EXPLANATORY MEMORANDUM TO

The Killyvally Road, Garvagh (Abandonment) Order (Northern Ireland) 2020

S.R. 2020 No. 258

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 1351 square metres of former road at Killyvally Road, Garvagh, commencing at a point 102 metres east of its junction with Station Road, Garvagh and extending for 127.8 metres in an easterly direction along the front of Nos. 6-10 Killyvally Road, after completion of such works as the Department considers necessary to provide alternative facilities.

2.2. The area of road in question will be abandoned after completion of such works as the Department considers necessary. It 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 the adjacent engineering works so that the area may be incorporated into their entrance. The area in question is part of an old road which has been closed off by a barrier and been used by the engineering works since the 1960's and they want to regularise the folio.

3.2. The bed and soil of the area to be abandoned is partly owned by the applicant and partly by the Department. Following the coming into operation of the Abandonment Order the bed and soil of the area of road owned by the Department will be declared surplus and disposed of in accordance with the statutory procedures laid down for the disposal of government owned land.

3.3. Officials are of the view that the area of road is not necessary and may be abandoned on completion of works to provide alternative facitities.

4. Consultation

4.1. The PSNI has been informed and has no objection to the abandonment. Causeway Coast and Glens Borough Council has been advised 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, 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 abandonment will facilitate the disposal of government owned land no longer required for roads purposes. The Department will liaise with Land and Property Services as part of the disposal process to ascertain the value of the land.

7.2. The applicant has also 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.