

## **EXPLANATORY MEMORANDUM TO**

### **The Galway Drive, Belfast (Abandonment) Order (Northern Ireland) 2019**

**S.R. 2019 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 area of 174 square metres of road comprising grass verge at Galway Drive, Belfast adjacent to No. 6 Galway Drive extending from its junction with Galway Drive for a distance of 37 metres in a south-westerly direction towards Cumberland Drive.
- 2.2. On the coming into operation of the rule, 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.
- 2.3. The area of grass verge in question will be abandoned as the Department is of the opinion that it is no longer necessary.

#### **3. Background**

- 3.1. The proposed abandonment has been requested by a developer who wishes to incorporate the area in question within a proposed new housing development.
- 3.2. Solicitors acting on behalf of the owners of the bed and soil of the area in question have confirmed that they have no objection to the abandonment.
- 3.3. Subject to the area of road being abandoned the owners have agreed to sell it to the developer so that it can be incorporated into a new housing development.

#### **4. Consultation**

- 4.1. The PSNI has been consulted and has no objection. Lisburn & Castlereagh City Council has also been advised of the proposed 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.
- 4.3. An objection was received from NIE Networks and subsequently withdrawn.
- 4.4. Four objections were received from members of the public.

- 4.5. The objections have been considered and the Department has responded to each of the objectors but none of the objections have been withdrawn
- 4.6. The Department is satisfied that the appropriate processes have been followed in relation to the proposed abandonment and that the issues raised by the objectors have been fully addressed.
- 4.7. The Department is of the view that the area of grass verge adjacent to the footpath is not considered necessary for road purposes.

## **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.