

## **EXPLANATORY MEMORANDUM TO**

### **The Church Street / Mullagh Road, Maghera (Abandonment) Order (Northern Ireland) 2016**

**S.R. 2016 No.382**

#### **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 285 square metres of road at Church Street / Mullagh Road, Maghera.

#### **3. Background**

- 3.1. On the coming into operation of the abandonment the area 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 the adjacent frontager. The Department is the owner of the bed and soil of the area to be abandoned. Following abandonment the Department has agreed that the land will be incorporated into the garden of the adjacent property.

#### **4. Consultation**

- 4.1. The PSNI and Mid Ulster Council have been advised but no acknowledgements were received. The former Magherafelt District Council was also notified and confirmed that it had no objections.
- 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. Northern Ireland Electricity Limited initially objected to the proposed abandonment but following extensive negotiations the objection was subsequently withdrawn. No other 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.