

## **EXPLANATORY MEMORANDUM TO**

### **The C161 Derrycarne Road, Portadown (Abandonment) Order (Northern Ireland) 2018**

**S.R. 2018 No. 120**

#### **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 1494.5 square metres of road embankment adjacent to No. 91 Derrycarne Road, Portadown.
- 2.2. 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. Background**

- 3.1. The proposal has been requested by Diamond Heron Solicitors on behalf of the owners of the adjacent property at No. 91 Derrycarne Road. The proposal has been requested to facilitate the disposal of the area of road embankment in question as it has been fenced within the curtilage of the adjacent property for some time.
- 3.2. The Department considers that the area of road in question is no longer necessary for roads purposes and therefore proposes to abandon it.
- 3.3. The Department is the owner of the bed and soil of the area of road to be abandoned. 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. The adjacent landowners have expressed an interest in acquiring the land.
- 3.4. Any disposal shall include a stability clause in the contract of sale.

#### **4. Consultation**

- 4.1. The PSNI has been informed and has no objection to the abandonment. The former Craigavon Borough Council was also advised as part of the statutory consultation procedure but no acknowledgement was received. It had, however, previously confirmed that it had no objection to the proposed abandonment.
- 4.2. A notice in respect of the proposed abandonment was published in the local press for two successive weeks in 2012, a notice was posted on site and the statutory undertakers were notified of the proposal.

- 4.3. One objection was received to the proposal from an adjacent landowner in 2012. This objection was subsequently withdrawn on 5th February 2018.

**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.