

## **EXPLANATORY MEMORANDUM TO**

### **The Former C158 Ballynacor Road, Portadown (Abandonment) Order (Northern Ireland) 2017**

**S.R. 2017 No. 239**

#### **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 The purpose of the rule is to abandon an length of 188.4 square metres of superceded road (the former C158 Ballynacor Road, Portadown) in Ballynacor Townland in County Armagh.
- 2.2. 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. Background**

- 3.1. The abandonment has been requested by solicitors acting on behalf of a neighbouring landowner as the land provides access to her land and to land which, although owned by the Department, has been occupied by her for many years. This matter should have been dealt with following the construction of the motorway and she wishes to have the land transferred to her ownership in order to regularise the situation on the ground.
- 3.2. Apart from a part of the old road registered to the landowner the rest of the the bed and soil of the length of road to be abandoned is owned by the Department. Following the abandonment the land will be declared surplus and disposed of in accordance with the procedures laid down for the disposal of government owned land.

#### **4. Consultation**

- 4.1. The PSNI was consulted and has no objections to proposal. Armagh City, Banbridge & Craigavon Borough Council was also consulted and has 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. 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.