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| Title of Report: | Path linking Irish Green Street and Blackburn Park, Limavady Extinguishment Order |
| Committee Report Submitted To: | Leisure & Development Committee |
| Date of Meeting: | 19 September 2023 |
| For Decision or For Information | For Decision |
| To be discussed In Committee YES/NO | NO |

| Linkage to Council Strategy (2021-25) | |
|--|---|
| Strategic Theme | Protecting and Enhancing our Environments and Assets Promote our tourism offer locally and internationally Prosperity, Health and Wellbeing and Cohesive Community. |
| Outcome | Improved access to our natural environment. Development of visitor economy and health and wellbeing opportunities. |
| Lead Officer | Head of Service – Tourism & Recreation Coast & Countryside Manager |

| Budgetary Considerations | |
|------------------------------------|---------------------|
| Cost of Proposal | N/A |
| Included in Current Year Estimates | N/A |
| Capital/Revenue | |
| Code | |
| Staffing Costs | Officer Time |

| | | | |
|--|--|--------|-------|
| Screening Requirements | Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals. | | |
| Section 75 Screening | Screening Completed: | Yes/No | Date: |
| | EQIA Required and Completed: | Yes/No | Date: |
| Rural Needs Assessment (RNA) | Screening Completed | Yes/No | Date: |
| | RNA Required and Completed: | Yes/No | Date: |
| Data Protection Impact Assessment (DPIA) | Screening Completed: | Yes/No | Date: |
| | DPIA Required and Completed: | Yes/No | Date: |

1.0 Purpose of Report

The purpose of this report is to present to Members the proposed Blackburn Path Extinguishment Order 2023, which if approved will facilitate the permanent closure of the pathway between Irish Green Street and Blackburn Park, Limavady.

2.0 Background

At the Leisure and Development Committee Meeting on 20 June 2023 a request from the Education Authority to close the path linking Irish Green Street with Blackburn Park which runs between Limavady High School and St Mary's High School was tabled. Subsequent to this Council provided approval that a Public Path Order is initiated, and this report advances this process. This path is a Public Right of Way based on long-term use.

The path dissects the sites of the two high schools which will form the Limavady Shared Education Campus, construction of which is due to be completed by May 2023.

The Access to the Countryside (NI) Order 1983, provides Council with the power to make Public Path Orders that can create, close, or divert a path which is considered to be a Public Right of Way.

The Leisure and Development Committee on the 20 June agreed to recommend to Council that a Public Path Order is initiated for the path linking Irish Green Street and Blackburn Park between the Limavady Shared Campus. This would potentially lead to the extinguishment of the existing path that runs between the two schools.

Minutes of the Leisure and Development Committee meeting held Tuesday 20 June 2023 adopted by Full Council meeting held Thursday 29 June 2023

3.0 Next Steps

Having carried out the steps recommended in the June report of initiating the Public Path Order by consulting Statutory Undertakers and Prescribed Bodies, if the council wish to move the proposed Order forward then the next stage is to make the Order.

Any public path order which the council prepares will be an important legal document. The Order must first be advertised, and any objections formally determined. For these reasons procedures are laid down which council must follow.

The Council must make the Public Path Order, this is still the initial stage, not the end of the process. The right to object comes when the notice of making the order has been published in a local newspaper, served on everyone with an interest in the land and displayed on the path. If no objections are received within 28 days, or any that are received are withdrawn, the council may itself decide to confirm the order.

If objections are made that are not withdrawn and the council still wishes to proceed, it must submit the order and the objections to the Department of Agriculture, Environment and Rural Affairs. The Department will deal with the order by exchange of correspondence or, if this does not seem likely to reach a conclusion, by holding a public local enquiry.

4.0 Options

The Access to the Countryside (NI) Order 1983 Article 14 – (1) Where it appears to the Council that it is expedient that a public path should be closed on the ground that the path is not needed for public use, the Council may by order (a public path extinguishment order) made by the council and submitted to and confirmed by the Department, or confirmed by the Council as an unopposed order, extinguish the right of way over the path.

Council makes the Blackburn Path, Public Path Extinguishment Order 2023 and publicises for 28 days.

Attached at **Annex A**, Public Path Extinguishment Order, Access to the Countryside (Northern Ireland) Order 1983, Causeway Coast & Glens Borough Council, Extinguishment of Public Right of Way Blackburn Path and Order Map attached at **Annex B**.

5.0 Recommendation

It is recommended that the Leisure and Development Committee recommends to Council that to progress the Order Council must now make the Public Path Extinguishment Order. It should be noted that the Order when made will not come into force until it is confirmed at a later date.

PUBLIC PATH EXTINGUISHMENT ORDER
Access to the Countryside (Northern Ireland) Order 1983

CAUSEWAY COAST & GLENS BOROUGH COUNCIL

Extinguishment of Public Right of Way

BLACKBURN PATH

Whereas it appears to the **Causeway Coast & Glens Borough Council** that the public path to which this order relates is not needed for public use. having regard to the extent to which alternative path via Benevenagh Drive provides access from Irish Green Street to Blackburn Park Limavady.

And where **Causeway Coast & Glens Borough Council** has consulted the Department and other appropriate bodies in pursuance of Article 18(1) of the Access to the Countryside (Northern Ireland) Order 1983 (hereinafter called "the Order").

Now therefore **Causeway Coast & Glens Borough Council** in exercise of the powers conferred on it by Article 14 of the Order and of every other power enabling it in that behalf hereby makes the following order: -

1. The public right-of-way over the land described in the Schedule hereto and shown brown on the map annexed to this order shall be extinguished at the expiration of 28 days from the date of confirmation of this order.
2. This order may be cited as the **Causeway Coast & Glen Borough Council and Blackburn Path Extinguishment Order 2023.**

Date:

THE COMMON SEAL OF CAUSEWAY COAST & GLENS
BOROUGH COUNCIL was hereto.
Affixed in the presence of: -

Mayor:

Chief Executive:

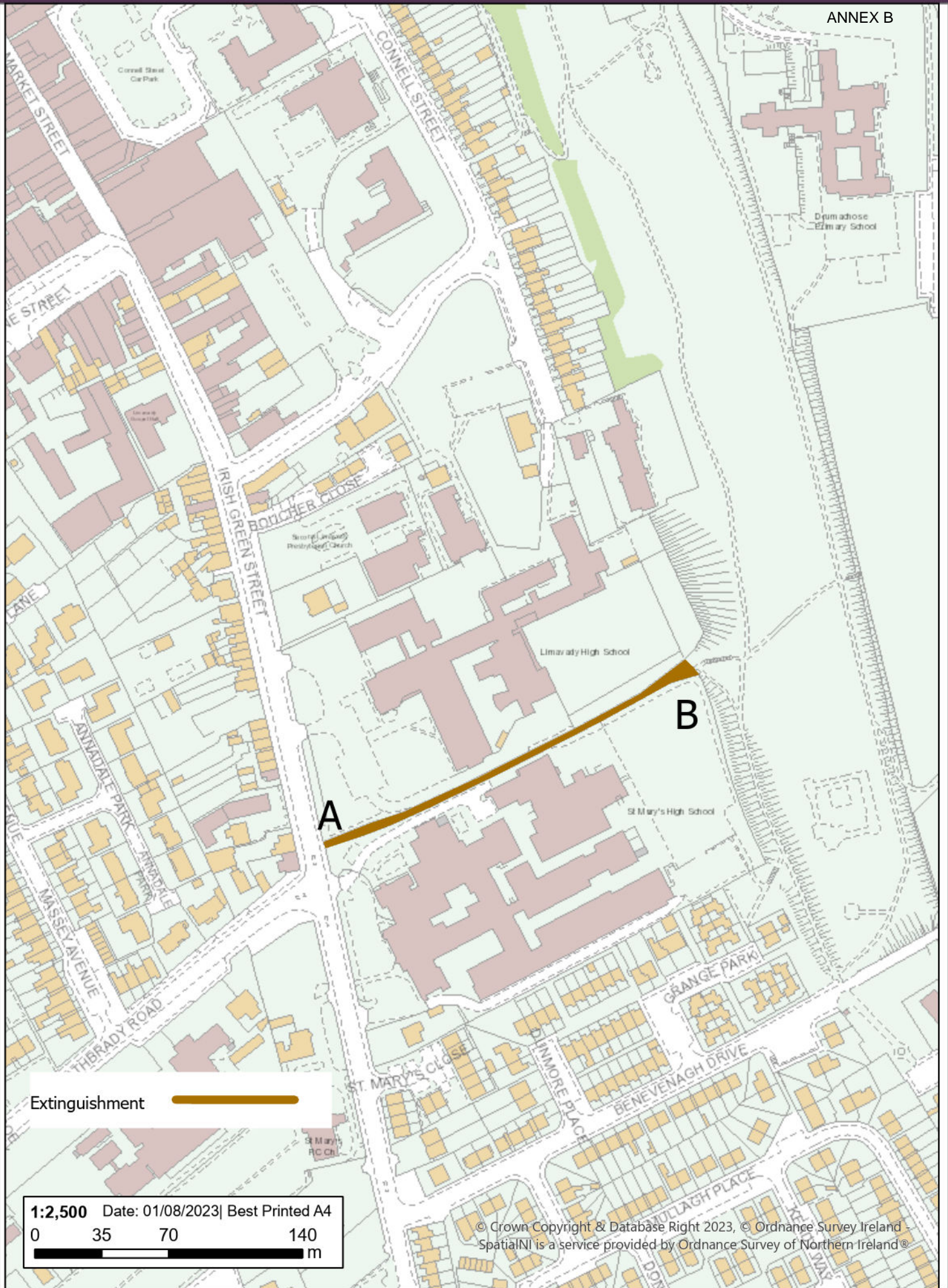
SCHEDULE

DESCRIPTION OF LAND

Blackburn Path to be extinguished from Irish Green Street (IGR: C 67226 22741) to Blackburn Park (IGR: C 67423 22836) between St Mary's Limavady, 72-90, Irish Green Street, Limavady, County Londonderry and Limavady High School, Connell Street, Limavady, County Londonderry.

Coloured Brown on the Order Map

Alternative path via Benevenagh Drive provides access from Irish Green Street to Blackburn Park Limavady.



Extinguishment

1:2,500 Date: 01/08/2023 | Best Printed A4

0 35 70 140 m

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