EXPLANATORY MEMORANDUM TO

The Plantation Mews, Lisburn (Abandonment) Order (Northern Ireland) 2022

S. R. 2022 No. 280

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 240 square metres of road comprising footway at the entrance to Plantation Mews, Lisburn.

2.2. The area of road in question will be abandoned after the completion of works to provide alternative facilities for road traffic.

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 to facilitate re-development in the area. The area to be abandoned is owned by a third party and following the abandonment the land will revert to the applicant as per the planning application of a new adjacent access road to serve the housing within the development.

4. Consultation

4.1. The PSNI has been consulted and has no objection to the abandonment. Lisburn & Castlereagh City Council has also been advised of the proposed abandonment and no objection has been received.

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.

4.3. However, prior to the statutory process (as a result of the neighbourhood/frontage notification) an objection was received in December 2019 from a resident with a property adjacent to Plantation Mews.

4.4. The objector had concerns regarding:- ongoing maintenance of the area once abandoned; that cars would be coming closer to the rear of the objector’s property; and there would be increased traffic on an already busy road (i.e. Plantation Road).

4.5. The objection was considered and the Department has responded to the objector but the objection has not been withdrawn.

4.6. The Department is satisifed that the appropriate processes have been followed in relation to the proposed abandonment and that the issues raised by the objector have been fully addressed.

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.