

EXPLANATORY MEMORANDUM TO

The Kernan Road, Portadown (Footpath) (Abandonment) Order (Northern Ireland) 2020

S.R. 2020 No. 101

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 149.52 square metres of road comprising a footpath located at Kernan Road, Portadown commencing at its junction with the footway on the north side of Kernan Gardens, adjacent to No. 109, and extending for a distance of 87 metres in a north-westerly direction, after completion of such works as the Department considers necessary to provide alternative facilities.

3. Background

- 3.1. The abandonment has been requested by a developer to facilitate realignment of the existing footpath. Following the abandonment, a new footpath will be constructed and the area of footpath to be abandoned will revert to the registered landowners to be scarified and incorporated into the adjacent garden.
- 3.2. The bed and soil of the area to be abandoned is owned by the developer.

4. Consultation

- 4.1. The PSNI has been informed and no objection to the abandonment has been received. Armagh City, Banbridge and Craigavon Borough Council has been advised and no objection has been received.
- 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. The applicant has signed an undertaking to reimburse the Department and to pay any compensation due as a result of making the Order.

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.