

## **EXPLANATORY MEMORANDUM TO**

### **The Coolshinney Park, Magherafelt (Abandonment) Order (Northern Ireland) 2020**

**S.R. 2020 No. 206**

#### **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 35 square metres of former turning head commencing at a point directly adjacent to the south-east corner of the boundary of No. 10 Coolshinney Park, Magherafelt and extending for a distance of 17 metres in a north-easterly direction.
- 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 Department is of the opinion that the road is no longer necessary.

#### **3. Background**

- 3.1. The area of road in question has already been integrated into the curtilage of No. 10 Coolshinney Park, Magherafelt.
- 3.2. The abandonment has been requested to regularise the situation on the ground following the erection of a boundary wall to No. 10 Coolshinney Park, Magherafelt.

#### **4. Consultation**

- 4.1. The PSNI has been consulted and no objection has been received. Mid-Ulster District Council has also been advised of the proposed abandonment and no objection has been received.
- 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, neighbouring landowners and frontagers were consulted as part of the formal consultation process.
- 4.3. Two objections were received from local residents and subsequently withdrawn.

#### **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.