EXPLANATORY MEMORANDUM TO

The B3 Main Street, Markethill (Abandonment) Order (Northern Ireland) 2022

S.R. 2022 No. 117

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 4.3 square metres of road comprising a portion of footway from a point 43 metres north-east of its junction with B78 Mowhan Road.

3. Background

3.1. The abandonment has been requested to facilitate entry to a sit-in-café / diner, which requires the installation of 2-3 steps outside the entrance.

3.2. The proposal to install the 2-3 steps will require the steps to be constructed on part of the existing public footway and will take in part of the adjacent retaining wall (which is maintained by the Department for Infrastructure). The abandonment will take place subject to the satisfactory completion of remedial works to ensure that any boundary created by the abandonment that is not delineated by a vertical wall/step riser will be clearly demarcated.

3.3. The bed and soil of the area of road in question is unregistered and investigations by Roads officials have failed to identify the owner.

4. Consultation

4.1. The PSNI has been consulted and no objection has been received. Armagh City, Banbridge and Craigavon Borough Council has also been advised of the proposed abandonment but no acknowledgement has been received.

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. The applicant has signed an undertaking to reimburse the Department's costs and expenses and to pay any compensation due as a result of making 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.