

**DEPARTMENT FOR REGIONAL DEVELOPMENT
THE ROADS (NORTHERN IRELAND) ORDER 1993**

**STATEMENT BY THE DEPARTMENT
ON
THE REPORT ON THE LOCAL PUBLIC INQUIRIES
INTO
THE ENVIRONMENTAL STATEMENT, DIRECTION ORDER AND
VESTING ORDER
FOR THE PROPOSED
T8 (A6) TOOME TO CASTLEDAWSON
DUALLING SCHEME**

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1. Contents of Decision

- 1.1 The Department for Regional Development has decided to proceed with the proposed T8 (A6) Toome to Castledawson Dualling Scheme. The scheme is as described in the Environmental Statement, draft Direction Order and draft Vesting Order published by the Department in March 2007.
- 1.2 This scheme will provide a 6.7 kilometre long Dual 2 Lane All Purpose (D2AP) dual carriageway constructed between Toome and Castledawson. Three strategically located compact grade separated junctions will provide access into The Creagh, and links to the B182 Deerpark Road towards Bellaghy and C54 Hillhead Road towards Castledawson and Knockloughrim. Roads Service intends to construct a compact grade-separated junction located about midway between the Bellshill and Annaghmore Roads which will provide continued access between the new dual carriageway and the Bellshill and Annaghmore Roads and on to Castledawson subject to satisfactory outcome of the normal statutory process. The existing Castledawson Roundabout will also maintain connection to Castledawson.
- 1.3 The scheme requirements will be as shown on the contract drawings, specification and associated documents.
- 1.4 Sections 2, 3 and 4 set out the considerations on which the decision to proceed with the scheme is based and Section 5 describes the measures that will be incorporated to mitigate the adverse effects of the scheme and the most significant impacts arising from the scheme.

2. Basis of Decision

2.1 *Need for upgrading*

- 2.1.1 The A6 is an important part of the North Western Key Transport Corridor, connecting Belfast and Londonderry via Toome, Maghera and Dungiven. The corridor is of strategic and economic importance within Northern Ireland, providing an essential road link between the Belfast Metropolitan Area and the North-West.
- 2.1.2 The existing road between Toome and Castledawson is a rural single carriageway trunk road, starting at the Creagh Roundabout at the western end of the Toome Bypass and continuing west for about 5.4 kilometres to the Castledawson Roundabout. It traverses gently undulating till covered terrain for most of the route. East of the Creagh Roundabout, the road continues as dual carriageway bypassing Toome, single carriageway to Randalstown and then motorway to Belfast. West of the Castledawson Roundabout the road continues as single carriageway to Londonderry.
- 2.1.3 Traffic surveys carried out in 2003 to establish traffic flows on the existing road network, recorded 11,800 vehicles per 12-hour weekday¹ using the Castledawson Bypass east of the Castledawson Roundabout and 14,500 vehicles per 12-hour weekday using the Hillhead Road west of the Creagh Roundabout.
- 2.1.4 Parts of the route have been improved over the last 4 decades or so. Hard shoulders were added to part of the Hillhead Road west of Toome and the original concrete surface overlaid with asphalt. A single carriageway Bypass of Castledawson was constructed in 1992: this started at Annahorish east of Castledawson and continued cross country to the south of Castledawson to the Castledawson Roundabout. Increasing traffic volumes has reduced the number of safe overtaking opportunities for road users, resulting in increased journey times and increased risk of frustrated drivers attempting to overtake in unsafe circumstances.
- 2.1.5 The A6 and the local roads connecting to it service a scattering of hamlets, rural housing and commercial properties resulting in an unacceptable number of potential points of conflict between strategic traffic using the main road and traffic turning into the several side roads, domestic and commercial and field accesses along the main road. Excluding field accesses, the road is considered to have a low access density. Research indicates that accident rates can be related to the number and form of accesses along a route.

2.2 *Policy Context*

- 2.2.1 The Regional Development Strategy for Northern Ireland 2025 (RDS) guides the development of Northern Ireland up to 2025 and beyond. The importance of the RDS is underpinned by Article 5 of The Strategic Planning (Northern Ireland) Order 1999 and was recognised in the Northern Ireland Executive's Programme for Government.

¹ Neutral month traffic volumes counted Monday to Friday between 7:00am and 7:00pm

- 2.2.2 The Regional Transportation Strategy (RTS) supports the RDS and makes a significant contribution towards achieving the longer-term transportation vision contained within the RDS. The strategic direction and underlying principles of the RTS were agreed by the Northern Ireland Assembly on the 3rd July 2002.
- 2.2.3 The Regional Strategic Transport Network Transport Plan 2015 (RSTN TP) sets out how the RTS will be implemented and confirms the individual schemes and projects to be implemented (subject to economic assessments, statutory processes and availability of resources) to support the RDS and RTS objectives and targets. The Regional Strategic Transport Network (RSTN) incorporates 5% of the road network, which carries around 37% of total road traffic movements, and all of the rail system. The top tier of the Region's long distance routes connecting the cities and main towns to the major regional gateways and the Belfast Metropolitan Area (BMA) are designated Key Transport Corridors.
- 2.2.4 Table 5.2 of the RSTN TP includes a proposal to upgrade the North Western Key Transport Corridor to dual carriageway standard between the western end of the M22 Motorway at Randalstown and the Castledawson Roundabout. The Toome to Castledawson Dual Carriageway is part of this proposal.

2.3 *Scheme Benefits and Objectives*

- 2.3.1 Construction of the Toome to Castledawson Dual Carriageway will deliver improved road safety and consistent journey times for strategic traffic and local road users, and will facilitate further expansion of local industry in the area.
- 2.3.2 The Department's objectives for the scheme are:
- To assist economic growth by reducing journey times.
 - To conserve and enhance the environment.
 - To reduce congestion and delays and accommodate increasing traffic flows.
 - To improve safety by reducing the number and severity of accidents.
 - To make best use of the existing strategic road network.
- 2.3.3 These objectives are in line with the Department's policy as set out in the "Regional Transportation Strategy for Northern Ireland 2002-2012".

2.4 *Scheme History*

- 2.4.1 A civil engineering consultant Scott Wilson was commissioned in December 2003 to assist Roads Service to examine the dual carriageway proposal. The scheme specific Project Brief required the consultant to:
- Identify a corridor where the construction of the road improvement would be least environmentally damaging.

- Assist with the selection of a preferred route alignment within this corridor.
- Prepare an Environmental Statement and to design mitigation measures to reduce the environmental damage of the preferred alignment.
- Support Roads Service to promote the scheme through public consultation and statutory procedures.

2.4.2 Stage 1 appraisal examined three distinct corridors – a north corridor lying largely to the north of the existing road, a central corridor largely straddling the existing road and a south corridor lying largely to the south of the existing road – between Toome and the Castledawson Roundabout. Comprehensive examination of the eleven possible online and offline green field routes against the Government’s five objectives for transport concluded that three narrow possible route options should be taken forward for further study.

2.4.3 Stage 2 appraisal examined these three narrow possible route options more deeply. The Minister for Regional Development announced the ‘preferred route’ for the scheme on the 28th September 2005. The preferred offline scheme, following the Toome Bypass towards the Creagh Roundabout and then passing to the north of the existing A6, was selected as providing the best balance of limited environmental impacts and good value for money.

2.4.4 Stage 3 appraisal comprehensively examined the ‘preferred route’ and included in-depth environmental, engineering, geotechnical, economic and traffic assessments. It also included a land assessment which examined the effects on agriculture of land take, type of husbandry and severance and considered the options for major accommodation works to provide access, water supply drainage etc.

2.5 *Alternative Schemes*

2.5.1 Several dual carriageway route alternatives lying to the north and to the south of the exiting A6 were considered. Three route options were presented to the public and interested organisations during February 2005. All route options were part offline, though continued as online dualling from Brough Road to Castledawson Roundabout. One route option was part offline and lying north of the A6 from the new bridge over the Lower Bann to Brough Road. The other two route options were part offline to the south of the A6 (one passing through The Creagh, and one passing to the immediate south of The Creagh), coming back online at Brough Road.

2.5.2 Following on from the exhibition, an additional variant of one of the routes was considered and four route options – the original three and one additional route option – were presented to the public in June 2005. The additional route option followed the existing Toome Bypass towards the Creagh Roundabout, before deviating northwestwards around Aughrim Hill, coming back online at Brough Road.

2.6 *Statutory Procedures*

2.6.1 The statutory procedures governing the construction and improvement of trunk roads are contained in The Roads (Northern Ireland) Order 1993. These include the preparation of an Environmental Statement, a Direction Order describing the roads which are to become part of the trunk road network and a Vesting Order to acquire the land to facilitate construction of the road. The Roads (Amendment) (Northern Ireland) Order 2004 made provision for all or any of the above proceedings (so far as practicable) to be taken concurrently.

2.7 *Environmental Statement*

2.7.1 Part V of The Roads (Northern Ireland) Order 1993² sets out the statutory requirements for assessment of environmental impacts of road schemes. The Regulations require the Department to determine using the Annexes within EC Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by EC Council Directive No. 97/11/EC and Directive No. 2003/35/EC of the European Parliament and Council, whether or not a relevant project should be made subject to an Environmental Impact Assessment, and to publish this determination. Notices were placed in the local press during weeks ending 23rd and 30th March 2007 stating that the Department had determined, after having regard to the selection criteria in Annex III that the T8 (A6) Toome to Castledawson Dualling Scheme fell within Annex II of the Directive and that the proposal should be made subject to an Environmental Impact Assessment in accord with the Directive.

2.7.2 Notices were placed in the local press during weeks ending 23rd and 30th March 2007 stating that the Department had prepared an Environmental Statement setting out the impact of the scheme and listing measures to mitigate those impacts. Copies of the Environmental Statement were circulated to 33 statutory bodies requesting their comments on the proposals and replies were received from 10 of these bodies.

2.8 *Direction Order*

2.8.1 Article 14 of The Roads (Northern Ireland) Order 1993 provides that “where the Department considers it expedient for the purpose of extending, improving or reorganising the trunk road system that any road should be designated as a trunk road; the Department may direct that (i) any existing road (ii) any road in the course of construction or (iii) any road proposed to be constructed shall become a trunk road and the trunk road system shall be modified accordingly”.

2.8.2 Notices were placed in the local press during weeks ending 23rd and 30th March 2007 stating that a draft Order entitled ‘The Trunk Road T8 (Toome to Castledawson) Order (Northern Ireland) 2007’ makes provision for additions to the trunk road network, alterations to the trunk road network and stopping-up of certain lengths of road to traffic.

2.8.3 The draft Order sets out in detail the following:

²Part V was substituted by the Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 1999, (S.R. 1999 No. 89) and amended by The Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 2007 (S.R. 2007 No. 346)

- The new roads to be constructed as trunk roads and part of Moneymore – Antrim – Moira Trunk Road T8.
- Roads to be stopped-up to road traffic.
- Roads to be abandoned.

2.8.4 The draft Order was also served on Magherafelt District Council and public utilities with an interest.

2.9 *Vesting Order*

2.9.1 Article 113 of The Roads (Northern Ireland) Order 1993 provides that “where the Department desires to acquire any land otherwise than by agreement; the Department may make an order vesting the lands in the Department”.

2.9.2 Notices were placed in the local press during weeks ending 23rd and 30th March 2007 stating that the Department for Regional Development proposed to make an order vesting certain lands in the townlands of Killyneese, Tamnadeese, Annaghmore, Tamniaran, Leitrim and The Creagh (Etre and Otre), County Londonderry in the Department under The Local Government Act (Northern Ireland) 1972 and The Roads (Northern Ireland) Order 1993. The order described the lands to be compulsorily purchased to facilitate construction of the scheme.

2.10 *Consultation and Public Inquiry*

2.10.1 The press notices announced (i) the time within which comment on the Environmental Statement could be made (ii) the time within which objections to the draft Direction Order and draft Vesting Order could be made (iii) the manner in which comments and objections could be made and (iv) where the Environmental Statement, draft Direction Order and draft Vesting Order could be inspected.

2.10.2 The consultation period for receipt of comment on the Environmental Statement and receipt of objections to the draft Direction Order and draft Vesting Order extended from the date of the first publication during weeks ending 23rd and 30th March 2007 until 30th April 2007.

2.10.3 Copies of the Environmental Statement, the draft Direction Order and the draft Vesting Order were made available for inspection at the following deposit locations.

- Department for Regional Development, Roads Service – Northern Division, County Hall, Castlerock Road, Coleraine BT52 3HS.
- Department for Regional Development, Roads Service – Northern Division, County Hall, 182 Galgorm Road, Ballymena BT42 1QG.
- Department for Regional Development, Roads Service – Northern Division, Antrim Section Office, Crown Buildings, 20 Castle Street, Antrim BT41 4JE.

- Department for Regional Development, Roads Service – Western Division, County Hall, Drumragh Avenue, Omagh BT79 7AF.
- Department for Regional Development, Roads Service – Western Division, Magherafelt Section Office, 30 Station Road, Magherafelt BT45 5DN.
- Department for Regional Development, Roads Service – Headquarters, Room 2-01, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB.
- Antrim Borough Council, Antrim Civic Centre, 50 Stiles Way, Antrim BT41 2UB.
- Magherafelt District Council, 50 Ballyronan Road, Magherafelt BT45 6EN.

2.10.4 An ‘Orders Exhibition’ was held in the O’Neill Arms Hotel, Toomebridge on the 29th and 30th March 2007. Representatives from Roads Service and their consultants were present to answer questions and to provide assistance to members of the general public.

2.10.5 One hundred and thirty nine letters of objection (one with a 119 signature petition) and twenty four letters of comment were received following publication of the Environmental Statement, draft Direction Order and draft Vesting Order.

2.10.6 Having regard to the nature of the opinions expressed and the strategic importance of the scheme, the Department considered it appropriate to convene a local public inquiry to examine the case for and against the scheme. Letters issued during September 2007 to the objectors and to Magherafelt District Council stating that the Department (i) had decided to hold a local public inquiry to consider the opinions expressed in relation to the proposal, and that objectors would have the opportunity to present their case and (ii) had appointed Mr J. A. Robb as Inspector and Mr D. L M^cAvoy as Assistant Inspector to hold the local public inquiry which would commence on 19th November 2007 in The Elk Inn, Toomebridge starting at 10.30am. Notices were also published in the local press informing the public at large of the Department’s intention to hold a local public inquiry into the Environmental Statement, the draft Direction Order and the draft Vesting Order.

2.10.7 The Inspector reported to the Department on the 14th April 2008. A copy of the Inspector’s report may be examined, free of charge, at the following deposit locations:

- Department for Regional Development, Roads Service – Northern Division, County Hall, Castlerock Road, Coleraine BT52 3HS.
- Department for Regional Development, Roads Service – Northern Division, County Hall, 182 Galgorm Road, Ballymena BT42 1QG.
- Department for Regional Development, Roads Service – Northern Division, Antrim Section Office, Crown Buildings, 20 Castle Street, Antrim BT41 4JE.
- Department for Regional Development, Roads Service – Western Division, County Hall, Drumragh Avenue, Omagh BT79 7AF.

- Department for Regional Development, Roads Service – Western Division, Magherafelt Section Office, 30 Station Road, Magherafelt BT45 5DN.
- Department for Regional Development, Roads Service – Headquarters, Room 2-01, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB.
- Antrim Borough Council, Antrim Civic Centre, 50 Stiles Way, Antrim BT41 2UB.
- Magherafelt District Council, 50 Ballyronan Road, Magherafelt BT45 6EN.

3. Main Conclusions and Recommendations of Inspector's Report

3.1 *Environmental Statement, Direction Order and Vesting Order*

Subject to the recommendations contained in the Inspector's Report paragraphs 11.1.2 (Proposed Annaghmore Road and Bellshill Road Junction Arrangements) and 11.1.3 (Castledawson Roundabout) (reproduced at paragraphs 3.2 and 3.3 below), the Inspector is of the opinion that the Environmental Statement meets the provisions of Articles 67A and 130 of the Roads (Northern Ireland) Order 1993 and recommends that:

- The proposed new dual carriageway should be constructed on the Red Variant Route.
- The proposal to make the Trunk Road T8 (Toome to Castledawson) Order (Northern Ireland) 2007 ("the Direction Order") under Articles 14 and 68 of the Roads (Northern Ireland) Order 1993 should be confirmed.
- The proposal to make an order under Article 113 of the Roads (Northern Ireland) Order 1993 and Schedule 6 to the Local Government Act (Northern Ireland) 1972 for the purpose of acquiring compulsorily the lands for the construction of the T8 (A6) Toome to Castledawson Dualling Scheme should be implemented.

3.2 *Proposed Annaghmore Road Bellshill Road Junction Arrangements*

The Inspector recommends that the following changes are made to the plans for the treatment of these two roads.

- The proposed overbridge at Annaghmore Road to be eliminated.
- Annaghmore Road to be stopped up north and south of the proposed new carriageway.
- A new footbridge to be constructed to join the northern and southern extremities of the Annaghmore Road.
- A new southern link road to be constructed between the Annaghmore and Bellshill Roads. (South of the reengineered bypass.) The route selected for this road should aim to minimise the negative impact on affected landowners. *A possible corridor* is suggested over low lying land, some 500 metres south of the bypass on a west to east alignment, though this would require further investigation and consideration by the Department.
- A new bridge to be constructed to carry the Bellshill Road over the proposed new road, with adjacent compact grade separated connections providing access to both the west and eastbound carriageways.
- The northern approach road to this new bridge to run behind the gardens of both Bellshill and Hillview Terraces, to rejoin the Bellshill Road north of Bellshill Terrace.
- A new northern link road to be constructed between the Annaghmore and Bellshill Roads over the existing farmland which is understood to be scheduled for development.

- Discussions to take place with Mr M^cMillen to determine if the proposed Farm Accommodation Overbridge connecting his lands would still be required.
- The proposed Galway Family Farm Accommodation Overbridge would appear to be no longer required, though discussions would be necessary with the landowner concerning:
 - The provision of accesses to fields on the northern side of the carriageway.
 - The possible Demolition and relocation of the existing farm buildings on the northern side of the bypass.
- Detailed plans for the construction of the dual carriageway as designed should be progressed and the recommended changes to the junction arrangements at Annaghmore and Bellshill Roads considered as a separate issue.

3.3 *Castledawson Roundabout*

The Inspector recommends that “The intention to simply connect the new dual carriageway to the Castledawson Roundabout should be reviewed and the possibility of creating a Grade Separated Junction at this location reassessed with a view to maximizing traffic flows”.

3.4 *Whooper Swans*

The Inspector recommends that the mitigation measures, as outlined in the Article 6 Assessment Incorporating Test of Likely Significance and Appropriate Assessment (Revised) are implemented. The results of these measures were judged to indicate that residual adverse residual impacts on the integrity of the site will either be minimized or eliminated. This supports and compliments the findings and conclusions of the winter 2006/2007 Whooper Swan Report.

The proposed mitigation measures are as follows:

- Roads Service should undertake to monitor the distribution of the Whooper Swan population within the Toome complex prior to and during the construction of the new road and for 3 years after the road opens to traffic.
- Roads Service has no direct control over the main swan feeding complex. However, by way of operational mitigation, Roads Service should undertake field size adjustment proposals. The wider management of the swan grazing habitat outwith the new road would require co-ordinated approach between the parties mentioned in Table 29 of the winter ‘05/06 Whooper Swan Report’. This could include land management agreements of residual lands within the area bounded by the existing A6 and Deerpark Road (see Section 6.1, Point 1, in winter 2006/2007 Whooper Swan report).
- Reduction of the road construction where the road would intrude on established swan grazing. For example, placing SUDS ponds in fields that are not grazed by swans.

- Sympathetic landscaping such as the provision of screening in parts, and open road lines elsewhere to be undertaken. Whooper Swan consultants/experts should be involved in the landscaping design.
- Measures to be taken to reduce human contact where the road passes close to established swan grazing. For example, pedestrian/cycle facilities should not be provided along the northern side of the road between Toome Bypass and Deerpark Road.
- There should be sympathetic design of any new field accesses to minimise disturbance to fields 713 and 723.
- There should be sympathetic design to reduce the possible ‘hemming in’ effect of elevated crossings of the new route on fields 713 and 723.
- There should be sympathetic design of embankments and drainage to minimise disturbance to existing ground water levels and extant field drainage.
- Measures to be taken to attenuate vehicle noise to reduce potential disturbance to established roost sites.
- There should be sympathetic design of landscaping to reduce the visual impact of traffic and headlight glare on established roost sites. This could include creation of hedge/tree line stretches around junctions.
- Full cut-off lanterns to be used where highway lighting is required, to minimise light spillage on to adjacent areas and limit nuisance from glare.
- Prescriptive contract requirements to be introduced to restrict certain construction activities in the area between the Toome Bypass and Deerpark Road to a period between mid-March and late September. These should include the restriction of major earthworks and major drainage works.
- Prescriptive contract requirements will be required to ensure that construction activities are planned and carried out in a manner that would reduce direct disturbance to the whole Whooper Swan complex and in particular the area north of the Toome Bypass and the proposed route east of Deerpark Road. Such activities to include the dumping, disposal or temporary stockpiling of materials and the use of the areas for haul routes or site compounds.
- Construction activities to be planned and executed in accordance with the Pollution Prevention Guidelines (PPGs), as documented in Section 2.3.4.9 of the Environmental Statement (ES).
- Through the proposed Working Group, Roads Service to promote a reduction of intensive sheep grazing in those fields important to the Whooper Swan population.
- Roads Service to promote an academic study (MSc or PhD) to investigate the variability of field usage by swans.

3.5 *Fencing*

The Inspector recommends that:

- Dialogue to take place with each affected landowner with the aim of reaching agreement on the location and type of fencing to be constructed on each side of the proposed dual carriageway and (where appropriate) on the location and type of fencing each side of all new private roads constructed to maintain access to severed portions of agricultural land.
- That Roads Service accepts full responsibility for the ongoing maintenance of *all* boundary fencing, both on each side of the proposed new road and also on each side of new access roads to severed portions of agricultural land. (The Inspector considers it unreasonable to refuse to do this on the technicality that the Department is planning to construct a high standard dual carriageway rather than a motorway.)

3.6 *Bio-Security on Shared Private Means of Access Roads*

The Inspector recommends that:

- A double stock proof fence with hedge in between, located on the side of the farm would appear to offer the best protection. This is specified by the Department of Agriculture and Rural Development in its Bio-Security Code.
- A concrete surface would have the longest life expectancy and be the easiest surface from which to clean faecal material by brush or mechanical means. However, this surface may not be acceptable in situations where the proposed laneway is steep and/or where it will be used by horses and riders. In these cases acceptable solutions would depend on a detailed assessment of usage, local ground conditions and in consultation with the landowner.
- Adequate drainage to be provided to enable any contaminated run-off to seep, or soak away. Acceptable solutions would depend on a detailed assessment of local ground conditions and in consultation with the landowner.

3.7 *Stock Handling Facilities on Private Access lanes and Underpasses*

The Inspector recommends that:

- Permanent stock handling facilities be constructed at the access points to all private access lanes and underpasses adjacent to each landowner's fields, the exact type and location agreed with each landowner.

3.8 *Professional Representation*

The Inspector recommends that:

- The Department reviews its policy of only paying reasonable costs incurred by an objector being represented at an Inquiry, when that person has the threat of compulsory acquisition removed from his or her land.
- If required, objectors should have access to appropriate professional support and that within the framework of a formalised procedure, which could include prior approval and other criteria, this support should be funded by the Department.

3.9 *Communications*

The Inspector recommends that:

- Though the design process has already reached an advanced stage, urgent action is required on this project to dramatically improve and maintain communications between the Department, its advisors and the eventual Contractor team and the land and property owners who are directly affected by the proposal to construct the Toome to Castledawson Dual Carriageway.
- Future Road Schemes should be progressed by working more closely in partnership with the community, as most landowners accept and recognise the greater social need served by the construction of new roads and want to help resolve associated issues. New procedures should be established by Roads Service as a matter of urgency to ensure that the communication gaps which were allowed to develop on this scheme are avoided in the future.

4. Departmental Comment on the Inspector’s Report

4.1 The Department welcomes the Inspector’s endorsement, subject to the recommendations contained in the Inspector’s Report paragraphs 11.1.2 (Proposed Annaghmore Road and Bellshill Road Junction Arrangements) and 11.1.3 (Castledawson Roundabout), of the Environmental Statement, Direction Order and Vesting Order for the Toome to Castledawson Dualling Scheme and, his conclusion that the Environmental Statement meets the provisions of Articles 67A and 130 of the Roads (Northern Ireland) Order 1993 and his recommendation that:

- The proposed new dual carriageway should be constructed on the Red Variant Route.
- The proposal to make the Trunk Road T8 (Toome to Castledawson) Order (Northern Ireland) 2007 (“the Direction Order”) under Articles 14 and 68 of the Roads (Northern Ireland) Order 1993 should be confirmed.
- The proposal to make an order under Article 113 of the Roads (Northern Ireland) Order 1993 and Schedule 6 of the Local Government Act (Northern Ireland) 1972 for the purpose of acquiring compulsorily the lands for the construction of the T8/M22 (A6) Toome to Castledawson Dualling Scheme should be implemented.

4.2 In continuing to progress the scheme the Department will take cognisance of the contents of the Inspector’s Report and its recommendations. In this respect the Department makes the following comments.

4.3 *Inspector’s Report paragraph 11.1.2 “Proposed Annaghmore Road and Bellshil Road Junction Arrangements*

The Department has carried out a review of the junction arrangements for the Annaghmore and Bellshill roads and has prepared an alternative arrangement which it considers meets the main concerns. Local public consultation will be held and the Department intends to bring forward a planning application, Environmental Statement and a Vesting Order to provide the new road arrangements. Subject to successful completion of the statutory processes the Department plans to carry out this work in conjunction with the main scheme.

4.4 *Inspector’s Report paragraph 11.1.3 “Castledawson Roundabout”*

Whilst noting the Inspector’s concerns, the Department is mindful of the advice given at paragraph 2.28 of DMRB³ Volume 6 Section 2 Part 6 TD 42/95 Geometric Design of Major/Minor Priority Junctions that “where a long stretch of motorway or all-purpose carriageway with full grade separation becomes a D2AP⁴ with at grade junctions, a roundabout should always be used at the first major junction in order to emphasize to drivers the changed character of the road”. The Department considers that this advice is equally applicable where a long stretch of dual carriageway reduces to single carriageway roads i.e.

³ Design Manual for Roads and Bridges

⁴ Dual 2 lane All Purpose dual carriageway

a roundabout should be used as the first major junction in order to emphasize to drivers the changed character of the road.

4.5 *Whooper Swans*

Due to the proximity of the proposed road to the existing Lough Neagh & Lough Beg SPA⁵ boundary (a Natura 2000 site), and that whooper swans regularly graze outwith the SPA boundary, the Department carried out a Test of Likely Significance and an Appropriate Assessment in accordance with the requirements of Article 6, paragraphs (3) and (4) of the Habitats Directive 92/43/ECC. This objectively demonstrated that there would be no adverse impact on the integrity of the Natura 2000. The Department is committed to carrying out the mitigation measures outlined in the Test of Likely Significance and Appropriate Assessment.

4.6 *Fencing*

The Department confirms that it will continue to engage in dialogue with each affected landowner with the aim of reaching agreement on the location and type of fencing to be constructed on each side of the proposed dual carriageway and (where appropriate) on the location and type of fencing each side of all new private roads constructed to maintain access to severed portions of agricultural land.

Boundary fences of whatever type erected to enclose third party retained lands or as accommodation works for a third party will transfer to the third party who will take on responsibility for maintaining the boundary fences thereafter.

4.7 *Bio-Security on Shared Private Means of Access*

The Department agrees with the Inspector's recommendations that:

- 'Bio-security' is a complex matter and co-ordination of bio-security measures between adjacent landowners is of great importance in order to minimize transfer risks.
- Where private means of access is being provided to adjacent separately owned retained lands, the provision of separate laneways within each private means of access would dramatically increase the land take and seem difficult to justify, since animals would in most cases be traversing the shared public road network.

Therefore, the Department agrees with the Inspector's tacit recommendation that where a private means of access is being provided to adjacent separately owned retained lands, a single laneway should be constructed within each private means of access with:

- A double stock proof fence with a hedge in between be erected on the farm side of the private means of access.

⁵ Special Protection Area

- A concrete surface shall be installed on the laneway for longevity and to facilitate easy removal of faecal material; unless a risk assessment and/or dialogue with the landowner indicates that other surfacing is more appropriate.
- Adequate drainage is installed to enable any contaminated run-off to infiltrate into the adjoining subsoil.

4.8 *Stock Handling Facilities on Private access Lanes and Underpasses*

The Department agrees with the Inspector's recommendation to provide proportionate stock handling facilities at all private means of access and underpasses; the type and location to be agreed through dialogue with the landowner.

4.9 *Professional Representation during Inquiry and after a Vesting Order has been made*

With regard to public inquiries, the Department confirms:

- Anyone who receives a personal notice of a Vesting Order may, if his income and capital are within certain financial limits, be able to get financial help towards the costs of employing a solicitor to help him prepare his case.
- A statutory objector who is successful following an inquiry will be awarded costs unless there are exceptional circumstances for not doing so. A successful statutory objector is one whose objection was sustained, such that the Vesting Order was not confirmed or the objector's land was excluded from the Vesting Order.

After the Vesting Order has been made, the Department confirms that it usually:

- Pays the reasonable fees of a surveyor retained by a landowner to negotiate claims.
- Pays reasonable legal fees for conveyancing.

4.10 *Communications*

Whilst noting the Inspector's recommendation that 'urgent action is required on this project to dramatically improve and maintain communications with the land and property owners directly affected by the Toome to Castledawson Dual Carriageway', the Department is content that Roads Service and its consultant has carried out proportionate effort consultation on this project. Roads Service undertook a number of community information events to communicate the developing proposals to the public at large and to solicit comment. Following announcement of the 'preferred route' for the scheme, Roads Service carried out extensive dialogue with all landowners likely to be affected by the preferred route for the scheme. The Department confirms that it will continue with dialogue with all landowners losing land to the scheme to develop a proportionate package of accommodation works and that contract documents will contain prescriptive measures requiring the contractor to appoint an appropriately qualified 'lands liaison officer' as his interface with landowners.

The Department accepts that its communication strategy would have been greatly enhanced had information brochures been made available to explain road planning and land acquisition procedures. To address this shortcoming, the Department for Finance and Personnel's Land & Property Service has developed three booklets which explain in simple terms, how the compulsory purchase system works. The Department will ensure such information brochures are available to the public when planning future strategic road improvement schemes.

The Department will continue to liaise with the Ulster Farmers Union to develop an agreement establishing additional arrangements and procedures, supplementary to those provided in legislation, to enable the Department to efficiently and cost effectively deliver the Government's Strategic Road Improvement programme.

4.11 *Summary of Objector Specific Recommendations*

In continuing to progress the scheme the Department takes cognisance of the contents of the Inspector's Report and its recommendations and, where appropriate, will continue to build on the extensive dialogue that has already taken place with landowners directly affected by the scheme. In this respect the Department makes the following comments and commitments.

4.11.1 *Mr E McAllister; Mr S O'Neill and Mrs C O'Neill; D & Mrs J Kearns; Elizabeth Mullan and Mrs F McGlade*

The Department confirms that it will clearly define ownership and responsibility for maintenance of that part of the old Deerpark Road along the frontage of the property owned by the above.

4.11.2 *Mr Kevin and Ms Kathleen Mullan*

The Department confirms that:

- It will clearly define ownership and responsibility for maintenance of that part of the old Deerpark Road along the frontage of the property owned by the above.
- Dialogue will continue to resolve outstanding issues relating to the proposed direct access from the two dwellings to the Deerpark Road and the single direct access to the northern field.

4.11.3 *Mr J O'Neill*

The Department confirms that:

- It will explore if there would be a reduction in value of Mr. O'Neill's property caused by the execution of the works.
- Dialogue will continue to resolve all other unresolved issues.

4.11.4 RSPB

The Department is cognisant of its responsibilities under the Habitats Directive 92/43/EEC and will collaborate with RSPB to ensure the construction contract has the least impact on the adjacent conservation areas, in particular construction work will be programmed to mitigate disturbance to the migratory Whooper Swans who overwinter in the adjacent conservation areas and feed on grazing grounds abutting the new road.

4.11.5 Mr J G Donnelly

The Department confirms that dialogue will continue regarding mitigation measures.

4.11.6 Mr and Mrs Hickson & Family

The Department confirms that dialogue will continue regarding mitigation measures.

4.11.7 Mr Joe Mulholland

The Department recognises that the proposed scheme will have considerable impact on the Mulholland farm and welcomes the Inspector's recommendation, encouraging Mr Mulholland to enter into dialogue with the District Valuer for loss of land, disturbance during construction and any problematic concerns arising as a result of the severance of his farm yard from his lands.

4.11.8 John, Sean & Mary McGrogan

The Department welcomes the Inspector's recommendation, encouraging Mr. M^cGrogan to enter into dialogue with the District Valuer with a view to negotiating compensation for the value of land acquired by compulsory purchase, severance and injurious affection, disturbance during and after construction of the new dual carriageway and fees plus additional compensation for severance if the resultant shape of field or access make the future operation difficult or impractical.

4.11.9 Mrs Mary Holgate

The Department welcomes the Inspector's recommendation, encouraging Mrs. Holgate to enter into discussions with the District Valuer to reach agreement on compensation for severance, injurious affection and/or disturbance.

4.11.10 Mr W D Nigel Lyons; Mrs Lyons Senior & Ms F Allen

The Department confirms that it will enter into dialogue with Mr. Lyons to agree mitigation measures to address increased noise levels, loss of privacy etc. at his mother's house, resulting from the construction of an additional westbound carriageway to the south of the existing Castledawson Bypass.

4.11.11 *Mr Paul McGrogan*

The Department notes the Inspector's recommendation that construction of the proposed new dual carriageway in such close proximity to Mr. M^cGrogan's dwelling would have extremely negative consequences and the Inspector's support for Mr. M^cGrogan's decision to lodge a blight application in relation to this property.

4.11.12 *Mr John Thomas M^cMillin*

The Department confirms that it will:

- Continue dialogue with Mr. M^cMillin to resolve practical issues of concern and other accommodation works including continued access to the northern side of the farm buildings for cattle, vehicles and agricultural machinery. The Department notes the Inspector's comments that this could be achieved by constructing a retaining wall to reduce the area of land required for the additional carriageway south of the existing Castledawson Bypass.
- As noted at paragraph 4.3, the Department has agreed to a review of the Bellshill Road and Annaghmore Road junction arrangements. Should this result in a change to the junction layout shown in the published draft orders, further land will undoubtedly have to be acquired from Mr. M^cMillin by way of an additional vesting order.

The Department welcomes the Inspector's recommendation encouraging Mr. M^cMillin to enter into discussion with the District Valuer to reach agreement on compensation for severance, injurious affection and/or disturbance.

4.11.13 *Mr W G Will, Paul & Nigel Galway*

As noted at paragraph 4.3, the Department has carried out a review of the junction arrangements for the Annaghmore and Bellshill roads and has prepared an alternative arrangement which it considers meets the main concerns. This will change the area of land to be acquired from Messrs Galway. Galway land included in the draft Toome to Castledawson Vesting Order and no longer required will be removed from the Vesting Order. Galway land outside the draft Toome to Castledawson Vesting Order will be acquired by way of an additional junction specific Vesting Order.

4.11.14 *Mr Aidan Gribbin and Mr H Gribbin*

The Department confirms that it will continue dialogue to resolve visual and noise impacts and other appropriate mitigation measures.

4.11.15 *Joseph & Mrs Noreen McCoy*

The Department confirms that it will continue dialogue to discuss possible and appropriate mitigation measures.

4.11.16 *Frank Donaghy on behalf of Paul Gribbin*

The Department confirms that it will:

- Review the agri-business assessment of Plot 82 shown in the published draft orders and, if appropriate, adjust the agri-business assessment.
- Continue dialogue with Mr. Gribbin and his Agent to resolve practical issues of concern and other accommodation works for Plots 49, 93 and 182: annotated drawings showing the agreed accommodation works will be provided to Mr. Gribbin and his Agent.

The Department welcomes the Inspector's recommendation encouraging Mr. Gribbin and his Agent to enter into discussion with the District Valuer to reach agreement on compensation for loss of land, disturbance during and after construction and other valid heads of claim.

4.11.17 *Mrs Bronagh & Mr Sean McLaughlin*

The Department welcomes the Inspector's recommendation encouraging Mr. and Mrs. M^cLaughlin and their Agent to enter into discussion with the District Valuer to reach agreement on compensation for loss of land, severance and injurious affection, disturbance, fees and any compensation which may arise from resultant shape of fields or restrictions which could make future farming operations impractical.

4.11.18 *Frank Donaghy on behalf of Mr Eamon Garvin*

The Department confirms that it will:

- Consider the practicality or otherwise of providing an underpass to link the northern and southern areas of land severed by the proposed dual carriageway and the result of this consideration provided to Mr. Garvin and his Agent.
- Provide preconstruction and post construction noise levels expressed in relevant acoustic terms.

The Department welcomes the Inspector's recommendation encouraging Mr. Garvin and his Agent to enter into discussion with the District Valuer to reach agreement on compensation for loss of land, severance and injurious affection, disturbance, fees and any compensation which may arise from resultant shape of fields or restrictions which could make future farming operations impractical.

4.11.19 *Frank Donaghy on behalf of Hugh & Mrs Agnes Nugent*

The Department welcomes the Inspector's recommendation encouraging Mr. and Mrs. Nugent and their Agent to enter into discussion with the District Valuer to reach agreement on compensation for loss of land, new infrastructure, severance and injurious affection, and/or disturbance, also for restrictions which will make future farming operation difficult or impractical, single farm payment, countryside management scheme and farm nutrient management scheme.

4.11.20 *Frank Donaghy on behalf of Robert Smith*

The Department confirms that it will:

- Continue dialogue with Mr. Smith and his Agent to resolve fencing proposals to minimize spread of litter from the adjacent lay-by.
- Review the location of the private means of access to position it closer to the eastbound carriageway and provide drawing to Mr. Smith.
- Continue dialogue with Mr. Smith and his Agent to agree mitigation measures to reduce visual impact of the new dual carriageway.

The Department welcomes the Inspector's recommendation encouraging Mr. Smith and his Agent to enter into discussion with the District Valuer to reach agreement on compensation for loss of land, disturbance during and after construction, projected loss of single farm payment, countryside management scheme etc.

4.11.21 *Frank Donaghy on behalf of Mr Eugene M^cGrogan*

The Department confirms that it will:

- Continue dialogue with Mr. M^cGrogan, his Agent and others to explore the provision of the multi-use private means of access aligned parallel to the east bound carriageway.
- Reconsider the area of land to be acquired by compulsory purchase.
- Provide a drawing showing agricultural access to Plot 58.

4.11.22 *Mr Dermot M^cLarnon*

The Department confirms that it will continue dialogue with Mr. M^cLarnon to develop and agree a schedule of accommodation works. The Department welcomes the Inspector's recommendation encouraging Mr. M^cLarnon to enter into discussion with the District Valuer to reach agreement on compensation for loss of land, severance and injurious affection, disturbance during and after construction and fees.

4.11.23 *AOH Hall*

The Department confirms that it will continue dialogue with the Hall Committee to further develop a schedule of accommodation works. The Department welcomes the Inspector's recommendation encouraging the Hall Committee and their Agents to enter into discussion with the District Valuer to reach agreement on compensation for loss of parking space.

5. Measures to Mitigate Adverse Effects

5.1 The proposed dual carriageway has been designed to reduce, as far as possible, damage to the environment whilst taking account of other factors, such as road safety, engineering design and cost. The route avoids as far as possible, areas most sensitive to changes in the environment. Measures proposed to limit the adverse environmental impacts of the scheme include:

- Extensive planting of native trees and shrubs at key locations to help re-assimilate the scheme into the existing landscape setting.
- Re-use of topsoil on new verges to ensure conservation of residual seedbanks of locally occurring plant species.
- Provision of pollution control measures as part of the highway drainage system including the creation of detention ponds and swales which would provide additional wetland areas for wildlife.
- The route would be lit at junctions only to limit light pollution. The lighting units would be designed to minimise the spread of light to nearby properties.
- Use of low-noise surfacing which would reduce the level of traffic noise when compared to traditional forms of road surface.
- Slopes would be in keeping with the local landform and be either grassed or planted with a woodland mix.

5.2 No additional mitigation measures were identified arising from the local Public Inquiries and the subsequent Inspector’s Report.

5.3 The scheme and associated mitigation measures have been designed to minimise adverse environmental effects. Nonetheless, some impacts would arise from the proposals, the most significant of which are summarised below.

5.3.1 Air Quality

There would be no significant effect on either local or regional air quality as a result of the proposed scheme. Local air quality pollutant concentrations would remain well within the Relevant Air Quality Standards and are forecasted to marginally decrease from existing levels at the majority of locations. With strategic traffic moving to the new dual carriageway, there would be a net benefit with improved air quality for the majority of properties between The Creagh and Hillhead Road junction. In terms of regional air quality, generally there would be an overall reduction in concentrations from existing levels.

5.3.2 Cultural Heritage

There would be no direct impacts on any Scheduled Sites or Listed Buildings. Whilst direct impact on known archaeological features is considered small, it is almost certain that some

archaeology would be encountered on such a large linear construction site. Topsoil stripping in advance of construction would be monitored by a qualified archaeologist and any uncovered remains would be excavated and recorded.

5.3.3 *Ecology and Nature Conservation*

The proposed scheme would not directly affect any of the designated ecological sites in the wider area around Toome. Lough Neagh & Lough Beg Special Protection Area (SPA), part of which lies to the north of the existing Toome Bypass, is of international importance for overwintering wildfowl, including Whooper swan, and in recognition of the proximity of the proposed new road, considerable study has focused on this issue. Consequently, the road design incorporates measures to address potential impacts on areas used by swans outside the SPA boundary. Mitigation measures such as roadside planting and the creation of sustainable drainage features would help reduce the residual impact on local habitats and their associated wildlife. A protected mammal and bird survey will be undertaken in the appropriate field season preceding construction. The Department will also adhere to the requirements outlined at paragraph 3.4 above.

5.3.4 *Landscape and Visual Amenity*

No Areas of Outstanding Natural Beauty would be affected by the scheme. The scheme would however introduce a new road into a tranquil rural landscape between the existing Toome Bypass and the proposed Hillhead Junction. Sensitive design and landscaping would gradually integrate the road into the surrounding landscape. Views from dwellings near the proposed dual carriageway would change. Mitigation of these impacts has been considered through the alignment of the road, the design of structures and planting to address residual impacts. The construction of grade-separated junctions with associated lighting and large bridge structures would be the most visually significant features of the scheme.

5.3.5 *Land Use*

There will be the loss of only one residential property, though several parcels of private garden would be affected. There will also be the loss of some farm outbuildings. A significant number of agricultural landowners would be affected by the scheme, resulting in loss of land and farm severance. Accommodation crossings and alternative private means of access would, as far as possible, allow continued farming activity on retained lands.

5.3.6 *Traffic Noise & Vibration*

There would be fewer properties near the proposed dual carriageway than along the existing A6. Hence, there would be a net benefit with reduced noise levels for the majority of properties between The Creagh and the Hillhead Junction. However, traffic noise from the new road would impact properties that are not currently subject to transportation noise, due to their existing rural location and low existing ambient noise levels.

5.3.7 *Pedestrians, Cyclists, and Community Effects*

Local vehicle movements will be significantly improved on the local road network around The Creagh, due to the removal of strategic traffic from the existing Hillhead Road between The Creagh Roundabout and Hillhead Road Junction. There will be improved and safer access across the strategic route, through the provision of several overbridges. Reduced traffic on the Hillhead Road would result in a safer environment for pedestrians and cyclists.

5.3.8 *Vehicle Travellers*

The new road would ensure more reliable and consistent journey times for strategic traffic. Local traffic would benefit greatly from reduced traffic levels on the Hillhead Road between The Creagh and the Brough Road, and the remainder of the local road network. New and interesting views would be opened up to the travelling public over the surrounding rural landscape to the north of Aughrim Hill. Moreover, Lough Beg, not currently seen by travellers on the A6, will be visible from the proposed dual carriageway.

5.3.9 *Water Quality and Drainage*

The proposed scheme would drain into a segregated system of drainage basins and swales. These would control the rate of outfall into local watercourses, reducing possible flooding of surrounding lands. This drainage system would also be the basis for creating wet and marginal habitats and would help reduce pollutant levels in the highway runoff.

5.3.10 *Disruption due to construction*

Construction would take about 24 months. During construction, the Hillhead Road and Castledawson Bypass would remain open to traffic. Side roads, where they cross the new dual carriageway, would experience sporadic disruption; however the aim would be to minimise disruption to local residents and road users.

The detail construction sequence would be a matter for the Contractor, but certain principles would be stipulated. Such measures would include limiting disruption to existing patterns of movement and limiting the routes for construction traffic use. The Contract would include provision to minimise the effects of construction noise, temporary diversions, works access and working hours.

Construction methods would be closely monitored by both the supervisory staff and the Health & Safety Executive, to ensure compliance with current legislation. Routes to the construction site would be discussed and agreed with the Roads Service, although the existing A6 would be the main means of access. An archaeological watching brief would be maintained throughout construction, with excavation and recording of any finds.

6. Departmental Decision

6.1 Having considered the Inspector's Report and all other representations made, the Department concurs with the Inspector's recommendation that it should proceed with the proposed T8 (A6) Toome to Castledawson Dualling Scheme.

6.2 *Inspector's Report paragraph 11.1.2 "Proposed Annaghmore Road and Bellshill Road Junction Arrangements"*

The Department has carried out a review of the junction arrangements for the Annaghmore and Bellshill roads and has prepared an alternative arrangement which it considers meets the main concerns. Local public consultation will be held and the Department intends to bring forward a planning application, Environmental Statement and a Vesting Order to provide the new road arrangements. Subject to successful completion of the statutory processes the Department plans to carry out this work in conjunction with the main scheme.

6.3 *Inspector's Report paragraph 11.1.3 "Castledawson Roundabout"*

The Department is content that the Castledawson Roundabout should remain unchanged in order to emphasise to drivers the change in character between the proposed dual carriageway and the other roads joined to the roundabout.

6.4 *Environmental Statement*

The Department has decided to publish a Notice to Proceed with the scheme: the notice will be published after completion of consultation on the acceptability the revised junction arrangements for the Annaghmore and Bellshill Roads (paragraph 6.2 above).

6.5 *Direction Order*

The Department has decided to make the Direction Order: the Order will be published after completion of consultation on the acceptability the revised junction arrangements for the Annaghmore and Bellshill Roads (paragraph 6.2 above).

6.6 *Vesting Order*

The Department had decided to make the Vesting Order for the scheme: the Order will be published after completion of consultation on the acceptability the revised junction arrangements for the Annaghmore and Bellshill Roads (paragraph 6.2 above).