

EXPLANATORY MEMORANDUM TO

The Route F1403 Footpath between Ashdene Park, Taghnevan and Tullygally East Road, Craigavon (Abandonment) Order (Northern Ireland) 2016

S.R. 2016 No. 372

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 441 metres of footpath extending from the front of No. 10 Ashdene Park, Taghnevan to Tullygally East Road, Craigavon.

3. Background

- 3.1. On the coming into operation of the abandonment 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.
- 3.2. The abandonment has been requested by Armagh City, Banbridge and Craigavon Borough Council who wish to close the footpath due to anti-social behaviour.
- 3.3. Armagh City, Banbridge and Craigavon Borough Council are the owners of the bed and soil of most of the length to be abandoned and the remainder is owned by Northern Ireland Housing Executive. Following completion of the abandonment the Council will erect a 3 metre high fence at each end of the length of footpath in its ownership. It will remove the surface of the footpath and incorporate it into the adjacent lands. The NIHE proposes to remove the surface of the length of footpath in its ownership, grass it over and merge it with the adjacent grassed areas.

4. Consultation

- 4.1. The PSNI has been advised and has no objection to the proposal. Armagh City, Banbridge and Craigavon Borough Council requested the abandonment.
- 4.2. A notice in respect of the proposed abandonment was published in the local press for two successive weeks, a notice was posted on site and the statutory undertakers were notified of the proposal. One objection was received at the initial consultation stage and has not been withdrawn.
- 4.3. The Department has carefully considered the objection and would confirm that it is the Department's view that the area of road is not necessary for road traffic and that the abandonment should proceed. The Department is

also satisfied that the issues the objector has raised have all been addressed.

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.