

EXPLANATORY MEMORANDUM TO

The Linsfort Drive, Londonderry (Abandonment) Order (Northern Ireland) 2018

S.R. 2018 No. 74

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 40 square metres of road (comprising former footway) at Linsfort Drive, Londonderry.
- 2.2. The Department is satisfied that the area of road to be abandoned is not necessary.
- 2.3. 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 abandonment has been requested by The Old Library Trust Healthy Living Centre in order to rectify the situation on the ground. A part of the centre was constructed on the part of the road in question, the bed and soil of which is owned by the Department.
- 3.2. When the Healthy Living Centre sought to obtain ownership of the land in question, in accordance with the statutory procedures laid down for the disposal of government owned land, it was discovered that the area of road in question had not been abandoned.
- 3.3. In order to facilitate the disposal of the land in question to the Healthy Living Centre the area of road in question must first be abandoned.
- 3.4. Following the abandonment the land will be disposed of in accordance with the statutory procedures laid down for the disposal of government owned land.

4. Consultation

- 4.1. The PSNI was consulted and support the abandonment. Derry City and Strabane District Council was notified and has no objection to proposal.
- 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. 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.