

EXPLANATORY MEMORANDUM TO

The Main Street, Castledawson (Footway) (Abandonment) Order (Northern Ireland) 2009

S. R. 2009 No. 277

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 12 square metres of Main Street, Castledawson.

3. Background

- 3.1. The Abandonment has been requested by a local councillor on behalf of the owners of No. 51 Main Street who wish to address the matter of access for disabled persons to their property. The owners of No. 51 have excavated a portion of the public footway adjacent to their property and have constructed a wall and ramp on the footway leading to their door. These works have been undertaken without lawful authority. The Statutory Rule is intended to regularise the situation. The net effect will be to reduce a previously widened footway to the same width as the footway on either side of this property.

4. Consultation

- 4.1. The police have been consulted and have no objection to the scheme. Magherafelt District Council have 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.

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

24th July 2009