

## **EXPLANATORY MEMORANDUM TO**

### **The B122 Murley Road, Fivemiletown (Abandonment) Order (Northern Ireland) 2016**

**S. R. 2016 No. 322**

#### **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) 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 an area of 339 square metres of the B122 Murley Road, Fivemiletown, County Tyrone from a point 260 metres north of its junction with the C658 Ballyness Road extending for a distance of 70 metres in a north-westerly direction.

#### **3. Background**

- 3.1. The Department proposes to abandon the road as it considers that the road is no longer required for road traffic following a road re-alignment and that another road is available which provides alternative facilities for road traffic.
- 3.2. The bed and soil of the area of road in question is partly owned by the adjacent landowners and partly by the Department. Following the abandonment part of the area of road will revert back to the registered owners.
- 3.3. The area of road owned by the Department will be declared surplus and the land disposed of in accordance with the statutory procedures laid down for the disposal of government owned land.

#### **4. Consultation**

- 4.1. The PSNI has been consulted and has no objection. The former Dungannon and South Tyrone Borough Council was also informed and had no objection. Its successor, Mid Ulster District Council has also been advised of the scheme. The adjacent landowners were also consulted but no comment was received.
- 4.2. A notice in respect of the proposed abandonment was published in the local press for two successive weeks. 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. No objections 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.