

EXPLANATORY MEMORANDUM TO

The Sunninghill Gardens, Belfast (Stopping-Up) Order (Northern Ireland) 2010

S. R. 2010 No. 342

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 (3) of, and paragraph 5 of Schedule 8 to, 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 stop-up Sunninghill Gardens, Belfast at a line 50 metres north-west of its junction with Sunninghill Park.

3. Background

- 3.1. The stopping-up order was requested by Clanmil Housing Association to allow bollards to be placed across the carriageway to prevent vehicular access to a proposed new housing development from the lower end of Sunninghill Gardens. Access to the new development will be via Sunningdale Gardens. The stopping-up will prevent vehicular traffic using Sunninghill Gardens / Sunningdale Gardens as a 'race track'.

4. Consultation

- 4.1. The PSNI has been consulted and has no objection. Belfast City Council was notified about the proposal. A notice in respect of the proposed stopping-up was published in the local press for 2 successive weeks and statutory undertakers notified of the proposal.
- 4.2. One objection was received from a resident of Sunningdale Gardens. The objector has mobility problems and finds it difficult and painful to walk for any distance. She considers that the stopping-up would prevent direct access to the front of her home by the family cars and taxis that she relies on for transport and that she will have to walk a significantly longer distance to reach these vehicles making it impossible to carry shopping back home, for example. She believes that the stopping-up would unreasonably limit access to the front of her home; reduce her ability to be transported to and from home; and have a significant impact on her independence.

5. Equality Impact

- 5.1. Consideration has been given to compliance with Section 75 of the Northern Ireland Act 1998. No equality issues were identified by the Department. Following the publication of the notice in the press the objector has highlighted an impact on her as a consequence of her disability.

- 5.2. The Department has considered the objection. Currently, vehicles can park close to the front of the objector's property via Sunninghill Gardens or Sunningdale Gardens. In the case of access via Sunninghill Gardens, the vehicle is able to park adjacent to the footway. In the case of access via Sunningdale Gardens, the carriageway is at a higher level than the footway and can only be reached by climbing a set of steps or walking up a slope.
- 5.3. The proposed new road layout for Sunningdale Gardens envisages the carriageway being extended to meet up with the carriageway of Sunninghill Gardens and to be stopped-up at a point further along Sunninghill Gardens. The net result will be that vehicle access to the objector's property will only be via Sunningdale Gardens.
- 5.4. As part of the new road layout it is also proposed to remove the set of steps and slope and replace them with a shrub bed and an upper footway which will join in to the existing footway. It is also proposed to provide a parking lay-by adjacent to the new upper footway. This means that a vehicle will be able to park in the lay-by adjacent to the front of the objector's property. However, the objector would have to walk a longer distance via the existing footway and proposed new upper footway to reach the parking lay-by when compared to the existing arrangement of climbing the steps or walking up the slope.
- 5.5. The new road layout will also enable a vehicle to park roughly adjacent to the side of the objector's property on that part of the carriageway that previously formed part of Sunninghill Gardens but which is now cut-off from it by means of the stopping-up order and bollards. Whilst this would involve the objector having to walk further to reach the vehicle than the current arrangements, the Department does not consider that the additional distance involved is significantly longer.
- 5.6. The Department, however, has modified the order so as to provide that the road shall not be stopped-up until after the completion of works to provide alternative facilities for road traffic.

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. Consideration has been given to compliance with Section 24 of the Northern Ireland Act 1998. No human rights issues have been identified by the Department and no issues were raised following the publication of the notice in the press.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable.

The Sunninghill Gardens, Belfast (Stopping-Up) Order (Northern Ireland) 2010

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

The Department for Regional Development has made The Sunninghill Gardens, Belfast (Stopping-Up) Order (Northern Ireland) 2010.

One objection was received from a resident of Sunningdale Gardens, Belfast whose main concerns were:

- she has a physical disability that limits her mobility and she finds it difficult and painful to walk for any distance;
- the proposal would prevent direct access to the front of her home by the family cars and taxis that she relies on for transport;
- access to the car park via Sunningdale Gardens is only accessible to her by way of a steep slope or steps that she cannot easily manage with her walking aid;
- the proposal would mean that she will have to walk a significantly longer distance to reach these vehicles making it impossible to carry shopping back home, for example; and
- the proposal will unreasonably limit access to the front of her home; reduce her ability to be transported to and from home; and have a significant impact on her independence.

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 stopping-up order was requested by Clanmil Housing Association to allow bollards to be placed across the carriageway to prevent vehicular access to a proposed new housing development from the lower end of Sunninghill Gardens. Access to the new development will be via Sunningdale Gardens. The stopping-up will prevent vehicular traffic using Sunninghill Gardens/Sunningdale Gardens as a 'race track'.
- vehicular traffic cannot currently access Sunninghill Gardens from Sunningdale Gardens as bollards are already in place in Sunningdale Gardens.
- currently, vehicles can park close to the front of the objector's property via Sunninghill Gardens or Sunningdale Gardens. In the case of access via Sunninghill Gardens, the vehicle is able to park adjacent to the footway. In the case of access via Sunningdale Gardens, the carriageway is at a higher level than the footway and can only be reached by climbing a set of steps or walking up a slope.
- the proposed new road layout for Sunningdale Gardens envisages the carriageway being extended to meet up with the carriageway of Sunninghill Gardens and to be stopped-up at a point further along Sunninghill Gardens. The net result will be that vehicle access to the objector's property will only be via Sunningdale Gardens.
- as part of the new road layout it is also proposed to remove the set of steps and slope and replace them with a shrub bed and an upper footway which will join

in to the existing footway. It is also proposed to provide a parking lay-by adjacent to the new upper footway. This means that a vehicle will be able to park in the lay-by adjacent to the front of the objector's property. However, it is acknowledged that the objector would have to walk a slightly longer distance via the existing footway and proposed new upper footway to reach the parking lay-by when compared to the existing arrangement of climbing the steps or walking up the slope.

- the new road layout will also enable a vehicle to park roughly adjacent to the side of the objector's property on that part of the carriageway that previously formed part of Sunninghill Gardens but which is now cut-off from it by means of the stopping-up order and bollards. Whilst this would involve the objector having to walk a little further to reach the vehicle than the current arrangements, the Department does not consider that the additional distance involved is significantly longer.

The Department having considered the objection made and not withdrawn decided that the proposed stopping-up should proceed. The Department has modified the Order to provide that the road shall not be stopped-up until after the completion of works to provide alternative facilities for road traffic.

D J Millar
A Senior Officer of the Department
5th October 2010

DEPARTMENT FOR REGIONAL DEVELOPMENT

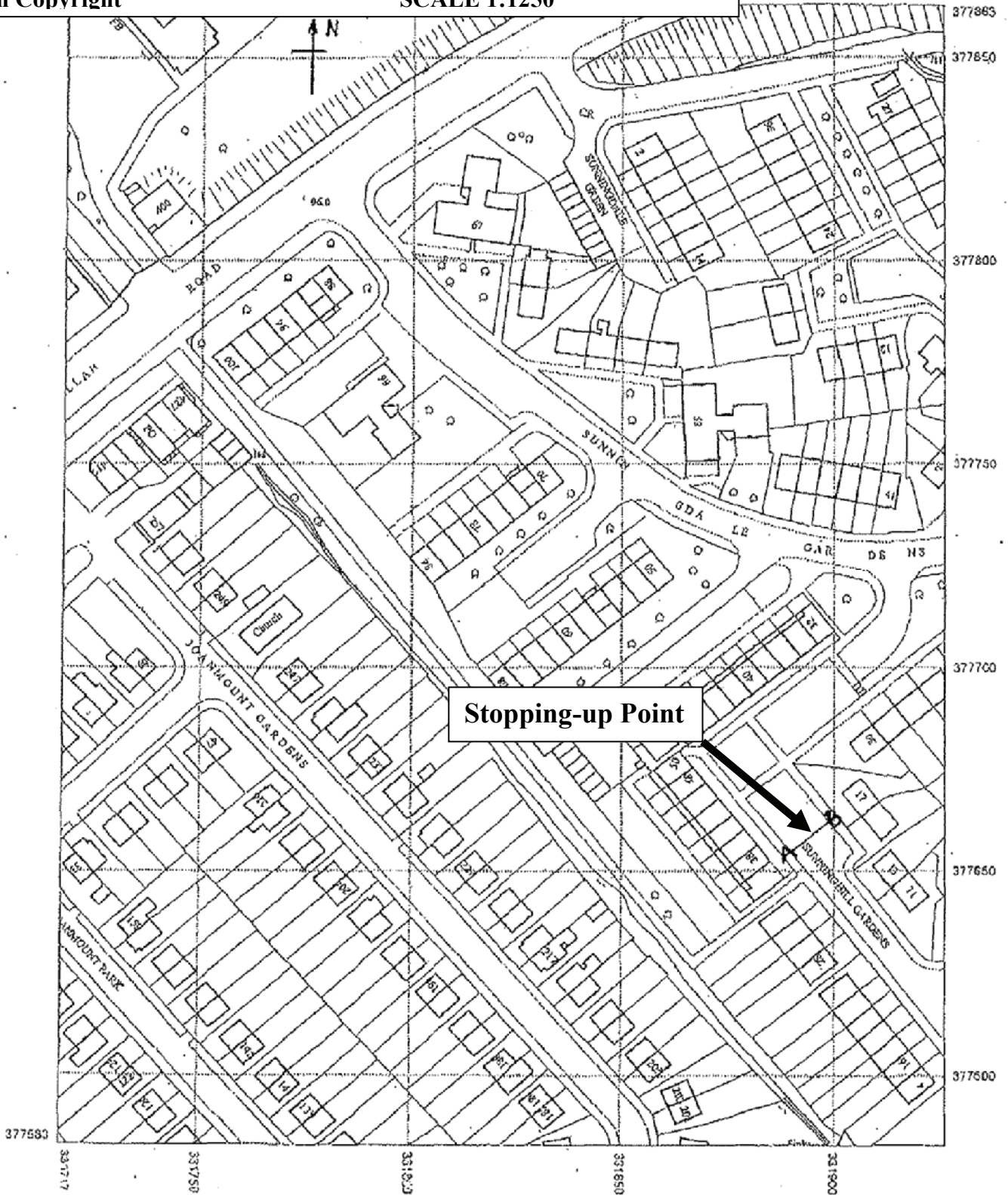
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Map No. 10/1/12/09 referred to in "The Sunninghill Gardens, (Stopping-Up) Order (Northern Ireland) 2010" made by the Department on 5th October 2010 and coming into operation on 24th November 2010.

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