EXPLANATORY MEMORANDUM TO

The Back Street at Duncairn Gardens, Belfast (Abandonment) Order (Northern Ireland) 2020

S.R. 2020 No. 183

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 57.849 square metres of road comprising former back street commencing at the south-east corner of the boundary of No. 88 Duncairn Gardens, Belfast and extending for a distance of 34 metres in a south-easterly direction along the northern boundary of No. 13 Fortfield Place to its eastern boundary with No. 31 Meadow Place, Belfast.

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 area of former road in question is not necessary for road traffic.

3. Background

3.1. The abandonment has been requested by Newington Housing Association Limited (which is the registered owner of the bed and soil of the area of road in question) and the Department of Justice (DoJ).

3.2. The abandonment is required to facilitate the replacement of an existing peace wall.

3.3. DoJ is leading the programme of replacement of interface structures across the city under the draft Programme for Government and Together: Building United Communities Strategy. Ownership of all such structures transferred to DoJ in 2010 from the Northern Ireland Office. Duncairn Gardens is one of the structures being replaced under the strategy.

3.4. Newington Housing Association has applied for this abandonment as it owns the bed and soil of the area in question, on which the replacement wall will sit when completed. However, DoJ will be funding the scheme.

3.5. Following the abandonment the land will revert to the landowners who will take on responsibility for the maintenance of the new structure.

4. Consultation

4.1. The PSNI has been consulted and has no objection. Belfast City Council has also been advised of the proposed abandonment.

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.

4.3. Following publication of the notice 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 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.