

## **EXPLANATORY MEMORANDUM TO**

### **The Gilpinstown Road (U1401), Lurgan (Abandonment) Order (Northern Ireland) 2016**

**S. R. 2016 No. 318**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure 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 The purpose of the rule is to abandon a length of 110 metres of superseded road at Gilpinstown Road, Lurgan extending in a south-easterly direction from its junction with Portadown Road to a point at the rear of No. 75 Carrigart Manor, Lurgan.

#### **3. Background**

- 3.1. The abandonment was requested by Fitzsimons, Kinney and Mallon Solicitors on behalf of New Quay Developments Limited in 2008 to address an issue of encroachment onto the superseded length of road which occurred during the construction of the Carrigart Manor development by New Quay Developments.
- 3.2. On the coming into operation of the rule, the length of road in question shall cease to be maintainable by the Department and the public right of way over it shall be extinguished. The Department is of the opinion that the road is no longer necessary for road traffic.
- 3.3. Although unregistered, the Department is the owner of the bed and soil of the area to be abandoned. Following abandonment the land will be declared surplus to the Department's requirements and disposed of along with other areas of surplus land at this location in accordance with the statutory procedures laid down for the disposal of government owned land.

#### **4. Consultation**

- 4.1. The PSNI was informed and had no objection to the proposal. Frontagers and adjacent landowners were also consulted and no objection has been received. The former Craigavon Borough Council was also advised.
- 4.2. In accordance with the statutory consultation process a notice in respect of the proposed abandonment was published in the local press for two successive weeks in February 2009. In addition, a notice was posted on site and the statutory undertakers, neighbouring landowners and frontagers were consulted as part of the formal consultation process. Northern Ireland Electricity Limited (NIE) initially objected to the proposed abandonment

but following extensive negotiations the objection was withdrawn in 2015. No other objections or representations were received.

- 4.3. Due to the length of time it took to resolve NIE's objection the Department undertook to notify the statutory undertakers, adjacent landowners and frontagers again about the proposed abandonment to ensure there had been no change in circumstances since the initial consultations. No objections or representations were received.

## **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.