EXPLANATORY MEMORANDUM TO

The Whitla Street, Belfast (Abandonment) Order (Northern Ireland) 2020

S.R. 2020 No. 181

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 608 square metres of former road within the boundaries of a car park at Whitla Street, Belfast comprising a planted area and car park, bounded on the north by Whitla Street, to the east by Yorkgate Railway Station car park and to the west by York Street.

2.2. On the coming into operation of the rule, the area of former road in question shall cease to be maintainable by the Department and the public right of way over it shall be extinguished.

2.3. The Department is of the opinion that the area of former road in question is not necessary for road traffic.

3. Background

3.1. The abandonment has been requested by Belfast City Council as the owner of the car park to enable it to tidy up its title to the car park and to assume responsibility for maintenance.

3.2. The area to be abandoned is part of an old road that was built over many years ago to construct a car park. Following the transfer of off-street parks to local Councils in 2015, ownership of this car park was transferred to Belfast City Council. The Council has requested that the Department progress the abandonment in order for it to tidy up its title to the car park.

3.3. Following the abandonment, responsibility for the area of former road will revert to Belfast City Council as the landowner.

4. Consultation

4.1. The PSNI has been consulted and has no objection. Belfast City Council is the applicant for 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 successive weeks. In addition, 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.

4.4. The Statutory Rule was originally drafted on the basis that the statutory undertakers had no equipment in the vicinity of the proposed abandonment.

4.5. However, an objection has since been received from Vodafone who have advised that they believe that they have equipment in the vicinity of the abandonment and wished to protect their rights to maintain their equipment. Departmental officials responded offering to include the relevant protections in the draft Order. Vodafone's representative subsequently withdrew the objection.

4.6. Belfast City Council, as the landowner and applicant for the Abandonment was notified in accordance with paragraph 2(2) of Schedule 8 to the Roads 1993 Order that it was proposed to modify the draft Order and the Council confirmed that it had no objection to its being modified.

4.7. Following receipt of Vodafone's objection and the Council's agreement, the Order has been modified to protect the statutory undertaker's rights to maintain their equipment.

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. This abandonment is to facilitate the transfer of the car park to Belfast City Council in line with the Department’s policy.

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.