EXPLANATORY MEMORANDUM TO

The Private Accesses on the A5 Western Transport Corridor – Sion Mills (North) to Ballygawley (West) (Stopping-Up) Order (Northern Ireland) 2024

S.R. 2024 No. 184

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 69 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 stop-up A0004 Annaghilla Road, Drumcorke, Ballygawley (two locations) and Tullyrush Road, Tullyheeran, Omagh to facilitate the A5 Western Transport Corridor. The roads will be stopped up by means of the erection of suitable fencing with associated hedgerow planting.

3. Background

3.1. The proposal was requested by the Department for Infrastructure (NI). The roads are no longer necessary for road traffic and will be stopped-up upon completion of the A5 Western Transport Corridor works.

4. Consultation

4.1. The PSNI was consulted and had no objection to the proposal. Fermanagh and Omagh District Council and Mid Ulster District Council were also notified of the proposal but have not commented.

4.2. Following completion of the required statutory consultation process, which included publication of a notice in respect of the proposed abandonment in the local press and statutory undertakers being notified of the proposal, no objections were received.

4.3. The proposed Order was advertised as The Private Accesses on the A5 Western Transport Corridor (Stopping-Up) Order (Northern Ireland) 2016 but it will be known as The Private Accesses on the A5 Western Transport Corridor – Sion Mills (North) to Ballygawley (West) (Stopping-Up) Order (Northern Ireland) 2024. The draft Order has been modified since it was advertised.

4.4. The Department received legal advice stating that the proposed legislation did not need to be readvertised as '…it could be argued that the purpose of the draft Order remains the same as it did when it the 2016 Order was advertised' but counselled that as '…property owners may have changed since the Notice was issued in 2016. This has the potential to create a cause of action for any new inhabitants of the property'.

4.5. Confirmation was subsequently provided advising that the proposed legislation relates to the same owners and occupiers included in the 2016 Draft Order, meaning there was no need to readvertise the proposed legislation.

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 voluntary bodies.

7. Financial Implications

7.1. Spend will be incurred in 2024-25 relating to departmental staff costs to process the Stopping-Up Order. There is budget in place for all works scheduled to be carried out.

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.