

## **EXPLANATORY MEMORANDUM TO**

### **The Footpath linking Hollyhill Link car park and Tempo Road, Enniskillen (Abandonment) Order (Northern Ireland) 2022**

**2022 No 282**

#### **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 147 square metres of footpath linking Hollyhill car park and Tempo Road, Enniskillen, commencing at its eastern junction with the eastern boundary of the car park and extending for 60 metres in an easterly direction, upon completion of such works as the Department considers necessary.
- 2.2. 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 a Developer who is constructing a retail development in the vicinity. The Developer requested that the Department abandon a small portion of footpath as part of the overall redevelopment of the site. The Developer will construct an alternative footpath a few metres away, and this will be constructed prior to the existing footpath being abandoned. As part of the application the Developer has requested that part of a cycle path is abandoned, and an alternative route for the path will be created on an amended alignment.

#### **4. Consultation**

- 4.1. The PSNI has been consulted and has no objection to the proposal. Fermanagh and Omagh District Council is supportive of the proposal.
- 4.2. Following completion of the required statutory consultation process, which included publication of a notice in respect of the proposed abandonment in the press for two consecutive weeks, a notice being posted on site and statutory undertakers being notified of the proposal, three objections were received during the objection period and subsequently withdrawn. Two objections were withdrawn following correspondence with the Department's officials relating to the alternative facilities to be provided. The third objection was from an adjacent business owner, and related to the security of his property. The Developer entered into an agreement to

construct appropriate remedial works. This objection has subsequently been withdrawn in light of the agreed works.

## **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.