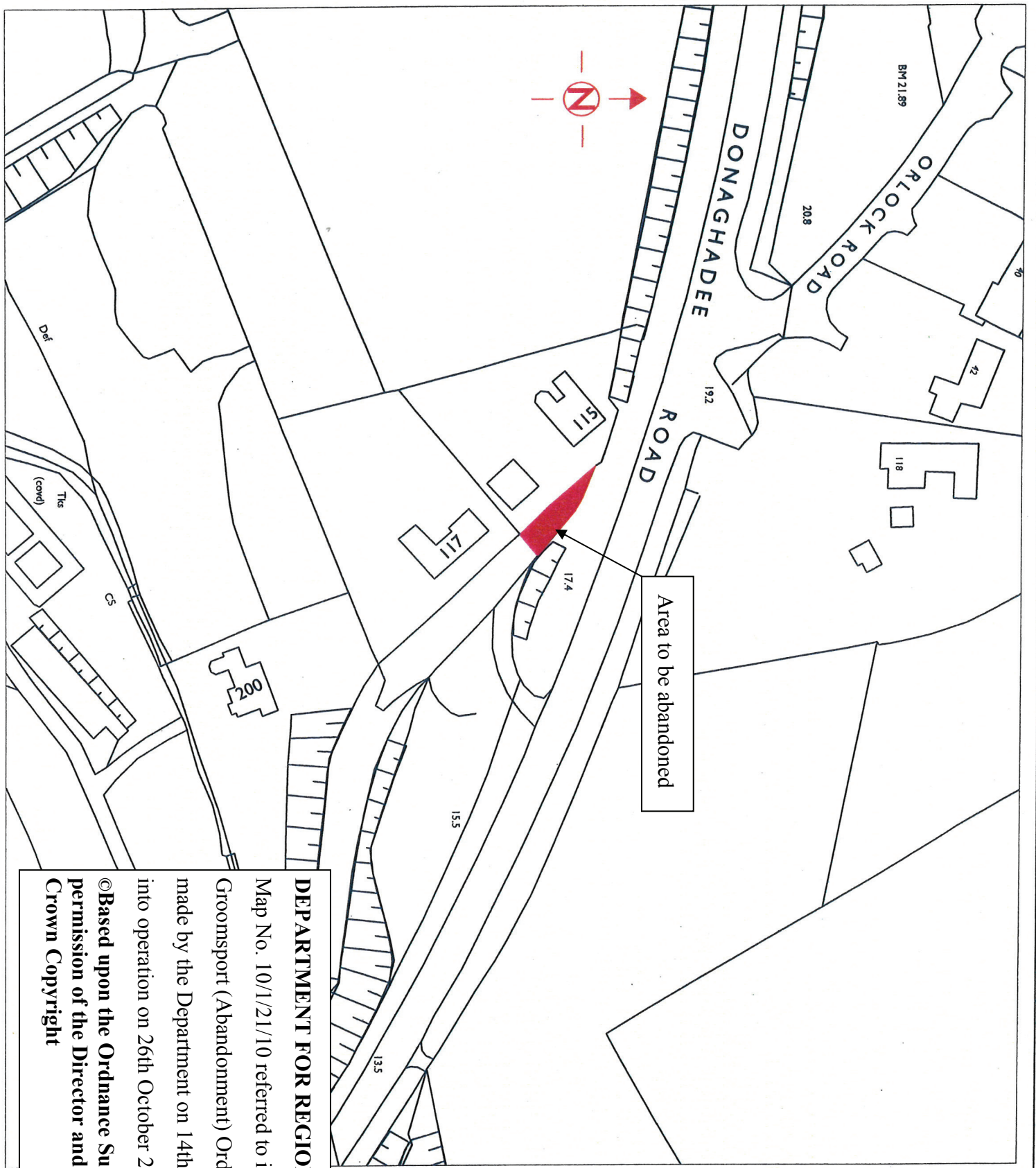
- The area of the road to be abandoned is so overgrown that if the steps referred to by the objector still exist officials from Roads Service Eastern Division were unable to find them during a site visit in March 2011. The objector himself has pointed out that the applicant (the adjacent frontager) has been parking large vehicles on the area of road to be abandoned for the last 25 years. Access to both properties at this location is by an alternative route and this has been the case for some time.
- Neither the Department's Roads Service nor Water (NI) has any record of equipment in the area to be abandoned. In addition, as stated by the objector, the site was visited by officials from the local Roads Service section office in 2009. They have confirmed that they saw no evidence of drainage lines through this land and have stated that the main road drainage should not be affected by the proposed abandonment.
- The Department has confirmed that the bed and soil of the area to be abandoned is owned by the Lowry estate. As such the objector does not control or hold any liability for it.
- The bed and soil of the length of the road which is not being abandoned is owned partly by the Lowry estate and partly by the Department. As it remains a public road responsibility for, and control over it, remains with the Department.
- As the bed and soil of the road is owned partly by the Lowry estate and partly by the Department the issue of a boundary between the abandoned area of road and that which is being retained as public road is unlikely to apply. Nevertheless, the Department has undertaken to mark the boundary of the abandonment on the ground.

- On the coming into operation of an abandonment the area of road in question ceases to be maintainable by the Department and the public right of way over it is extinguished. As the area in question is no longer part of the public road network the public liability and the cost of future maintenance are reduced accordingly. In this instance it is the Department's view that there would be a potential saving to the public purse as a result of the proposed abandonment.

The Department having considered the objection made and not withdrawn has decided to proceed with the abandonment as it is satisfied that the area in question is no longer required as part of the public road network.

*D J Millar*

A Senior Officer of the Department  
14th September 2011



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



Area to be abandoned  
Area = 109.058sq.m.

NO.	REVISION	DATE

Project  
**LAND TO BE ABANDONMENT**

Title  
**AREA ABANDONMENT ADJACENT TO 117 DONAGHADEE RD.**

FILE NO.	ISSUED	D.D.	date
DRAWN	CHECKED		date 22/02/10
TRACED	APPROVED		date

**DEPARTMENT FOR REGIONAL DEVELOPMENT**

Map No. 10/1/21/10 referred to in "The Donaghadee Road, Groomsport (Abandonment) Order (Northern Ireland) 2011" made by the Department on 14th September 2011 and coming into operation on 26th October 2011.

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