

EXPLANATORY MEMORANDUM TO

The Crossbill Place, Lisburn (Footpaths) (Abandonment) Order (Northern Ireland) 2011

S.R. 2011 No. 380

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, and paragraph 5 of Schedule 8 to, 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 2 areas of footpath comprising 157.15 square metres of footpath to the west of Crossbill Place, Lisburn and 129.91 square metres of footpath to the south and east of Crossbill Place, Lisburn.

3. Background

- 3.1. The abandonment has been requested by Oaklee Housing Association who own the bed and soil. The abandonment is required to facilitate the construction of additional social housing. On the coming into operation of the rule, the areas of footpath in question shall cease to be maintainable by the Department and the public right of way over them shall be extinguished.
- 3.2. Originally all equipment owned by statutory undertakers was to be removed from the areas to be abandoned but the draft rule has now been modified in accordance with paragraph 5 of Schedule 8 to the Roads (Northern Ireland) Order 1993 to allow the retention of equipment owned by BT Telecommunications plc. Equipment belonging to other statutory undertakers is being removed from the areas to be abandoned.

4. Consultation

- 4.1. The PSNI has been consulted and no objection has been received. Lisburn City Council has been notified and no objection has been received.
- 4.2. A notice in respect of the proposed abandonment was published in the local press for 2 successive weeks, a notice was posted on site and the statutory undertakers were notified of the proposal. No objections were received.
- 4.3. Oaklee Housing Association has signed a Wayleave agreement with BT Telecommunications plc in respect of BT's equipment situated in the areas which are being abandoned.

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.