EXPLANATORY MEMORANDUM TO

The Whitehouse Road, Londonderry (Abandonment) Order (Northern Ireland) 2022

2022 No. 274

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 4,010 square metres of Whitehouse Road, Londonderry extending from a point 302 metres south-west of its junction with Coshquin Road for a distance of 495 metres in a south-westerly direction, after the completion of such works as the Department considers necessary to provide alternatives for road traffic.

2.2. On the coming into operation of the rule, the area of road in question shall cease to be maintanable 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 developer to allow for the erection of a new housing development and realignment of the existing carriageway.

3.2. Officials are of the view that the area of road is not necessary and may be abandoned on completion of such works as the Department considers necessary to provide alternative facilities.

3.3. The applicant has agreed to provide alternative facilities and following the abandonment the areas of road in question will revert to their ownership.

4. Consultation

4.1. The PSNI has been consulted and has no objection. Derry City & Strabane District 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 consecutive weeks. In addition, a copy of the notice was posted on site and the statutory undertakers were notified of the proposal. Following the advertising 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 applicant has signed an undertaking to reimburse the Department's costs and expenses and to pay any compensation due as 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.