

## **EXPLANATORY MEMORANDUM TO**

### **The Newforge Road, Magheralin (Footway) (Abandonment) Order (Northern Ireland) 2009**

**S.R. 2009 No. 219**

#### **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 (5) of 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 abandon 9.42 square metres of footway at Newforge Road, Magheralin, adjacent to No. 138 Lurgan Road.

#### **3. Background**

- 3.1. The Abandonment has been requested by Mr. Byrne who owns licensed premises at No. 138 Lurgan Road. Mr. Byrne has constructed a ramp on the public footway to service the needs of disabled customers and has requested the abandonment to regularise the situation. The Department is of the opinion that the footway is not necessary for road traffic. Mr. Byrne is the owner of the bed and soil of the area of footway and following the abandonment the area of land will revert back to him.

#### **4. Consultation**

- 4.1. The police have been consulted and have no objection to the scheme. Craigavon Borough Council has also been notified. A notice in respect of the proposed abandonment was published in the local press for 2 successive weeks and statutory undertakers notified of the proposal. One objection was received from NIE who have equipment in the vicinity but has since been withdrawn.

#### **5. Equality Impact**

- 5.1. Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998. No equality issues have been identified by the Department and no issues were raised following the publication of the notice in the press.

#### **6. Regulatory Impact**

- 6.1. A Regulatory Impact Assessment was not considered necessary as the proposal does not result in any costs or savings on 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.

R Sherman

1st June 2009