

The Groganstown Road, Belfast (Abandonment) Order (Northern Ireland) 2016

Observations of the Department upon the objections made to the proposed Order and not withdrawn

The Department for Infrastructure has made The Groganstown Road, Belfast (Abandonment) Order (Northern Ireland) 2016. The Order abandons a length of 193 metres of Groganstown Road, Belfast commencing at a point adjacent to No. 39 Groganstown Road and extending to the entrance of the former Sinclair's Quarry.

Following the publication of the Notice of Intention for this Order in the local press, fourteen objections have been received. The Department initially received thirteen objections, mainly from hill walkers and dog walkers but including one from a neighbour of the Material Recovery Facility (MRF) at this location ("Neighbour 'A'").

A further objection was received from a neighbour ("Neighbour 'B'") who had a private right-of-way from his land over the MRF site to join the Groganstown Road.

The hill / dog walkers' main concerns were:

- largely concerned with their use of the road to access the Belfast Hills and /or as a safer short cut to the Colinglen Road; and
- the environmental impact of the MRF.
- 1 objector was concerned about access to Slievenacloy Nature Reserve

Neighbour 'A's main concerns were:

- that she still used the road and the abandonment would remove her right to do so;
- the impact on her property and quality of life including the health and safety of her family;
- that her privacy would be compromised by passing lorries;
- the impact of increased traffic on her privacy and property including the effects of vibrations and engine fumes, and lorries obstructing her driveway;
- difficulty in getting oil deliveries etc to her property or getting her septic tank emptied;
- the effect on the utilities equipment located in the area i.e. water and electricity; and

- that proposed road improvements should not be used in support of the abandonment as they were not guaranteed and were subject to planning approval.

Neighbour 'B's main concerns were:

- that he was not consulted or informed about the proposed abandonment;
- related primarily to his continued use of his right-of-way as well as his use of the road in question to tend to his animals on a daily basis; and
- the need for the road as an access point for the emergency services;

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

1. The road is gated off and has been for some years so it is difficult to ascertain how it is widely used by walkers. Not only is it not maintained to the Department's road standards but it provides access only to the MRF site.
2. The walkers could only ever have legally walked to the end of Groganstown Road before having to turn back or trespass on to private land owned by the MRF's owners in order to get to Colinglen Road or to access the Belfast Hills. The road does not link to any public right-of-way and does not provide a through route. It leads nowhere other than to the former quarry.
3. A separate lane built by the original applicant could provide access to a short cut to a private lane which connects to Colinglen Road with the permission of the land owners.
4. This abandoned length of Groganstown Road does not itself provide a link between Colinglen Road and Groganstown Road but it is possible to retrace ones steps along Groganstown Road back down to its junction with Colinglen Road.
5. The access to Slievenacloy Nature Reserve is off Ballycolin Road not Groganstown Road.
6. The abandonment should have no impact on the environment and the look of Colin Mountain should not be altered. Development of the site following abandonment would be a planning matter.

The Department's observations on the Neighbour 'A's objections are as follows:

1. The road is gated off and has been for some years so it is difficult to ascertain when it was last regularly used by anyone other than the employees of the MRF. Not only is it not maintained to the Department's road standards but it provides access only to the MRF site.

2. The road does not link to any public right-of-way and does not provide a through route for walkers.
3. Members of the public entering onto this portion of road could pose a health and safety risk to themselves and others as it is within the MRF and it is not, therefore, considered a safe access for the general public.
4. A traffic survey in 2012 showed the volume of traffic on Groganstown Road, including vehicles going to the MRF, was broadly similar to levels in 2001;
5. The statutory undertakers have confirmed that they have no objection to the abandonment.
6. As part of the Abandonment Process, a turning head was required to be constructed so that even when the gate at the entrance to the MRF is locked vehicles can still turn. This facility will be available for use by oil tankers etc; and

The Department's observations on the Neighbour 'B's objections are as follows:

1. Neighbour 'B's land is not adjacent to the road and he could only reach the abandoned length of Groganstown Road by means of a private right-of-way. This is a private arrangement between adjacent landowners and his continued use of it is not a matter for the Department. The Department believes that it has not been physically possible for him to access the road as the private right-of-way has been blocked for some years by earthworks around the MRF site.
2. The Department has apologised to Neighbour 'B' and explained that, as it had not been aware that he had been provided with a private right-of-way from his land to the end of Groganstown Road, it did not notify him individually as an adjacent frontager at the start of the formal consultation process. The Department also explained the manner in which it had advertised the proposed abandonment in the local press and on site.
3. The original applicant for the abandonment, the then owner of the MRF, constructed a new laneway alongside the boundary of the MRF which connects with the private lane leading to Colinglen Road which was made available for Neighbour 'B's use to access Groganstown Road from his land at the start of the length to be abandoned rather than the end.
4. If required, the new laneway can be used by the Northern Ireland Fire and Rescue Service (NIFRS) to access Neighbour 'B's land in an emergency if the private lane from Colinglen Road is unsuitable.
5. The NIFRS has confirmed that it had responded to only one incident in the area in the previous 5 years but that it was not at this location.

6. The road only ever went as far as the quarry which is privately owned as is all the land in the immediate vicinity. The only access available at that point, other than that of the actual landowner, was Neighbour 'B's PRIVATE right-of-way to his land at the end of the private laneway accessing on to Colinglen Road. Neighbour 'B' can still access that land from Colinglen Road via the private laneway.
7. All of the land either side of the length of road to be abandoned is in the ownership of the original applicant for the abandonment or his successors in title.
8. Although the records in land registry indicate the existence of Neighbour 'B's right-of-way to the south of the site, the Department believes that it has not been used for some time as it is physically blocked off by a large mound of earth which is overgrown and neglected and appears to have been so for some time.
9. The resolution of the private access is a matter for the landowners to resolve. The original applicant for the abandonment attempted to resolve it by constructing a private lane around the site so that Neighbour 'B', could use it as an alternative to the existing private right-of-way to get to Groganstown Road from his land. The Department understands that Neighbour 'B' has not used this alternative.

In conclusion

Although the hill walkers are unable to walk on the last 193 metres of Groganstown Road they are no worse off as the private laneway leading to Colinglen Road can be accessed by the laneway constructed by Mr O'Neill. In either case they would still need the permission of the owners of the MRF site to access their land.

Despite Neighbour 'A's concerns that increased traffic volumes would have an impact on her quality the traffic volume survey carried out in 2012 indicated broadly similar levels of traffic to those in 2001. In addition the turning head constructed by the applicants is available for use of large vehicles making deliveries to her home.

Even if Neighbour 'B' was able to access the end of the road being abandoned via his private right of way he would only be able to use it to then exit the main entrance to the MRF further along the Groganstown Road, and he is already able to access this point by an via Groganstown Road or by the private lane constructed by the original applicant for the abandonment.

In accordance with its powers under Article 68 of and its duties under Schedule 8 to the Roads (NI) Order 1993 the Department has carefully considered all of the objections and it is the Department's view that the length of road is not necessary for road traffic, as it does not operate as a public road and would serve no useful purpose for traffic. The Department is also satisfied that the issues the objectors raised have all been addressed

The Department having considered the objections made, and not withdrawn, decided that the proposed abandonment order should be made.

Garry McKenna
A Senior Officer of the Department
31st October 2016