

## **EXPLANATORY MEMORANDUM TO**

### **The Bayhead Road, Portballintrae (Abandonment) Order (Northern Ireland) 2024**

**SR 2024 No. 40**

#### **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 37.9 square metres of footway in front of No. 52 Bayhead Road, Portballintrae.
- 2.2. The area of footway in question will be abandoned as the Department is of the opinion it is no longer required for road traffic purposes.
- 2.3. On the coming into operation of the rule, the Department will no longer be responsible for maintenance of this area of footway and the public right of way over it shall be extinguished.

#### **3. Background**

- 3.1. The abandonment has been requested by the owners of No. 52 Bayhead Road, Portballintrae, who also own the bed and soil of the area to be abandoned, to enable them to bring their front wall into alignment with other properties adjacent to the area to be abandoned. The area proposed for abandonment is currently being used for car parking purposes which impairs visibility and obstructs sightlines for vehicles exiting No. 52.
- 3.2. Following abandonment, the area will be incorporated into the garden of No. 52, providing that the existing pillars remain set back and the proposed new wall is splayed to ensure the sight splay on the eastern side is maintained. The sight splay on the western side will remain unchanged. The Department has confirmed that a new planning application will have to be submitted to determine and agree the positioning of the new wall once the abandonment process has been completed.

#### **4. Consultation**

- 4.1. The PSNI has been consulted and has no objection. Causeway Coast & Glens Borough Council has also been notified of the abandonment and has not commented.
- 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. Following the advertisement of the notice in the local press, 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 voluntary bodies.

## **7. Financial Implications**

- 7.1. There are no financial implications outside of the Department's planned budget/expenditure. The applicant has signed an undertaking to reimburse the Department's costs and expenses and to pay any compensation due as a result of the making of the Rule.

## **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.