

## **EXPLANATORY MEMORANDUM TO**

### **The Orchard Road Industrial Estate, Strabane (Abandonment) Order (Northern Ireland) 2017**

**S. R. 2017 No. 97**

#### **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 area of 1080 square metres of the northern turning head of the road in the Orchard Road Industrial Estate, Strabane. The area of road will be abandoned on the completion of works to provide an alternative turning head. On the completion of those works 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.
- 2.2. Street lighting equipment will be removed but all other existing cables, wires, mains, pipes or other apparatus placed along, across, over or under the abandoned area of road shall be retained and all existing rights as to the use or maintenance of such cables, wires, mains, pipes or other apparatus shall be preserved.

#### **3. Background**

- 3.1. The abandonment has been requested by W. Simon Calvert, chartered civil engineering consultant on behalf of Fab Plus Limited, a pipe fabrication and supply company who have premises on the estate. The abandonment is required in order to implement planning approval granted to aid the development of his client's site. The planning approval includes a requirement to provide a replacement turning head.
- 3.2. Fab Plus Limited's site was leased from the Department for Enterprise Trade and Industry (DETI). Following the abandonment the area of road in question will revert to the Department for the Economy as successor in title to DETI as owner of the bed and soil.

#### **4. Consultation**

- 4.1. The PSNI has been consulted and has no objection. The Derry City and Strabane District Council has also been advised of the proposed abandonment. Invest NI also confirmed that it had no objection to the abandonment.
- 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 addition, a notice was posted on site and the

statutory undertakers were notified of the proposal. No objections have been 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.