EXPLANATORY MEMORANDUM TO

The Killinchy Road, Comber (Abandonment) Order (Northern Ireland) 2023

S. R. 2023 No. 153

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 The purpose of the Rule is to abandon an area of 1,090 square metres of superseded road at Killinchy Road, Comber, extending from a point 29 metres east of its junction with Drumhirk Road for a distance of 319 metres in a southerly direction.

2.2. The area of road in question will be abandoned as the Department is of the opinion that it is no longer necessary.

2.3. 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.

3. Background

3.1. The abandonment has been requested by a an adjacent resident who wishes to maintain this area of land and acquire adjacent surplus land to prevent fly tipping. The area of land to be abandoned is part registered to the Department (registered as the Department for Regional Development), part registered to multiple private owners and part unregistered. Following the abandonment, the part registered to the Department will be declared surplus and disposed of in accordance with the statutory procedures laid down for the disposal of government owned land.

4. Consultation

4.1. The PSNI has been consulted and has no objection. Ards & North Down Borough Council has also been advised of the proposed abandonment and has no objection.

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. Following the advertisement of the notice in the local press, 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 superseded road should have been abandoned when the new road was constructed, however this did not happen. Therefore, the Department does not consider it appropriate for the applicant to sign an undertaking to reimburse the Department's costs and expenses or to pay for 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.