

## **EXPLANATORY MEMORANDUM TO**

### **The Larchwood Avenue, Banbridge (Abandonment) Order (Northern Ireland) 2009**

**S.R. 2009 No. 351**

#### **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 84.72 square metres of road adjacent to No. 14 Larchwood Avenue, Banbridge.

#### **3. Background**

- 3.1. The Department proposes on the completion of works providing alternative facilities for road traffic to abandon the area of road. The abandonment was requested by Mr and Mrs James O'Neill, owners of No. 14 Larchwood Avenue, Banbridge. The area of road to be abandoned forms a hammerhead. The bed and soil of the area is unregistered but the owners have been confirmed by Heron & Dobson, Solicitors, Banbridge as H&P Campbell Ltd, Building and Civil Engineering Contractors. They have agreed to sell it to Mr and Mrs O'Neill who have planning approval for the construction of a dwelling house on the plot. One of the conditions attached to the planning approval is that a new footway with dropped kerbs is constructed across the entrance.

#### **4. Consultation**

- 4.1. The PSNI has been consulted and have no objections. Banbridge District Council was notified about the proposal. 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.
- 4.2. Two objections were received at the preliminary consultation stage. It is the Department's view that these objections relate primarily to planning issues.
- 4.3. No objections were received following publication of the notice of Intention and posting of the notice on site.

#### **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 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.

A MURRAY

26th October 2009