

Inspectors' Report

Public Inquiry

Proposed Dualling

A8 Belfast to Larne

(Coleman's Corner to Ballyrickard Road)

Corr's Corner Hotel

Newtownabbey

15th to 23rd June 2011

Appointed Inspector: J A Robb

Assistant Inspectors:

J V S Mills and W J Mortimer

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1. INTRODUCTION

Following our appointments as Lead Inspector and Additional Inspectors respectively, we conducted two Inquiries at Corr's Corner Hotel, 315 Ballyclare Road, Newtownabbey, in June 2011 in connection with the proposed A8 Belfast to Larne Dualling Scheme.

The purpose of these Inquiries was to examine, together with the opinions expressed in relation to this project:-

- The Environmental Statement,
- The Notice of Intention to Make a Direction Order,
- The Notice of Intention to Make Vesting Order and
- The Notice of Intention to Make a Stopping-up Order (Private Accesses).

This documentation had been prepared by the Department for Regional Development, Roads Service (RS).

We were also given the responsibility of creating a single written report following the conclusion of the two Inquiries containing our considerations and recommendations and to submit this to RS.

A Pre-Inquiry meeting took place on Monday 23rd May, at which a number of administrative matters and other issues were discussed.

The Inquiry opened on Wednesday 15th June and ended in the afternoon of Thursday 23rd, lasting a total of seven days. Following the temporary suspension of the main Inquiry, a separate Inquiry to consider the stopping-up of private accesses was held on the morning of Thursday 23rd June. Site visits took place at the request of a number of Objectors on Monday 27th and Tuesday 28th June.

A number of letters of both objection and support were received by Roads Service and we believe that all those who wished to do so were provided with ample opportunity to express their opinions at the Inquiry and to be made aware of the views of all the other interested organisations, groups, and individuals.

An Inquiry Report is not intended to be a verbatim record of the proceedings. We have included a brief description of the proposed route, a resume of the submissions which were made, together with other written objections and representations.

It should be noted that when assembling this report, we have not necessarily followed the order in which the evidence was submitted at the Inquiry.

J A Robb

J V S Mills

W J Mortimer

8th September 2011.

2. BACKGROUND TO THE INQUIRY AND DESCRIPTION OF THE SITE

2.1 Background to the Inquiry

The Department for Regional Development (DRD), Roads Service (RS) is intending to upgrade the 14km section of the A8, Belfast to Larne Road, between Coleman's Corner and Ballyrickard Road, from single carriageway to dual carriageway standard. This scheme would complete the final section of the eastern seaboard Key Transport Corridor (KTC), removing the last bottleneck section and providing a minimum standard dual carriageway for its entire length.

The existing road carries between 11,500 and 17,000 vehicles per day and by 2016 it is anticipated by RS that it is likely to suffer from operational difficulties such as unstable flow conditions and unreliable journey times, especially during peak periods.

The key RS objectives for the proposed scheme are to reduce congestion and accidents, leading to improvements in journey times and also road safety.

This scheme is part of the DRD RS programme of Strategic Road Improvements (SRIs). This road upgrade is identified within the Investment Strategy for Northern Ireland 2008-2018 (ISNI) and the Investment Delivery Plan for Roads (IDP). It fulfils the strategic objectives of the Regional Transport Strategy for Northern Ireland 2002-2012 (RTS) and the Regional Development Strategy for Northern Ireland 2025: Shaping Our Future (RDS). The scheme would be delivered under the Roads (Northern Ireland) Order 1993.

Stage 1 Public Information days were held at Corr's Corner Hotel in May 2008 and these focused on existing engineering and environmental constraints. In addition, the overall case for the scheme was presented at this time in the context of the RDS and RTS.

Corridor options for the improvement of the A8 were subsequently developed, taking into account comments received during and after the 2008 Information Days.

Two corridor options were recommended to be taken forward to Stage 2 and these were presented at a Public Consultation Exhibition held at Corr's Corner Hotel in November 2008. During this Exhibition further information was given by RS and feedback obtained.

A Preferred Route Announcement Exhibition was held, again at Corr's Corner Hotel, in August 2009 and this included an announcement on the 5th August by the Minister for Regional Development relating to the proposed scheme.

The Preferred Route for the A8 Dualling was displayed at this meeting together with the rejected options and the reasons for their rejection. Opportunities were provided for members of the public to discuss concerns with the RS Team and a number of technical specialists. Discussions also took place about the next stages of the project, particularly with those who would be directly affected by the scheme.

In January 2011 and in accordance with legislative requirements, the Department placed Notices relating to the Environmental Statement, Direction Order, Vesting Order and Stopping-up Order in the local press, saying that anyone wishing to submit an opinion on these should do so by the 4th March 2011. The notices specified how comments on the Environmental Statement and / or objections to the proposed Orders could be made and the manner in which these were to be submitted.

Copies of the Environmental Statement, the Orders and associated maps were made available for inspection at a number of locations and were also circulated to several statutory consultees seeking their comments on the proposals.

Two hundred and four letters of objection were received by the end of the consultation period relating to the A8 Dualling Scheme. Given the nature of the

proposals and the likelihood that a number of the objections could not be resolved, the Minister for Regional Development announced that a Public Inquiry would be convened to give RS and Objectors a fair opportunity to be heard and to question the cases both for and against the Scheme.

2.2 Description of the Site

Having considered various alternatives, the RS Preferred Option for the Dualling of the A8 is mostly online. It would, however bypass the small settlement of Bruslee to the east and Ballynure on the western side.

A number of junctions would be provided to link the new road with the wider road network. The key junctions would include:

- The existing Coleman's Corner Roundabout (B95 Hillhead Road and Carntall Road) to be retained with the new dual carriageway connected to the north;
- A full grade separated junction at the A57 (Templepatrick Road) / B58 (Carrickfergus Road), at the point where the new dual carriageway would cross under the A57 (Templepatrick Road); and
- A new roundabout midway between the A36 (Shane's Hill Road) and the B100 (Ballyrickard Road), joining the A8, the A36 and the B100 in a single junction.

Intermediate all-movement junctions would also be provided along this section of the A8 and include compact grade separated junctions at:

- The B95 (Calhame Road) / B95 (Green Road) / Legaloy Road;
- Ballybracken Road;
- Moss Road; and
- At a point midway between the existing Deerpark Road and Park Road junctions.

Further evidence of the nature of the site and greater detail of the proposed alterations to the existing road network will be found within the body of this report.

3. THE DEPARTMENT'S CASE – POLICY AND PROCEDURE SUMMARY

(Colin Hutchinson – Project Sponsor)

Background

At its meeting on 17th July 2007, the North South Ministerial Council (NSMC) noted the Irish Government's intention to make available a contribution of £400m to help fund the major roads programme within Northern Ireland, including the upgrading to dual carriageway standard of the A5 between Londonderry and Aughnacloy and the A8 between Belfast and Larne. The Northern Ireland Executive confirmed its acceptance, in principle, to taking forward these two major road projects.

The A8 project involves upgrading, to dual carriageway standard, the remaining stretch of single carriageway between Belfast and Larne. This would complete to a minimum of dual carriageway standard the entire route between Larne, Belfast and on to Dublin.

The key objectives for Roads Service implementing the scheme are to:

- Support the continued development of the Port of Larne which is the second largest Northern Ireland port;
- Accommodate the growing volume of freight moving to and from the Regional gateways;
- Complete to a minimum of dual carriageway standard the eastern seaboard key transport corridor;
- Reduce journey times with increased journey time reliability;
- Improve road safety; and
- To develop the final proposal with the most favourable balance across the Governments five key objectives for transport including safety, economics, environment, integration and accessibility.

Subject to the satisfactory completion of the statutory processes and availability of the necessary funding, it is anticipated that construction would commence in 2012 and be completed in 2015.

Project Governance/Delivery

In November 2007, Roads Service appointed consultants Arup, from its major works framework contract to take forward the appraisal and development of the A8 Dualling project. Arup were supported by cost consultants Chandler KBS.

The selected procurement process was to adopt an 'Integrated Delivery Team'(IDT) approach with contractors appointed earlier in the process than typically would be the case. This brought the contractor procurement phase of the project ahead of the statutory procedures process thus reducing the overall project delivery timeframe. It also allowed the contractors to provide valuable input to the design and to provide advice and costs on construction-related issues.

Strategic Context / Policy

The A8 is informed by the following strategic and policy frameworks.

Shaping Our Future: Regional Development Strategy for Northern Ireland 2025 (RDS):

The RDS contains a Spatial Development Strategy and related Strategic Planning Guidelines which aim to provide long-term policy directions, from a strategic spatial perspective, for the public and private sector and the whole community in Northern

Ireland. It is a framework based on urban hubs and clusters, key and link transport corridors and the main regional gateways of ports and airports. A key element of the strategy is the emphasis on the development of a modern integrated transport system. Its stated longer term Vision for transportation is *“to have a modern, sustainable, safe transportation system which benefits society, the economy, and the environment and which actively contributes to social inclusion and everybody’s quality of life”*.

The RDS identifies a Regional Strategic Transport Network (RSTN) which, comprises the complete rail network, five key transport corridors, four link corridors, the Belfast Metropolitan Transport Corridors and the remainder of the trunk road network. The A8 forms part of the Eastern Seaboard Key Transport Corridor which includes links between Larne and Belfast and onward towards Dublin, Warrenpoint and Rosslare. This highlights its importance to the region in strategic terms.

The RDS is also committed to promoting the regional gateways as economic development opportunities and to continue to develop the port of Larne which is the second largest Northern Ireland port.

Programme for Government / Investment Strategy for Northern Ireland (ISNI):

In 2008 the Northern Ireland Executive agreed its first Programme for Government (PfG) and associated budget and also endorsed a revised 10 year Investment Strategy for Northern Ireland (ISNI) covering the period 2008-2018. . Both the PfG and the ISNI 2008-2018 included a proposal to upgrade the A8 to dual carriageway standard.

The PfG identifies 5 key ‘Level 1’ priorities with ‘*Growing the Economy*’ being identified as the Executive’s top priority. The other 4 level 1 priorities, all of which are inter-related, include one entitled ‘*Investing to Build our Infrastructure*’. This states that ‘*a modern, efficient transport infrastructure is an essential requirement for economic and social development*’.

The Investment Strategy supports the PfG stating the Executive’s ‘*plan to increase significantly the size of our motorway/dual carriageway network (part of the Trans European Network) and upgrade selected link corridors and trunk roads. This will reduce journey times and improve access to urban centres and inter regional gateways We aim to improve our road safety record and reduce the numbers killed or injured on the roads.*’ Opening the A8 dualling scheme during the lifetime of the strategy is a milestone within the strategy.

Investment Delivery Plan (IDP) for Roads: The IDP, published in May 2008, is a delivery document for the roads infrastructure element of the Investment Strategy, and was ratified by the Executive in January 2008. It identifies the programme of Strategic Road Improvements that are proposed over the 10 years of the Investment Strategy period to 2017/2018. In relation to the A8 project, the IDP anticipates delivery of the A8 dualling project within the 2013/14 to 2017/18 timeframe.

Northern Ireland Executive’s Budget 2011-15:

More recently the Northern Ireland Budget published in March 2011 outlines that ‘*Investment in the road infrastructure continues to be of critical importance in supporting the economic development of our economy*’. The budget makes allocations to allow the Department to progress and begin the construction of four schemes, identified within the plan, including the A8 between Belfast and Larne.

As stated, the existing A8 forms part of the Eastern Seaboard Key Transport Corridor. This is an important link between Northern Ireland, the ROI and Scotland via the Port of Larne, and to this end it is classified as one of the key Euro routes (EO1), being part of the trans-European transport network.

Statutory Procedures

Environmental Statement

An Environmental Impact Assessment was carried out, and an Environmental Statement (ES) prepared, in accordance with Article 671 of the Roads (Northern Ireland) Order 1993. The ES presents the findings of an environmental assessment of the scheme and describes the measures proposed to mitigate impact on the natural and built environment.

Notice of Intention to Make a Direction Order

As the A8 is a trunk route, a Direction Order is required in accordance with the Roads (Northern Ireland) Order 1993 for new sections of the route. The Direction Order sets out, in detail, the designation of the new route as a Trunk Road, and the stopping-up and abandonment of other roads.

Notice of Intention to Make a Vesting Order

The Notice of Intention to Make a Vesting Order includes provision for acquisition of those lands and interests considered by the Department to be necessary for the construction of the scheme.

Notice of Intention to Make a Private accesses Stopping-up Order

Where it is considered necessary to stop-up private accesses, a Private Accesses Stopping-up Order is required under Article 69 of the Roads (Northern Ireland) Order 1993 where the access is not included within the Draft Vesting Order. In relation to the A8 the draft private accesses stopping-up order sets out in detail the stopping-up to road traffic of 23 private accesses where it was considered necessary, for safety reasons, to relocate these particular accesses.

Publication of Notices

The publication of the draft Orders and Environmental Statement commenced the formal consultation period for the scheme which ran until 4th March 2011. An addendum to the ES was published outside the formal consultation period and a further public consultation period ran from 22 March 2011 to 6 May 2011.

Comments and Objections

A total of 211 responses have been received, 199 from private parties, 5 from organisations/groups and 7 were from statutory consultees.

One standard objection letter was received from 63 individuals.

All of those who objected to the proposals were issued with responses from the Department on 20 and 21 April 2011. Following this the project team have attempted to contact all of those who objected or their agents, to offer meetings for further discussion regarding their concerns. As a result of these meetings, a significant number of grounds for objection have been withdrawn.

The Department has also received a number of letters of support for the proposals.

The Department's Consideration

In summary, the proposal to dual this section of the A8, meets the objectives laid down in the provinces Strategic Policy documents, including the Regional Development Strategy, the Regional Transportation Strategy and the Investment Strategy for Northern Ireland.

The Northern Ireland Budget published in March 2011 outlines that 'Investment in the road infrastructure continues to be of critical importance in supporting the economic development of our economy'. It allocates funds to allow the Department to progress and begin construction of the A8 scheme, which will complete to at least dual carriageway standard the entire route between Larne, Belfast and Dublin, providing a major improvement to the north-south link.

As outlined in the RDS the road network is the 'artery' for the Region's economy with almost all goods being transported by road.

The existing A8 forms part of the Eastern Seaboard Key Transport Corridor. This is an important link between Northern Ireland, the Republic Of Ireland and Scotland via the Port of Larne, and to this end it is classified as one of the key Euro routes (EO1). The RDS and the ISNI highlight the dualling of the A8 as a critical part of promoting development and encouraging growth and investment within the Province. The dualling of the A8 is identified, as one of the ten key network milestones within the ISNI.

The Programme for Government and Investment Strategy highlight growing the economy as the Executive's key priority.

The proposals to dual the A8 would remove the issues associated with platooning of traffic, thus reducing driver frustration and improving the safety performance of the route for all road users.

The scheme shows significant improvements in traffic flows, therefore improving road connections to the Port of Larne and supporting it's future development. The additional capacity will also support economic development and growing volumes of freight movements, this in turn will promote economic development.

The scheme provides a positive economic return with a benefit to cost ratio of approximately 1.8, mitigates environmental impacts where practicable, delivers safety benefits and reduces severance within Ballynure. The scheme is also forecast to deliver journey time savings, and the traffic model indicates a saving of approximately 35% savings (up to 5 minutes) during peak hours, and approximately 25% savings (up to 3 minutes) during off peak times of travel.

In conclusion, and taking into account the agreement made between the Northern Ireland Executive and the Irish Government to upgrade the A8 to a dual carriageway standard, the Department has concluded that the Proposed Scheme offers the best solution when considered against the 5 key Government objectives for transport, namely Safety, Economics, Environment, Integration and Accessibility.

4. THE DEPARTMENT'S CASE – ENGINEERING

(Stephen Hall – Project Manager)

Existing Situation

The section of the A8 under assessment is in an agricultural setting. It passes through the small settlement of Bruslee and the village of Ballynure.

The existing road is a single carriageway with a 60mph speed limit, except through Ballynure, where the speed limit is 40mph.

The A8 currently forms numerous junctions with side roads with another 185 private accesses. This equates to more than 14 separate junctions per kilometre length - this is less than desirable for a 'Key Transport Corridor'.

There are a restricted number of safe overtaking opportunities along the road.

Development of the Scheme

The standard procedure for Trunk Road scheme assessment is prescribed in the Design Manual for Roads and Bridges (more commonly referred to as the 'DMRB').

Scheme Assessment Reporting is undertaken in three stages:

- Stage 1 is the Preliminary Assessment - which considers broadly defined improvement strategies;
- Stage 2 is the Route Option Assessment - which considers alternative routes or improvement schemes, recommending a preferred route;
- and the Stage 3 Scheme Assessment is the further development of the scheme with a more detailed assessment of the preferred route.

The A8 scheme assessment process has followed this guidance and has incorporated the Department for Transport's web-based Transport Analysis Guidance (called WebTAG), which uses the Government's five overarching objectives for transport of *Environment, Safety, Economy, Integration, and Accessibility*.

Where applicable, these 'core' objectives have been supplemented by the supporting objectives of Practicality, Affordability and Acceptability.

At every stage, the overall performance against these objectives has been the basis for comparison and the best performing options were those that gave the best balance between the objectives.

Stage 1 Scheme Assessment

Between January and November 2008, we undertook the Stage 1 assessment. Twelve corridors were assessed to provide a dual carriageway between Coleman's Corner roundabout and the B 100 (Ballyrickard Road). These combined both online and off-line solutions.

The study recommended two corridors for further assessment. These 'preferred corridors' were based around a largely online widening scheme with a bypass of Ballynure (either to the east or the west). These corridors minimised environmental impact, substantially improved the current severance issues within Ballynure, and were the best performing routes in terms of economic assessment.

A key decision taken at Stage 1 was to reject the option of online widening through Ballynure. This option performed poorly against the objectives of Economy, Safety,

Accessibility, as well as for aspects of Environmental impact (which included townscape and community effects).

The Stage 1 Assessment was published in November 2008.

Stage 2 Scheme Assessment

The Stage 2 assessment was completed in August 2009 and appraised viable routes within the preferred corridors.

The recommended 'Preferred Route' included a short bypass around Bruslee and a western bypass around Ballynure.

The western bypass was assessed to be the best performing option in terms of Safety, Economy and Accessibility. The eastern bypass resulted in longer journeys for A57- to-Larne traffic, resulting in a poor economic performance. In addition, the longer journeys resulted in vehicles, including HGVs, continuing to route through the village. This impacted negatively upon the objectives of Safety and Accessibility.

Following the Preferred Route announcement, representation was made stating that the preferred route should have followed the existing A8 through Ballynure. In response, we reviewed in greater detail, the physical impact of taking a dual carriageway through the village and reassessed the option by taking into account the latest available data. A Stage 1 Addendum Report was published which confirmed the Stage 1 findings - that an online dualling solution through Ballynure would not perform as well as a bypass.

Stage 3 Scheme Assessment

The Stage 3 Assessment further developed the preferred route and sought to minimise the impact of the scheme and deliver a more cost effective solution. The Stage 3 design was used for the draft Vesting, Direction and Private Access Stopping Up Orders. An Environmental Statement was also prepared. These statutory documents were published in January 2011.

Scheme Consultation

A significant amount of consultation has been undertaken with statutory consultees and other key stakeholders including the public. Four separate public exhibitions have been undertaken in:

- May 2008 - At the start of the Stage 1 Assessment.
- November 2008 - Following the publication of the Stage 1 Scheme Assessment Report.
- August 2009 - The Preferred Route Announcement Exhibition, and in
- January 2011 - To coincide with the publication of the draft Orders and Environmental Statement.

We have also undertaken three rounds of one-to-one meetings with affected landowners and two public meetings. We are continuing to talk to landowners as we seek to agree accommodation works.

Key Changes

Since the announcement of the preferred route, a number of key changes to the design have been made.

- Layout of the Bruslee to Hillhead Road link - For safety reasons, the junction connecting the old A8 road with the Hillhead Road was changed from a two-way junction to a left-out-only arrangement. A 6-arm roundabout option was assessed but rejected on the grounds of Safety, Environment and Economy.
- Rushvale Road Link - Local residents opposed a left-in left-out junction arrangement proposed on the grounds of diversion lengths. Alternative options were developed and assessed, and a link road to connect Rushvale Road to Calhame Road was assessed to be the best option based upon Economics and visual impact of a bridge.
- Mainline around Ballynure - The alignment of the dual carriageway was discussed with local landowners and the route was adjusted to reduce the impact on property.
- Church Road Diversion - Church Road was re-routed away from Ballynure to connect directly into the new A57 junction. It was stopped up under the dual carriageway. This change benefited the scheme in terms of Economy and Accessibility.

Additional changes were made to the junctions with the A57 Templepatrick Road, Ballybracken Road, Moss Road and Deerpark Road.

Proposed Scheme

Scheme Overview

The proposed dual carriageway will have a 70mph speed limit for its entire length.

There will be no at-grade cross-over facilities and there will be a constant central reserve with safety barrier along the full length of the scheme. Wherever possible, private accesses and minor side roads have been diverted onto side roads or to the new junctions. However, some left-in left-out junctions onto the A8 are provided where safe alternatives were not possible.

The scheme includes two lay-bys in each direction, and the overall scheme length is approximately 14.4 km.

The road will be a 'Category 5' dual carriageway. This is the minimum design standard for dual carriageways in the UK. The alignment has been designed for a 70mph speed limit and routed to limit impact upon land and properties.

The junctions and side roads have been designed to appropriate UK standards.

A comprehensive assessment of junction strategies was undertaken. This included an assessment of all forms of junction.

It was assessed that compact grade separated junctions would provide Safety and Economic advantages over the other forms considered, and a junction strategy was developed which utilised grade separation along the route, with roundabouts at the ends of the scheme.

Scheme Description

I will now do a brief description of the scheme from south to north.

The existing Coleman's Corner roundabout will be retained with minor kerb line alterations.

Heading north, the new dual carriageway will move off-line to the east to bypass Bruslee. The dual carriageway will rejoin the existing A8 just north of Glen Road. Glen Road will be re-routed to connect onto the existing A8 and a new left-out-only junction will be formed with Hillhead Road.

Both sides of Lisglass Road will form left in left out junctions with the dual carriageway. From Glen Road, the scheme moves onto the line of the existing road, widening to the west. A new compact grade separated junction will link into the Calhame Road, Green

Road and Legaloy Road. This will bridge over the dual carriageway. The existing Rushvale Road junction will be stopped up and a new link road will connect Rushvale Road into the new junction. Drumadowney Road will form a left in left out junction with the dual carriageway.

The scheme continues along the line of the existing A8 before moving off-line to the west. A full grade separated junction will be provided at A57 with a bridge provided over the dual carriageway.

The scheme then bypasses Ballynure to the west passing into the Six Mile Water valley. Church Road will be closed at the point the new dual carriageway crosses it and a new link road will connect Church Road directly into the A57 junction. Lismenary Road will be bridged over the new dual carriageway.

The Ballynure Bypass requires significant embankments and cuttings.

The scheme will continue across agricultural land before rejoining the existing A8 at the Ballybracken Road junction. A new north-facing compact grade separated junction will be provided with the junction link road is an underpass beneath the dual carriageway.

The rest of the scheme will remain on the line of the existing road, with the widening switching sides to limit impact upon land and property.

The next junction is at Moss Road. This is another compact grade-separated junction with a new bridge over the dual carriageway. The junction will also include improvements to the existing Ballygowan Road/Moss Road junction.

Both the north and south Ballygowan Road junctions with the A8 will be stopped up.

Another compact grade separated junction is provided to connect Deerpark Road with the dual carriageway. The junction would include a bridge over the dual carriageway. The existing Deerpark Road/A8 junction will be stopped up. The Park Road/A8 junction will also be stopped up.

At the northern end of the scheme, a new roundabout will be provided connecting the B100 (Ballyrickard Road) and A36 (Shane's Hill Road) to form a new 4-arm roundabout.

The scheme has been reviewed by a team of independent, qualified road safety auditors. Comments received from the safety audit have been considered within the design of the scheme.

The drainage proposals for the scheme have been developed using the most current design principles and best practice. We have worked closely with the Rivers Agency and the NIEA and the principles adopted have been discussed and agreed.

The existing flooding patterns for the scheme have been fully modelled and the design will ensure the existing flooding is unchanged. Attenuation ponds and constriction ponds have been included within the design for this purpose.

Agricultural Assessment

Dr Alan McIlmoyle of McIlmoyle Associates undertook separate agricultural 'baseline' and 'impact' assessments for all farms along the scheme which permitted him access.

The purpose of the baseline assessments was to establish the nature of the farming enterprise, its scale and farming capacity, operational procedures, access arrangements, etc. Draft versions of their baseline assessments were provided to each farm for comment before being finalised. The impact of the new dual carriageway upon each farming enterprise was then assessed and an agricultural impact assessment was produced.

Construction Advice

The contracting joint venture - Lagan-Ferrovial-Costain have provided buildability, programme and costing advice throughout Stage 3 which aided the further development of the preferred route.

As a result of this input, the design has benefitted from design changes which will make the scheme easier and faster to construct, minimising risk to both the workforce and the public. The contractor has also assisted with value engineering and provided advice to ensure the scheme delivered the best value for money.

A key aspect of the contractor's advice has been to include a number of 'temporary' areas in the design to aid construction efficiency, minimise environmental risk and improve safety. Areas include for the temporary storage of materials, site compounds and welfare facilities, and temporary surface water run-off storage to minimise the risk of pollution incidents.

Conclusions

To conclude, the *A8 Dualling - Belfast to Larne* scheme has been subjected to a rigorous three-stage assessment process, undertaken in full accordance with the DMRB and WebTAG. The work undertaken has delivered a robust assessment at each stage, clearly presenting the findings and recommendations.

A significant amount of consultation has been and continues to be undertaken.

The chosen route for the scheme has been largely based upon an online improvement of the existing A8 with bypasses for Bruslee and Ballynure. This has sought to maximise the re-use of existing infrastructure, while providing substantial benefits to the two named communities by the removal of traffic. The scheme has delivered a design which has, where possible, minimised impact on land and property.

5. THE DEPARTMENT'S CASE - TRAFFIC AND ECONOMICS

(Gordon Henderson)

The Existing Situation

Historical Traffic Growth

The historical trends at the two permanent sites on the A8 are broadly similar. Up until 2007, traffic grew at a rate of just over 2%, however between 2007 and 2010 traffic levels declined. This pattern of falling traffic is a direct consequence of the economic downturn that is reflected elsewhere. Despite the current downturn, the long term trend for traffic growth remains upward.

Traffic volumes on the A8 are influenced by activity at the Port of Larne. The historic trends of traffic passing through the port, compiled by the Port of Larne Harbour Ltd, confirm the general increasing trend up to 2007, followed by a downturn in traffic volumes. As with the general traffic trends, evidence from elsewhere indicates that the trend in traffic volumes through the Port of Larne is typical of UK ports in general.

Existing Traffic Conditions

General Traffic

The A8 carries between 10,700 and 16,860 vehicles per day along the section between Coleman's Corner and the Ballyrickard Road, the highest flows occurring through the village of Ballynure. The traffic volumes on the northern section (between the A57 and Ballyrickard Road) are higher because of the additional traffic feeding onto the A8 from the A57 to the south-west.

Although climbing lanes were constructed either side of the village of Ballynure in 2002, there are a restricted number of overtaking opportunities along the remainder of the scheme. From time to time, traffic is hindered by slow moving farm vehicles, and overtaking opportunities are further reduced by the platooning of cars and particularly heavy goods vehicles (HGV5) connected with the arrivals and departures at the Port of Larne.

Accidents

An analysis of the existing accident data has shown that, over the five-year period between 2005 and 2009, 51 collisions occurred over this length of the A8, including 4 fatalities and 7 involving serious injuries. The most common type of collisions were rear end shunts and head-on collision.

The recorded accidents on the A8 were compared by severity with the average for a typical single carriageway road given in the Department for Transport's Design Manual for Roads and Bridges (DMRB). This shows that the total number of accidents recorded on this section of the A8 is approximately one third of what would be expected for this type of road. However, the number of fatal accidents is comparable to the expected number for this type of road and the volume of traffic. As a result, the A8 has a significantly higher proportion of fatalities to the total number of accidents: 10% on the A8 compared with 4% for the DMRB average.

Data Collection

An extensive data collection exercise was undertaken to provide an accurate picture of existing traffic conditions on the A8, as well as to provide a sound basis for the production of traffic forecasts. All surveys were carried out in accordance with best practice techniques recommended in the DMRB and the Department for Transport's

internet-based Transport Analysis Guidance (WebTAG). The following survey information was collected:

- Automatic traffic count (ATC) data;
- Roadside interview surveys (RSIs);
- Manual classified junction turning movement counts; and
- Journey time surveys.

Traffic Model

The data collected for the study formed the basis of the development of the A8 traffic model. The construction, calibration and validation of the model were undertaken in accordance with current best practice guidelines specified in DMRB and WebTAG.

The model gives a representation of the local road network within the area affected by the proposed A8 improvement. There are two stages in the development of the traffic model:

1. Base model, representing current conditions; and
2. Forecast model, to predict future conditions both with and without the scheme proposal.

The A8 traffic model was developed using SATURN (Simulation and Assignment of Traffic to Urban Road Networks) software. SATURN has been developed over a period of more than 30 years at the University of Leeds, and is widely used, both in this country and overseas, for the evaluation of all kinds of highway systems and proposals, and is recognised as an “industry standard” traffic assignment model.

Model Validation

Model validation is the process of demonstrating the quality of the model by comparing the model output with observed data, which should be independent of data used in building the trip matrices or calibrating the model. The aim is to show that the model is able to reproduce an independently observed existing situation, so demonstrating the accuracy of the base from which forecasts are to be prepared.

The validation results show that the A8 traffic model exceeds the DMRB criteria for the validation of both traffic flows and journey times, and is therefore a robust tool that can be used with confidence to produce traffic forecasts for assessing the A8 improvement proposals.

Traffic Forecasts

The traffic forecasting stage involved the modelling of travel demands in future years, with and without the proposed A8 improvement. The forecasts were used in the highway design process and for the environmental and economic assessments of the improvement. Traffic forecasts were produced for the scheme assumed opening year of 2016, and interim forecast year of 2023, and the scheme design year of 2031.

Traffic Growth

The validated 2008 base year trip matrices were used as the starting point for the creation of the future year matrices. Factors were applied to these to account for traffic growth in future years, with adjustments made for traffic generated by new developments that were included separately.

TEMPRO-NI has been used as the basis of the traffic forecasting undertaken for the A8 Belfast to Larne dual carriageway. TEMPRO-NI used the economic assumptions for

Great Britain that underlie the Department for Transport's TEMPRO program, but uses local predictions of population and employment.

Forecast Networks

For the purpose of appraising the A8 Belfast to Larne dual carriageway, traffic forecasts were produced by modelling the travel demands in future years both without the proposed improvement scheme (the Do-Minimum scenario) and with the scheme in place (the Do-Something scenario). For both scenarios, networks were developed for 2016 (scheme opening year), 2023 and 2031 (scheme design year).

Do Minimum

The Do-Minimum network comprises the 2008 validated base network with the addition of network improvements that are firm proposals but independent of the A8 Belfast to Larne dual carriageway. One major scheme was identified: the M2 widening from dual-2 to dual-3 lanes, between Junction 2 (Greencastle) and Junction 4 (Sandyknowes), which was completed in 2009.

Do Something

The Do-Something network comprised the Do-Minimum network with the A8 Belfast to Larne improvement scheme included.

Consideration was given at an early stage to the appropriate standard for the improvement, as the predicted traffic volumes fall within the recommended flow ranges in the DMRB for both an all purpose dual carriageway (D2AP) and a wide single carriageway (WS2) over which the road is likely to be economically justified. The existing flows on the A8 exceed the recommended economic flow level for single carriageways in the DMRB. Consideration was also given to the provision of a Wide Single 2+1 carriageway (WS2+1). The review concluded that a D2AP road would provide the most appropriate solution, for a number of reasons including capacity, safety, speed limit, economic performance, and consistency of road standard.

Forecast Model Results

Model Forecasts

The Do-Something forecasts for the A8 north of Ballynure represent an annual growth rate of 1.4% from 2008 to 2031. This is significantly lower than the observed growth rate up to 2007 of 2.3% per annum before the recent economic downturn took effect. The forecasts show higher flows in general on the A8 in the Do-Something scenario compared with the Do-Minimum. This is due to the effect of induced traffic in the Do-Something scenario, together with some reassignment of traffic from other competing routes as a result of the upgrade of the A8 route to dual carriageway.

The Do-Something assessment has shown that there would be a very significant reduction in traffic through Ballynure as most traffic would transfer to the A8 dual carriageway bypass. This is the most heavily trafficked section of the route. Traffic volumes in Ballynure would be reduced by over 85% from 19,400 to 2,600 vehicles per day in 2031, thus bringing substantial traffic relief to the village.

Journey Time Assessment

Journey times and journey time reliability will significantly improve along the A8 as a result of the proposed dualling scheme. The results show that the average journey time along the A8 between Coleman's Corner and the A36/B 100 junction would be expected to reduce by 21-35% as a result of the upgrading to dual carriageway. Typical journey time savings during the interpeak period in 2031 could be expected to be around 2.5 minutes, with more marked journey time savings during peak periods where the congestion in the Do-Minimum scenario is higher. In the AM peak, southbound traffic

could be expected to save up to 5 minutes with northbound traffic in the PM peak also expected to save up to 5 minutes.

Capacity Assessment

The Design Manual for Roads and Bridges uses the concept of the Congestion Reference Flow (CRF) as a measure against which to judge the performance of a link. The CRF is defined as the AADT flow at which the carriageway is likely to be 'congested' in the peak periods on an average day. When the ratio of flow to CRF is 100%, it is estimated that congestion will occur for approximately half of the weekday peaks, in the peak direction. However problems of congestion and journey time reliability are likely to occur before the ratio is equal to 100%, and it is generally accepted that journey time reliability and driver stress starts to be affected when the flows reach 75% of CRF.

The results show that in 2008 sections of the A8 were already operating above 75% of CRF. This is predicted to increase to 85% by 2016, and 92% by 2031. As a result of this, as traffic volumes grow over time, traffic conditions are likely to progressively deteriorate with an increasing likelihood of regular congestion occurring at peak times. This could be exacerbated in places where the highway alignment is substandard or as a result of queues forming behind platooning traffic or slow-moving agricultural vehicles.

The results for the Do-Something scenario show that the upgrade from single to dual carriageway would create a significantly higher capacity.

Safety Assessment

A quantitative assessment has been undertaken of the predicted number of accidents on the A8 and the other key routes in the study area, in both the Do-Minimum and the Do-Something scenarios. This assessment used COBA (COst Benefit Analysis) software for the A8 route, together with a spreadsheet analysis of roads in the wider study area.

The quantitative accident analysis indicates that upgrading the A8 between Coleman's Corner and the B 100 junction to dual carriageway would result in a reduction in accident severity. Over the course of a sixty year period, it is estimated that the dualling of the A8 would lead to 15 fewer fatalities and 57 fewer serious injuries.

Economic Assessment

The economic assessment appraises the costs and benefits of a transport scheme that are accrued over a 60 year period in monetary terms. In order to ensure consistency, all monetary values are discounted to a common price base of 2002 to give 'present values'.

The scheme benefits are broadly made up of:

- Journey time savings;
- Vehicle operating cost savings;
- User charges, such as tolls;
- Accident savings;
- Carbon emission savings;
- Additional costs to travellers due to disruption during construction and maintenance works; and
- Wider economic benefits

The economic assessment of the A8 Belfast to Larne dual carriageway has been undertaken using the Department for Transport's TUBA (Transport User Benefit Appraisal) software, with additional benefits relating to accidents calculated using the

COBA program, those relating to construction and maintenance calculated using the QUADRO software.

The results indicate that the proposed A8 dualling has a Benefit to Cost Ratio (BCR) of 1.65, 1.86 including wider economics benefits. This indicates that the scheme is positive in economic terms as the scheme costs will be more than offset by the improvements in transport economic efficiency and safety.

In order to gain some understanding of the potential impact of lower growth factors, a sensitivity test was undertaken. The results show that a reduced level of traffic growth would impact on the economic performance of the scheme, but it suggests that it would remain economically viable, with the BCR reducing from 1.65 to 1.42. If wider economic benefits were to be included, the adjusted overall BCR would increase to 1.62.

Conclusions

This evidence has demonstrated that a robust traffic model has been developed to assess the current and future traffic movements in the A8 corridor between Belfast and Larne. The model has been developed in accordance with current WebTAG guidance, and has been successfully validated in accordance with the standard criteria given in DMRB.

The model has been used to predict future traffic flows in the A8 corridor, using reference growth factors from the TEMPRO-NI program, and modified using variable demand modelling techniques that comply with WebTAG guidance.

The A8 proposal addresses all of the scheme objectives. It will complete a dual carriageway route along the Eastern Seaboard key transport corridor. The increased capacity that this will provide will be able to accommodate the growing volume of freight moving through the Port of Larne, which is defined as one of the seven key gateways to Northern Ireland, thus supporting the continued development of the port.

Traffic forecasts have been produced for the study area, showing that the scheme would significantly improve journey times and increase journey time reliability along the corridor, as well as providing improved safety and providing substantial relief on the existing route through the village of Ballynure. The overall BCR for the scheme has been assessed to be 1.65. An estimate of the wider economic benefits would increase the BCR to 1.86. The results indicate that the proposed dual carriageway is viable and would represent good value for money.

6. THE DEPARTMENT'S CASE – ENVIRONMENT

(Simon Power)

The scheme and Environmental Impact Assessment Process

As outlined earlier by my colleague the assessment process for the scheme was undertaken using the Government's five over arching objectives for transport. They include environment, safety, economy, accessibility and integration and it has taken place in three stages. Environmental issues have therefore been a key part of the decision-making process that led to the preferred route.

In addition, environmental design has been integral to the development of the scheme before this inquiry and measures have been incorporated in the preliminary design to reduce the environmental impact. This has included proposed mammal underpasses, scrub and tree planting, petrol interceptors, attenuation ponds, river realignments and geomorphologic design.

The Environmental Impact Assessment (EIA) Directive outlines the regulations and criteria for the need for an EIA and is reflected within Part Five of the Roads (Northern Ireland) Order 1993. Under this legislation, there is a legal obligation to undertake an environmental assessment of the impacts of certain public projects on the environment. As such, the ES has been produced in accordance with the Roads (EIA) Regulations 1999, as amended in 2007. The findings of the EIA process have been reported in the Environmental Statement.

This proof of evidence also outlines the principal environmental impacts identified during the assessment and the predicted, residual effects that would remain following implementation of the scheme and its associated mitigation measures.

A Code of Construction Practice (C0CP) for the proposed scheme has been developed which sets out the environmental measures which will be adopted and implemented throughout the construction phase of the scheme. During the construction phase, the contractor will be responsible for identifying and complying with legal and other requirements applicable to their scope of works. The final assessment of the scheme has been undertaken with input from the contractor on the buildability of the design.

The approach taken to each of the assessments in the ES is based on a standard methodology detailed in the Design Manual For Roads and Bridges (DMRB) Volume 11 and best practice guidelines from relevant institutions and authorities. The positive and negative impacts of the scheme have been presented in this proof of evidence and in the ES using significance criteria from DMRB and other sources.

Consultation has been undertaken with statutory organisations throughout the scheme development and assessment process, primarily through a series of Environmental Liaison Group Meetings. These organisations included representatives from the Northern Ireland Environment Agency, Department of Agriculture and Rural Development, The Planning Service, Department of Culture, Arts and Leisure and Larne and Newtownabbey Borough Council.

Summary of Key Environmental Impacts and Issues Arising

For a scheme of the size and scale of the A8 dualling, there are relatively few predicted environmental impacts of significance; reflecting in part the decision to improve the scheme online. Inevitably however the introduction of a large new section of improved infrastructure will bring some significant changes, both to the local environment and to many local residents along the proposed scheme.

Measures outlined within the Construction Code of Construction Practice (CoCP) including appropriate timing of works and pollution prevention measures would aim to minimise effects.

Ecology and Nature Conservation

There are no designated sites within 2km of the proposed scheme. Six sites of local conservation interest have been identified within the area including Clements Wood which would experience a long-term moderate adverse effect due to the loss of part of this site. Habitats of local value, including trees, hedgerows and improved grasslands would experience a minor adverse effect due to direct loss as a result of the scheme.

Effects on protected species including otters, badgers and bats during the construction phase would be moderate adverse and short-term. The scheme includes environmental design measures to reduce the potential for adverse effects. These measures include bat 'hop-overs', a bat friendly culvert, mammal fencing and underpasses. During operation these predicted ecological effects would be minor adverse. Breeding birds and fisheries may also experience short-term minor adverse effects during construction.

Landscape

The construction activities would result in effects ranging from neutral to substantial adverse due to the removal of vegetation, establishment of construction compounds and the excavation and deposition of material. Substantial adverse effects are particularly evident at junction arrangements and the construction of the off-line sections of the scheme.

During operation, where the A8 corridor is already a component within the landscape, the proposed scheme is considered to result in a slight to moderate adverse effect due to the small scale change to the landscape character and view from visual receptors.

The effect on visual receptors (including residential properties) in close proximity to the junction arrangements, and the off-line sections of the scheme, have been assessed as moderate to substantial adverse as a result of the noticeable or significant deterioration to the existing view.

The landscape and visual environmental design measures incorporated into the scheme include sympathetic profiling of embankments and cutting slopes, woodland planting, tree and shrub planting, replacement hedgerows and walls, sensitive treatment and finishes for bridge, structures and rock cuttings. By the design year (2031) the adverse effects are judged to reduce as planting would mature to assist with screening and integrate the scheme into the surrounding landscape. However, adverse visual effects would still be apparent, ranging from neutral to substantial adverse, influenced by the extent of the view and the proximity to the scheme

Cultural Heritage

The assessment considered that the effect on the majority of cultural heritage sites would be neutral. Lowtown Rath and Souterrain, a scheduled historic monument along the route, would experience a moderate to large adverse effect given that the scheme brings the road closer to the monument. However, this would reduce over time as screening planting matures.

The heritage landscape in the assessment area has remained largely unchanged in 180 years, apart from the expansion of Ballynure and the construction of the existing A8 road. Where the alignment deviates from the existing A8 around Ballynure the effect would be slight to moderate adverse in significance, due to the demolition of Hillis Bridge during construction and visual impacts upon the historic landscape during operation. It is considered that on balance, the effect of the scheme upon cultural heritage would be slightly adverse.

Geology and Soils / Road Drainage and the Water Environment

There are no designated geological or geomorphological sites affected by the proposed scheme.

Possible impacts on the water environment may result from pollution reaching surface water or groundwater. Impacts may occur during the construction phase, from spillages within the general site area or directly to watercourse channels and from construction works within surface water channels. Impacts that may arise during the operational phase are associated either with spillages from vehicles or contaminated surface water entering surface waters or the groundwater.

Operation of the scheme is not considered to pose a significant threat to surface water quality, ecology or amenity value because of the measures included within the preliminary design including petrol interceptors, attenuation ponds and a wetland treatment area at outfalls. These will mitigate any pollution in surface water runoff. The effect on surface water during operation is therefore considered to be neutral.

Potential impacts to groundwater during operation as a result of surface waters discharge to ground are considered to arise at three outfall locations along the route. The effect on the groundwater body has been assessed as moderate adverse. This impact is considered to extend over localised areas of the groundwater only and does not therefore impact on sensitive receptors, such as abstractions or discharges to surface waters.

A Flood Risk Assessment has been undertaken which concluded that the proposed scheme would not encroach significantly on, or have a significant effect on, the existing flood plain. The effect is therefore considered neutral and no compensatory flood areas are required.

Noise and Vibration

The assessment considered the effects of road traffic noise. It is considered that noise from construction traffic would not be significant.

During operation, the numbers of properties subject to noise increases and decreases has been assessed by dividing the scheme into 16 sections. The predicted noise change was assessed as being not significant or unlikely to be significant in all but four of the 16 sections. Of these four, noise impacts are predicted as being significantly adverse for two and significantly positive for the other two - which would be expected where a settlement experiencing significant existing road traffic is bypassed.

The noise assessment identified a number of residential properties within 300m of the scheme which without any mitigation measures are predicted to meet or exceed the appropriate Noise Insulation Regulations criteria. In order to mitigate this effect, it is proposed to use a low noise road surface material which would control road noise levels at properties identified as qualifying for insulation and other areas potentially subject to adverse noise impacts. Following mitigation measures, eleven properties would remain subject to noise levels which would qualify for noise insulation under the Noise Insulation Regulations.

Air Quality

The assessment determined that the scheme would not exceed any of the statutory air quality objectives and limit values. The majority of air quality impacts are limited to a small number of residences. The magnitude of change and significance vary widely throughout the scheme with the greatest changes experienced where the A8 is realigned away from the existing road. Both adverse and beneficial effects would occur which vary from large decreases to large increases.

Effect on All Travellers

As a result of the operation of the scheme travellers would experience diversions (e.g. Church Road), additional journey time and length with the potential to also change travel habits for pedestrians. Travellers to the east would be less affected.

A substantial relief of severance would be experienced by pedestrians and cyclists within Ballynure due to less through traffic.

During the operational phase, pedestrians and cyclists would have access to a safe formal shared use footway/cycleway along the eastern carriageway for the length of the scheme and an intermittent footway on the western carriageway. In terms of driver stress and vehicle travellers the effect on these would be large beneficial for the majority of users given the high importance of the road and the major beneficial effects of the proposals on the road network environment in the area.

Community and Private Assets

During operation, severance within Bruslee and Ballynure will be reduced improving access to facilities within the settlements resulting in a moderate beneficial effect.

Approximately 175 hectares of land is required for the scheme with property and landowners affected by the scheme either through loss of buildings, landtake or a change in access arrangements. In total, five residential properties (including two already owned by Roads Service) and five agricultural buildings would be lost. The effect on private property due to the scheme has been assessed as moderate adverse.

Several commercial businesses would be affected by land-take or loss of buildings. Agricultural Impact Assessments have been undertaken by an agricultural consultant and these will be covered separately at this inquiry. Approximately 50 farm businesses would endure an adverse effect. The majority will endure a slight adverse impact, with a small number enduring moderate or significant adverse impacts.

Conclusion

In summary, the EIA has been undertaken in accordance with the EIA Directive, The Roads (Northern Ireland) Order 1993, the guidance of DMRB Volume 11 and best practice. The environmental assessment has informed the scheme assessment, route selection and design processes throughout the development of the scheme and has been a key consideration during the consideration of alternatives.

7. THE DEPARTMENT'S CASE – QUESTIONS, COMMENTS AND RESPONSES

Responding to Mr Elwin Ward, Mr Hutchinson confirmed that at the North/South Ministerial Council Meeting held on the 10th June, the Taoiseach had re-affirmed the commitment of the southern Government to both the A5 and A8 schemes. There was also a commitment at the highest level within the Executive at Stormont to take the A8 scheme forward.

Mr John Craig, a supporter of the need to upgrade the A8, suggested that there was inconsistency in the interpretation of what was required to construct a Category 5 dual carriageway on recent projects in Northern Ireland. Elsewhere many private and field accesses have been provided together with pedestrian crossings and right turning facilities without grade separation. The different approach being proposed for the A8 had a huge impact both on the design and the objections which people had raised.

Mr Hutchinson outlined the different standards of road which could be constructed and explained that there were indeed options when constructing a Category 5 road, including different junction strategies. Additional standards and accident statistics had also to be taken into account and research had shown that right turning movements were a large contributor to accidents. Throughout the UK, retro-fitting dual carriageways to eliminate conflicting right turn movements had taken place and safety fences or barriers were generally provided throughout dual carriageway schemes. Roundabouts were not promoted, as on a strategic route there would be a negative economic impact associated with frequent starting and stopping. Journey times would also be increased.

Consistency of standard was important from one end of the scheme to the other and this would not be the case with a mix of different types of junctions. Roundabouts at each end of the proposed new road would define the move from one standard of road to the other.

Mr Thomas Donaghy asked for clarification on the economics and development of the scheme. He suggested firstly that maintenance costs had not been taken into account in the economic appraisal.

Mr Henderson replied that this is set up in the economic assessment to take into account the construction accounts, the maintenance and any associated delays.

A further point raised by Mr Donaghy at this time was revisited on the afternoon of Monday 20th June. This related to the Economic Appraisal, Page 41, Table 8.1. and the query was – how could £146m in 2010 be only worth £69m in 2002?

In reply Mr Hutchinson explained that a standard methodology had been used which was prescribed by the Department of Transport when undertaking economic assessments. This provided a common base for the assessment of all proposed schemes and costs (apart from maintenance) were presented at 2002 prices. RS also took into account the fact that the money could be invested elsewhere and all costs were accrued from construction through to the end of the 60 year period, each year being discounted back to 2002. The application of further deductions brought the figure back to £68,931,000 which was the present value of the costs shown in Table 8.2.

This and numerous other methodologies had not been set out in detail in the scheme documentation but they were available for examination if required.

Secondly, traffic counts had been carried out in March 2008. How could Mr Donaghy have confidence in the predicted growth, especially since an automatic traffic count was made at only one site north of Ballynure? Why were the figures not updated in Stage 3?

Mr Henderson confirmed that it was correct to say that forecasts were based on information available around the middle of the economic downturn. A sensitivity test had been applied because the forecasts were based on demographic and economic

forecasts and essentially based on the UK TEMPRO programme which produces traffic flow which was modified to accommodate local information.

Economic downturns were not unusual and the typical trend is that it bounces down then back in the short to medium term to a slightly higher level. Traffic will continue to grow. The forecasting had produced the best conservative estimate.

Roadside interviews had been undertaken on the A57, the A8 south of Ballynure and to the north at Millbrook. There were a number of manual classified counts along the A8 which were backed up with journey time surveys. All were undertaken in 2008.

Mr Donaghy asked for clarification on the location of an attenuation pond shown at chainage 5790 on his client's land. It was not where it was supposed to be.

Replying, Mr Hall confirmed that there had been a typographical error. The correct location for the proposed permanent attenuation pond was chainage 5590 and the temporary settlement pond would be at chainage 5890. Not all the land to be vested for the creation of temporary ponds would be used for this purpose. Access roads, fencing etc would also be required.

Mr Barry Woodman, representing the Contractors clarified the situation concerning the two types of pond that would be required. Temporary ponds would be required to control and manage the water running of the works during the construction phase. During heavy rainfall there would be silt laden run-off and the temporary catchment ponds would allow this to settle out before discharge to the adjoining watercourses. Permanent ponds were needed to handle the run-off from the completed road. The main purpose was to control the discharge to watercourses in order to prevent flooding.

Mr Donaghy remained concerned about the areas of land which were to be vested for ponds but said he would return to this issue later in the inquiry.

Mr Woodman made an additional input on this topic at the end of day one, repeating some of what has been said in the morning. He wanted to make a differentiation between permanent works attenuation ponds and pollution management and the temporary conditions during construction. They were totally different 'animals' with different issues.

Permanent works attenuation was to control the quicker, comparatively clean run-off from the carriageway.

During the construction phase, large areas of ground are opened up and during periods of rain, considerable volumes of what amounts to muddy water run off the scheme. This has to be cleaned up before it enters the river system and this is done by constructing ponds to allow the silt to settle out. Additional cleaning measures are involved including silt fencing, silting materials and baffling to slow the flow down.

This required a substantial amount of land and in assessing this, best practice guidance documentation issued by the Environmental Agency had been used.

Because of its location adjacent to a major cutting, the area of ground discharging into the pond referred to by Mr Donaghy above would be in the order of 2,000 square metres. The guidance documentation recommends a pond 85m by 30m in this scenario, with approximately 10m all round for maintenance purposes. Because the pond would be on the downhill side of a major cutting which would discharge a great deal of water, there would be very few opportunities to move it elsewhere.

Whilst the explanation had clarified the need for the temporary pond for Mr Donaghy, he remained concerned that such a high volume of water from the cutting would be storing up a pollution problem in one particular area. 7,000 litres per minute discharge did not sound to him like a settlement pond, given that all the attenuation ponds which would handle 800 to 900 litres per minute – ten times faster. A pipe to take the discharge down to the pond at Church Road would be preferable and require less land from his client.

Mr Woodman responded that it was good practice to pick up water as soon as possible and deal with it locally rather than adjacent to the watercourse downstream. A great deal of piping would be required and furthermore, since the two types of pond would be constructed in totally different ways, the permanent pond would not do the job for temporary water management. In terms of volume throughput, it was not simply a matter of settlement with no other measures. Silt fencing and filter materials would also be employed.

Mr Nicholas Irwin wanted to know what reduction had taken place in traffic numbers on the A8 since 2008. He asserted that it was very clear that the numbers were decreasing.

Mr Henderson replied that in 2009/10 traffic has levelled off and that south of Ballynure there was a slight increase in 2010.

Mr Irwin was concerned that assumptions rather than hard data such as the readings from the counter installed at site 135 had been used. He also asked for confirmation of his understanding that the main reason for upgrading the A8 was to facilitate traffic between Larne Harbour and Belfast. He also pointed out that Stena had recently transferred their business away from Larne to Belfast and wanted to know if this had been taken into account.

Responding, Mr Henderson said that the strategic concept of the scheme supported the growth of the Port of Larne but it was not the only factor. Also, discussions had taken place with the Port of Larne authorities and they anticipate continued growth in their business. There had been a reduction in traffic through Larne in recent years but this was similar to the reductions which had taken place through all the ports both in Northern Ireland and throughout the UK. At the economy picks up, volumes would be likely to grow again.

Mr Irwin asked for clarification on whether the 4 accident fatalities which had been recorded were the result of 4 separate accidents or a single incident. Also, had the design of the present road been the primary cause of the accident/s?

In a response later in the day, Mr Furneaux said that the PSNI had confirmed that 4 separate incidents had resulted in 1 fatality or more. Six people had been killed in 4 separate incidents between 2005 and 2009.

Referring back to his evidence presented earlier in the day, Mr Hutchinson pointed out that the Executive had identified the A8 for improvement as it was part of the Eastern Seaboard Transport Corridor. The development of this infrastructure was important in order to encourage economic growth, considering that all freight in the Province is carried on the road network.

Competition was also an important element and if the Port of Larne was to be removed, this would reduce local competition and this would be detrimental to the road haulage industry in general.

Concluding, Mr Hutchinson pointed out that whilst a reduction in road accidents was a very important element in the scheme, there were a total of 5 key objectives for transport considered in the RS proposals for upgrading the A8.

8. **SUPPORTERS**

The following three letters of support were received relating to the proposed improvements to the A8 Belfast to Larne Road.

From a Resident of Ballynure.

Dear Sir or Madam,

Further to attending your exhibition of the proposals for the A8 Belfast to Larne Dual Carriageway I write to you offering support for the project. The outline statement was very informative as were the Representatives at Corr's Hotel when I attended on 26th January.

I do hope the scheme gets approval sooner than later as access from Church Road onto the main Larne/Belfast line becomes increasingly more frustrating with each passing day.

I look forward to hearing from you once a decision regarding any Public Inquiry is made.

Yours faithfully,

(Signed)

Supporter.

Mr. Billy Miller
Strategic Road Improvement Team
Department for Regional Development
Roads Service Northern Division

FTA Northern Ireland
109 Airport Road West
Belfast
BT3 9ED

9 June 2011

Dear Mr. Miller,

A8 Belfast to Larne Dualling Scheme

The 'roll on/roll off' freight business is the lifeblood of the Northern Ireland economy and many of our major supermarkets and retail businesses rely heavily on ro/ro traffic. The range of options for the logistics industry available at Larne, together with the reliability of those ferry services, makes it possible to meet the ever increasing demands of an extremely competitive marketplace.

The considerable number of ro/ro units using the A8 Larne road are classified as 'Just-In-Time' consignments where delivery is promised for the next day.

This is the route for much of the country's fresh food and business exports and in these times of economic difficulty, the logistics industry relies heavily on efficient and reliable transport links to service demand.

Logistics operators and businesses in general are constantly under competitive pressures to maintain and grow their share of business opportunities throughout the UK and Europe. With our peripheral location there are inevitably additional costs incurred in getting products to their final destination.

There needs to be a variety and freedom of choice to suit the different individual needs which will be greatly enhanced by the planned upgrade of the A8 Larne route.

Passenger numbers have continued to increase over the years with almost 1 million passengers and vehicles using the A8 to Larne every year.

Businesses and tourists have proved over the years that they want to use Larne therefore it is vital that the upgrading of the A8 to dual carriageway standard happens soon to complete the Trans European Network Routes.

Additionally the Port of Larne Business Park has been developed in recent times which has attracted several high profile companies to locate there.

These developments are ideally situated to make best use of existing infrastructure and capture the passing trade from some of those almost one million passengers.

We will be happy to assist with any further enquiries as required.

Yours sincerely

(Signed)

Tom Wilson

Head of Policy, FTA Northern Ireland

(Freight Transport Association)

Mr Billy Miller
Roads Service Northern Division
Divisional Headquarters
County Hall
Castlerock Road
Coleraine
BT51 3HS

Port of Larne
Larne Harbour Limited
9 Olderfleet Road
Larne
BT40 1AS

14 June 2011

Dear Mr Miller

The port of Larne is one of the principal ro-ro ports in the British Isles. Geographically, the port is the closest commercial port anywhere in Ireland to Britain. It is home to the shortest, and fastest, ferry crossings on the Irish Sea, with a total of 13 arrivals and 13 departures daily. There are year-round ferry services to Troon, Cairnryan and Heysham, provided by ferry operators, P&O Ferries and Seatruck.

From a peak of around 440,000 freight vehicles in 2007, the volume of freight traffic has dropped due to the recession. At the end of 2010, Stena closed its service from Larne to Fleetwood – 100,000 units were carried on this route last year. But the port is working with ferry operator, Seatruck, to consolidate their new Larne-Heysham service, currently carrying the equivalent of around 55,000 units per year. Commercial discussions with this operator are ongoing.

Ro-ro traffic is directly linked to GDP. In 2006, in government's Ports Policy Review document, ro-ro freight traffic for Northern Ireland was forecast to grow by 2.6% per year up to 2025. The current view is that this figure remains valid, albeit starting from a lower base because of the economic downturn in recent years.

The port of Larne is committed to development to support its ro-ro and other business. Planning consent has been secured for a project to extend the port's freight marshalling area by around 1ha, with the work planned for 2012-13.

The ro-ro ferry business on the Irish Sea is hugely competitive. Failure to complete the remaining 14km dualling of the A8 would place the port of Larne at a competitive disadvantage, especially with other road improvements, both North and South of the

border, significantly improving the whole of the remaining Eastern seaboard Trans European Network route.

Yours sincerely

(Signed)

E K Millar

Managing Director

Though a number of passing observations were made indicating that there was a need to improve the A8, no one made a specific input in support of the scheme at the Inquiry.

9. OBJECTORS

Assessment of The Objections

A total of 204 formal letters of objection (Objector Inquiry Reference Numbers OBJ_001 to 204 inclusive) had been received by the first day of the Inquiry at Corr's Corner Hotel on the 15th June 2011.

A summary of each point contained within these objections is set out in bold typeface, followed immediately by the subsequent written Departmental response in full to each issue which was raised.

We have considered this evidence together with the additional information provided during the seven days of the Inquiry and the subsequent site visits by Objectors, Agents representing Objectors, RS Representatives, The Consultants (Arup) and the independent Expert, Dr McIlmoyle.

At the end of the section devoted to each Objector (including the submissions of other family members and/or Agents) are the 'Inspectors' Comments' and where appropriate, 'Inspectors' Recommendations'.

In those instances where we have considered an overall comment would be appropriate these will be found in Section 11, 'Inspectors' Considerations' and Section 12, 'Inspectors' Recommendations'.

In those instances where we make little or no comment, it may be assumed that we are in agreement with the evidence presented by the Department.

9.1 **Martin Kearney and Karen Weir**

Reference Number	OBJ_001
Date of Objector's Correspondence	30th January 2011

The Department has considered the correspondence referred to above and responds as follows:

9.1.1 **Safety:**

There is a blind summit prior to the proposed junction and having spoken to Stephen Hall on the 26th January 2011 I was informed that the Blind summit is to remain. This in itself is a recipe for disaster.

9.1.1.1 The new junction has been designed in accordance with the Design Manual for Roads and Bridges (DMRB). DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of roads within the U.K. The new left-out only junction has been located to provide acceptable forward visibility for southbound traffic travelling on the Hillhead Road. Traffic entering the Hillhead Road, using the new left-out only junction, will do so at a location where southbound traffic on the Hillhead Road would have passed the advance direction signs for the Coleman's Corner Roundabout and will be slowing down accordingly.

9.1.2 **The majority of traffic using this new link road would be slow moving HGVs, bin lorries, vans and cars with trailers, agricultural vehicles etc. This would generate an additional hazard in itself as they compete with**

traffic already on the Hillhead Road or those competing for access. There would also be congestion for Belfast bound traffic coming from Ballyclare, and probable accidents, as they meet stationary traffic when they drive over the blind summit towards the roundabout at speeds up to 60 MPH.

9.1.2.1 As outlined above, advance direction signs will be put in place prior to the junction to warn drivers of the upcoming junction and roundabout. The junction has been located to provide acceptable forward visibility for southbound traffic on the Hillhead Road.

9.1.3 **Sightlines for current properties will be impeded if competing with large vehicles for access onto the Hillhead Road.**

9.1.3.1 The give way line for the new junction will be set back to ensure unimpeded visibility from your access.

9.1.4 **The road services leaflet refers to the preference for minimal junctions yet the proposed link road from Bruslee to the Hillhead Road would be creating an extremely hazardous junction when a safer upgraded roundabout alternative is available.**

It was also noted whilst speaking to Stephen Hall in relation to the safety assessment carried out on the proposed junction that no alternative option was made available to or considered by the assessor. By not considering the possibility of realigning the roundabout to facilitate traffic coming from Bruslee it would seem that the safer alternative was not considered. It was thus a case of simply making this 'T' junction option 'tick the boxes' for being safe.

9.1.4.1 To accommodate all the existing side roads within the new dualling scheme would require a six-arm roundabout with an increased circulatory carriageway. DMRB outlines that the number of accidents per year increases with the number of arms. A 6-arm roundabout at this location would require an increased circulatory carriageway width and a larger roundabout diameter. This would encourage higher vehicle speeds. A 6-arm roundabout would also increase the number of potential conflict points and which in combination with higher speeds would reduce safety. The resulting roundabout diameter is not recommended in the national design standards.

9.1.5 **Once local residents and those using the recycling facilities at Bruslee would become aware of the dangers of this new intersection they will favour the use of the existing and popular Logwood Road (which is also and will remain the most amenable route for Bruslee residents).**

9.1.5.1 The junction has been designed to standard and therefore the Department do not consider it will be dangerous and people will use it. In addition, with the left-out only junction on the Hillhead Road located where southbound vehicles will be slowing on the approach to the roundabout, this is considered to provide easy, safe access to the Hillhead Road.

9.1.6 **Agricultural and Environmental Impact:**

Many trees would be felled to accommodate the new link road and sight lines for the proposed junction. By felling the trees on our property which borders the Hillhead Road this will impact greatly on the aesthetics of the Hillhead Road and ultimately the countryside.

9.1.6.1 The landscape and visual assessment completed as part of the Environmental Impact Assessment identified that after completion of the scheme, from the front of your property there would be open views towards the Hillhead Road that is currently screened by existing vegetation. In addition, there would be open rear and side views towards the realigned and dualled A8. The landscape design for this property has included a replacement hedgerow along the new property boundary and, where possible, mature trees will be retained. The visual impact assessment considers the scale of change, the contrast to the existing, whether the change is permanent and the angle and distance of the proposed scheme. The assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established.

The visual impact for this property has been assessed to be moderate adverse in 2016, reducing to slight adverse in 2031 once the planting has established. Slight adverse means the assessment has concluded the impact of the scheme on the existing view would be limited in the future year.

9.1.7 **Our agricultural smallholding would be reduced by approximately 50% denying access to the remaining grounds (both pedestrian and vehicular). Also factoring in the road scheme would encroach on our property from three sides impacting greatly on our privacy. An engagement with our Human Rights. The right to a private and family life. Wildlife and livestock habitats would be destroyed.**

9.1.7.1 The Department acknowledge the proposed scheme will have an impact on two sides of the existing plot, along the boundary with the existing Hillhead Road and A8. The Department have completed a Human Right Impact Assessment for the scheme, which concluded as with any large infrastructure project private land would be required. The vesting of this land would be undertaken in accordance with relevant legislation and within the powers outlined in the Roads Order (Northern Ireland) 1993.

From the early stages of development the Department has sought to reduce as far as possible the land required for the scheme and the impact on agricultural land. To this end, the strategy taken forward is a predominately online scheme which makes the best use of the existing road infrastructure. However, as with any large infrastructure project of this type there will always be an impact on land outside of the highway boundary. To minimise the impacts associated with rural land acquisition for this scheme, the Department have endeavoured, where practicable, to preserve private assets and provide accommodation works to mitigate impacts.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and

business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

The Department acknowledge there will be an impact on land and wildlife habitats. The design of the proposed scheme includes a number of standard design features to cater for animals along the scheme. These include:

- Replacement badger setts, underpasses and fencing to ensure safe foraging on both sides of the road for badgers,
- Otter ledges at watercourse crossings used by otters and otter fencing at appropriate locations along the scheme,
- Hedgerow and hop-over planting to facilitate bats crossing the scheme, and
- Replacement hedgerows and other planting to provide habitat for birds and other animals.

The environmental assessment has used best practice guidance to determine the significance of the effects of the scheme due to construction and operation. The assessment considers the design features outlined above and the different animals individually. The effect for birds, otters, badgers and bats during construction is considered to be moderate adverse in the short-term. This is due to the potential loss of habitat, injury and death, although measures will be implemented during the construction phase to minimise the impact on wildlife. During the operation these effects reduce to minor adverse.

9.1.8 I would also have concerns having experienced the previous upgrade scheme as to the proposed drainage for the works intended for the areas adjacent to my property. I will clarify my point in that the run-off water from the Hillhead Road and roundabout was not serviced by drains but was directed onto my land turning the ground into a bog (photographic evidence available if required).

9.1.8.1 The design of the proposed carriageway and land drainage has been developed in consultation with Northern Ireland Environment Agency's Water Management Unit and Rivers Agency. The operation of the scheme will require the discharge of carriageway run-off into existing watercourses. The scheme design includes petrol interceptors and attenuation ponds to minimise the risk of pollution and flooding associated with the highway drainage.

9.1.9 Commercial and Economic Impact:
As Bruslee Recycling Centre is used by local businesses and the public, congestion at this new junction would waste precious time, increasing journey times, and may ultimately discourage recycling.

9.1.9.1 Congestion at the new junction will be avoided due to the turning being a left-out only and the way in which traffic will be slowing on the approach to the roundabout.

9.1.10 **Environmental Pollution:**

If recycling is discouraged this may encourage dumping elsewhere which will have serious implications for the European Recycling targets. CO2 pollution will also be increased with vehicular tailbacks. Noise pollution at our residential property will be increased as a result of the tailbacks and the closer proximity of the road to the property. This will have a direct impact on our quality of life.

9.1.10.1 As mentioned above, congestion is not envisaged at the junction due to its strategic location where traffic is slowing towards approaching the roundabout. The Department do not consider there would be congestion or CO2 pollution associated with congestion.

The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – ‘Calculation of Road Traffic Noise (CRTN) 1988’ as required by Design Manual for Roads and Bridges and the noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 65dB occurs on the south-western façade of the dwelling.
- In the future year (2031) with the scheme, the highest noise level of 66dB occurs on the same south-eastern façade of the dwelling.

Between the opening year and future year, the highest noise change is predicted to occur on the north-eastern façade, because of the changes in the road layout. An increase of 1dB is predicted on this facade. DMRB outlines that in the long term a 3dB change is the smallest that is considered perceptible, the impact is therefore considered to be small.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property façade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

9.1.11 **Arguments in Favour of Upgrading and Extending the Roundabout:**

Public safety should not be compromised in favour of reducing costs.

9.1.11.1 The Governments White paper “A New Deal for Transport: Better for Everyone” published in 1998 introduced the New Approach to Transport Appraisal (NATA) as the standard appraisal process for all transport schemes in the U.K. The process and criteria outlined in NATA are based

around the Government's five over-arching objectives for transport of environment, safety, economy, accessibility and integration. Additional detailed guidance on the appraisal of transport projects is provided within the Web-based Transport Analysis Guidance (WebTAG) which is published by the Department for Transport (DfT). Additional supporting analyses of practicality, affordability and acceptability have also been used in the appraisal process for the A8 Dualling. WebTAG outlines that for highway schemes, the Design Manual for Roads and Bridges (DMRB) shall be used to provide the necessary information for a NATA appraisal. DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K.. NATA provides a multi-criteria appraisal methodology which enables options to be appraised within the scheme assessment process, and to be summarised and reported in an Appraisal Summary Table (AST).

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the DMRB and WebTAG. The proposed scheme has been assessed to be the most favourable in terms of the balance across the Government's five key objectives for transport.

- 9.1.12 Agricultural and environmental impact would be greater on the left hand side of the road as trees would be felled and habitats destroyed for both wildlife and livestock.**
- 9.1.12.1 The Department acknowledge the proposed scheme moves the road closer to the property, and will result in some loss of existing vegetation including the existing roadside hedgerow along the property boundary.
- As outlined above the visual impact for this property has been assessed to be moderate adverse in 2016, reducing to slight adverse in 2031 once the planting has established. Slight adverse means the assessment has concluded the impact of the scheme on the existing view would be limited in the future year.
- 9.1.13 There is precedence for a five exit roundabout already existing on the current dual carriageway at Corr's Corner which operates effectively and safely. This would be a safer option as unnecessary congestion would be avoided on the Hillhead Road. This would be a more direct route for traffic. This would improve the flow of traffic.**
- 9.1.13.1 As mentioned previously, the current roundabout has 5-arms. Incorporating an additional arm would turn the roundabout into a 6-arm roundabout. DMRB outlines that the number of accidents per year increases with the number of arms. A 6-arm roundabout at this location would require an increased circulatory carriageway width and a larger roundabout diameter, which would encourage higher vehicle speeds. The 6-arm roundabout would also increase the number of potential conflict points and the traffic flows, which in combination with higher speeds will reduce safety.

Mr Irvine made an input to the Inquiry on the Afternoon of Thursday 16th June in the form of a prepared statement which is reproduced in full as follows.

'So, we have met with Arup representatives twice, and subject to our requests they have refused to erect a retainer wall at the front of the property measuring two metres at road level. At present there is a stone and earth structure and a small portion of wall with a pedestrian access. A request to erect a two metre wall at the back of the

property, where the property will run parallel with and in close proximity to the new link road, has also been refused, and they've also refused our request to build a retainer wall where our field on the Hillhead Road meets the new boundary. And we would request that this be topped with a fence.

The reasons given by Arup for refusing our request is that we shouldn't benefit from the scheme, and that we will be placing 'like for like'. Mr and Mrs Kearney have drawn up a summary with regards to what they say are the losses and gains. And we see a loss of approximately one acre, and loss of privacy impacted on three sides, and increase the sound from traffic, loss of established seven foot hedge at the front of dwelling, there's the loss of earth mound at the front of the property which separates the road from the lawn which approximately a metre below the road level, we're also losing a third of front lawn which will be vested, there's a loss of a wall with pedestrian access to front garden, a loss of mature beech trees which are over many years old and, of course, there is a significant reduction in the value of the property.

Gains - What we're being asked to accept is a temporary close boarded fence of 1.8 metres in height. I would ask you to bear in mind that the property is approximately two feet below the road level and, of course, this is a fence that's going to require future maintenance. Then slips of hedging behind the fence, which it's estimated will be fully mature in twenty years time, providing screening for approximately six months of the year; yet the road which surrounds the property will be used all year round. Where a junction meets a busy road such as the Hillhead Road there will inevitably be tailbacks and therefore stopped up traffic looking in on the property.

Arup have advised that the Department are bound by strict rules which means the replacement is on a like for like basis and not a betterment. We would contend that it would appear that the Department and Arup are being very selective in the application of their like for like criteria. If I can refer you to photographs 1-4 which show that the boundary cannot be replaced on a like for like basis, the boundary at the front of the property is constituted by a beech hedgerow coupled by mature beech trees. It will take at least a hundred years to replace this boundary on a like for like basis which, as far as my clients are concerned, is a totally unreasonable length of time. At present there is a field between the side and back gardens and the road which provides privacy. This cannot be replaced on a like for like basis as the new link road will be in these fields, in close proximity to the bungalow. The current boundary is permanent, and low maintenance, and it provides privacy and a sound barrier to traffic at the front of the property; photograph 2 will indicate that. The property is unique within the scheme, as it is the only property being severely impacted on three sides. This fact has been acknowledged by the Arup Consultants and the Departmental Representatives during a recent accommodations meeting. Privacy at the side and back of the property will be impacted as the new link road will circle around the property at close proximity.

The Departmental and Arup Consultants who visited the property recently acknowledged the case for a wall at the front of the property, but said that if this property got a wall, others within the scheme would request one also.

We would contend - should each case not be looked on, on its own merits? The reason for requesting the retainer walls, where the property borders the Hillhead Road, is to avoid the ongoing drainage and flooding problems created by the last scheme. Photographs 5 and 6 refer. As you can see from the photos taken from the front of the property (photos 1-4) what we have is irreplaceable within our lifetime, but the closest reasonable substitute to try to facilitate our loss would be a retainer wall at the front of the property to a height of two metres at road level with the grass verge levelled at road level to avoid flooding. Bearing in mind the property is a bungalow, to lose privacy on three sides is a great loss, with potentially vehicles looking in on all three

facades. We do not feel that a perimeter wall is a 'betterment' and would much prefer to maintain the status quo. As it will probably not be possible to maintain the current boundaries we therefore request the panel of investigators agree that a walled perimeter is appropriate in this instance.'

Responding for RS, Mr Hutchinson confirmed that there had been ongoing discussions about accommodation works and that these would continue. The Department did not have a statutory obligation to provide accommodation works though in almost all cases this was done by agreement. Replacement was done on a like-for-like basis and anything above and beyond that is deemed to be betterment which would be taken into account by the District Valuer. The construction of a wall would be deemed as betterment and a 1.8m high close boarded fence had been offered as an alternative. Mr Kearney responded that the road level was 2m above that again and the proposed fence would be erected around 30 feet into the garden from the existing boundary line. Whilst the existing hedge and the mature beech trees provided privacy from stationary vehicles, drivers and passengers would be able to look over the top of the proposed close boarded fence. The whole dynamics of the property would change and the family would not be able to use the front garden any more. The two time consuming site meetings which had taken place so far had not resulted in any changes being proposed. Ongoing discussions were pointless unless progress was being made. Mr Hutchinson confirmed that he had not been personally involved in the detail of this particular case to date but gave a commitment that he would do so.

Drainage was a significant issue for Mr Kearney and he claimed that work carried out by RS in recent years had created drainage problems in his field adjacent to the house. He was concerned that the same problems would arise with his front garden which would be of much greater significance. Providing a wall and levelling the ground between the wall and the road would resolve all of that immediately – but there seemed to be a cost issue.

Responding, Mr Hutchinson said that the design would certainly not be to flood the garden and RS would not walk away from this issue. Mr Kearney responded that on the previous occasion no one would take ownership of the problem and it had not been resolved. He was concerned that the same thing was going to happen again.

At this point Mr Kearney took over and read a prepared statement which is reproduced below as follows.

'The second part of the submission concentrates on safety, and concerns that we have, and have had from the outset and initial run up to the scheme.

Firstly, I would request that the panel of investigators direct that an independent safety audit be completed to consider the two options available; i.e. the one that's being displayed there where the junction comes on to the top of the Hillhead Road, and the second for the Belfast bound traffic coming from Bruslee going directly into the roundabout which would use the existing stretch of tarmac and, in our mind, be a far better and a far superior scheme. At the launch of this scheme Mr Conor Murphy MLA stated this scheme would reduce journey times, and greatly improve safety on our roads. Previous points have been given that I think played into that, in that it that would be a more direct route from that location, the improved journey times because you're not factoring in additional junctions and with this statement in mind we're extremely alarmed to find the proposed link encompasses a link onto the top of the Hillhead Road to facilitate traffic from Bruslee; both residential and commercial. This route has serious repercussions for public safety, the environment, accessibility and the economy.

If you allow me to focus on safety first. Prior to the previous road scheme, which created the roundabout at the top of the Hillhead Road, the Hillhead/A8 Junction was a well documented accident black spot. To install another junction at the top of the Hillhead Road is very much a backward step which will result in accidents and possible fatalities. The reasons for this are included under the safety in our submission document, that you have.

The second point I would move on to would be the agricultural and environmental impact. This new link road would have detrimental effects on the existing habitat for wildlife, and also have severe agricultural implications. Again I refer to the supplementary note with additional information about our concerns of the loss of the mature beech trees, many of which are over one hundred years old. All of this is to obtain a sight line. And the detrimental impact on the size and the value of our small holding and surrounding countryside. Also you have the photographs which show the existing drainage problems, and this was caused by the previous scheme.

The next topic I want to move on to is the commercial and economic impact. As Bruslee Recycling Centre is used by local businesses and the public, congestion at this new junction would waste precious time, increasing journey times and may ultimately discourage recycling. The slow moving vehicles joining the Hillhead Road at the new T junction will compete for access to the road and, therefore, congestion is inevitable.

The next point I would like to move on to is the environment pollution. Again I refer to the submission note which details our concerns through carbon monoxide and sound pollution. Noise pollution will have a direct impact on our quality of life. Common sense would dictate if the road is brought close to our property, so will the sound levels and pollution.

I've put down some arguments in favour of upgrading and extending the roundabout. The first point, public safety should not be compromised in favour of reducing costs, and I will elaborate on that point that at the initial launch whenever these points were put across, that was the comments that were made that it was a cost issue.

There is a precedence for a five exit roundabout already existing on the current dual carriageway at Corr's Corner, which operates effectively and safely. When we put our points across in relation to running the road on the existing stretch of tarmac, which financially would be more viable, it was put to us that they didn't favour six arm roundabouts, was the answer we got. Now we put it to the persons that spoke to us at the time that there are five arm and seven arm roundabouts operating quite well within a mile of this location, and that they seem to operate without any problems; seven arm being the Sandyknowes Roundabout, just over the hill, the other side of the A8M there, operates fine, operates on a daily basis and carries large volumes of traffic. We believe that this would be a safer option as unnecessary congestion would be avoid on the Hillhead Road, again moving back into factoring in two junctions based at that location, as opposed to filtering into a roundabout. Common sense would dictate the roundabout would be the faster option if you were looking to make progress. It also would be a more direct route for traffic, in that it would use the existing stretch of A8 tarmac that we have there presently, and it's a straight road, straight back into the roundabout, as opposed to cutting onto the Hillhead Road, meeting a junction, exiting that junction and then having to give way for traffic on a roundabout coming from the right hand side. The arguments for the roundabout would also include the flow of traffic in that there wouldn't be tailbacks, we believe. The Highway Code recommends roundabouts in their documents and legislation, and in the

submission note that you have in front of yourselves, gentlemen, will outline that.

Also another factor at that junction, where we talk about the new link road junction of the Hillhead Road, prior to that, travelling north bound direction, travelling south bound, there is a dip in the road at the front of our property.

We have highlighted that to representatives from Arup and DRD, and we have been informed in correspondence that we have received back from them that it won't be altered or amended. Again that would cause a lot of concern. Exiting that junction, if you look to the right, for traffic coming from Ballyclare, if vehicles are in that blind spot you won't see their headlamps. So you're going to have potentially slow moving vehicles exiting the slip road onto the Hillhead Road, and vehicles coming out of the dip, which they won't see, and meeting them at the junction. Gentlemen, the rest is just inevitable, what is going to happen, in that there will be collisions. When you factor that in, the conditions at that junction, traffic attempting to come off the existing A8 roundabout won't be able to do that. So what you're going to have effectively is that A8 will come to a stand still, because all the vehicles are going to have to go round the roundabout and negotiate whether to travel Belfast bound, Larne bound, or going to Ballyclare. If you have a snag there, or if you have a road traffic collision there, all the traffic stops, that's effectively the A8 at effectively a stand still.

As far as the speed, being a resident there I myself, know the traffic coming off that roundabout can be travelling in excess of forty five miles per hour at the location that this junction is going to be factored into, and it just appeared it's a remedy for disaster. So we have the blind spot, we have fifty miles per hour, and we factor in a junction. It just doesn't make sense to myself. I've spoken to numerous people, it doesn't make sense to them, but to Arup and DRD it makes excellent sense, and I just don't understand it and I want somebody else to question this please.

At traditional junctions and this has been gathered from various sources, traditional junctions with stop signs or traffic lights the most serious accidents are right angle, left turn or head on collisions, that can be severe because vehicles may be moving fast and collide at high angles of impact. Roundabouts virtually eliminate those types of crashes, because vehicles all travel in the same direction, and most crashes are glancing blows at low angles of impact. I would just like to lift a quote from correspondence we received back from Arup dated the 9th of the month as quoting from the most recent Arup correspondence, the Government's five overarching objectives for transport are Environment, which we have impacted on. Safety, which has obviously been impacted on. Economy, Accessibility and Integration, all of which save cost and would favour our proposals.

Mr Hall responded that a Stage 1 Safety Audit was carried out by the Arup Safety Audit Team who are a completely independent safety audit body. They only ever assess and comment on the proposed scheme. They did not consider any options.

Mr Kearney asked for an independent safety audit to be carried out on both options relating to Coleman's Corner as the alternative could well be safer.

Mr Hall pointed out that the Sandyknowes junction was on a motorway, grade separated and signalised, therefore it was not a viable comparison. Mr Kearney was of the opinion that this 7 arm junction worked well even though it carried larger volumes of traffic than at Coleman's Corner.

The DMRB clearly stated that increasing the number of arms on a roundabout increased the accident frequency. (3.7 accidents per annum for a five arm, compared with 4.62 for a six arm).

Increasing the roundabout from five to six arm would increase the diameter from 70m to 100m, because entry path deflection considerations were a key design criterion along with other factors. This larger roundabout would also require some of Mr Kearney's land and the construction of a roundabout of that size would be difficult in terms of traffic management issues. Taking more land (and the land take would be far more) would also lead to the cost being increased by a factor of 4.

The land proposed for vesting in front of the house would be required for sight lines.

It was acknowledged that there was a visibility issue at the 'dip' along Hillhead Road. In terms of design standards 160m was required to achieve full visibility from the high height of 1.05m to the low object of 0.62m. From the junction, 140 metres was achievable, so it was not far off achieving full visibility. It was 20m in one direction and looking the other way 120m. This was one step below meeting the visibility criteria and the Technical Standards Division considered it acceptable in that location. However, the issue would be reassessed at the detailed design stage. There would be a number of departures from standards within the scheme and that was part of the process. It did not mean the scheme was unsafe. In an ideal world all criteria would be met but when trying to impose current standards on existing infrastructure it was difficult to retro-fit those standards.

Mr Henderson explained that the traffic volumes on the proposed roundabout had been modelled together with the Hillhead Road, to ascertain if there would be queuing and where this would occur. The results were that the maximum queue on the Hillhead Road, approaching the roundabout would be 2-3 vehicles in 2031. This would reflect the widening of the flare on the Hillhead Road which would increase the capacity.

No queuing problems were foreseen at the access road/Hillhead Road junction. In assessing the amount of traffic which would use the link on to Hillhead Road. RS had taken a very robust view, with the anticipated volumes being doubled as a 'stress test'. This had led to the conclusion that the junction would be well below capacity.

Inspectors' Comments (Martin Kearney and Karen Weir)

Very specific objections were raised by Mr Kearney, Mrs Weir and their Agent Mr Shaun Irvine to the RS proposals for the dualling of the A8, both before and during the Inquiry process and the exchanges which took place at the Inquiry are set out in some detail in the paragraphs above.

Having reviewed this evidence the following conclusions have been reached:

Whilst the arguments in favour of expanding the roundabout at Coleman's Corner from five arm to six arm in order to accommodate a direct connection of the existing A8 are understood, the case is not sufficiently strong to lead to a recommendation that this should happen. A key factor here is that the accident rate would be likely to increase from 3.7 per annum for a five arm, to 4.62 for a six arm roundabout. This is likely to counterbalance the possibility of accidents occurring at the proposed 'T' junction at the A8 / Hillhead Road interface. In addition the modelling of traffic flows at this junction would indicate that the maximum queue of vehicles waiting to join the Hillhead Road would be two to three vehicles in 2031, with volumes deliberately doubled as a 'stress test'.

In addition, the drawing submitted by RS showing a possible configuration for such an expanded roundabout indicates that the diameter of such a structure would be around 100m as opposed to 70m for a five arm solution. This would require a greater land

take and bring high volume traffic circulating on the roundabout much closer to the Kearney / Weir dwelling. Also, the comparison made by Mr Kearney with the Sandyknowes Roundabout is not considered valid. This is constructed below a motorway, is therefore grade separated and very importantly, signal controlled.

The 'blind summit' close to the proposed junction on the Hillhead Road is clearly not ideal as 160m would be required to achieve full visibility as opposed to the 140m available. It is presumed that this could be rectified as part of the overall scheme but the Technical Standards Division appear to be prepared to allow a departure from standards in this instance.

The impacts on the family home of Mr Kearney and Ms Weir would be considerable in that changes would occur on two of the three sides of their roughly triangular site and a considerable proportion of the total land holding would be lost to the scheme.

To the front of the house the high hedge screen and beech trees would be removed together with a portion of land, including established lawn, in order to provide the necessary visibility splays for the emerging link road.

The application of the RS criterion of providing 'like-for-like' is not always as straightforward as it may seem and a temporary fence 1.8m high with 'slips' of hedging behind is not considered to be an adequate solution opposite the front façade of the bungalow, especially since the road is around 0.6m above existing garden level.

The existing south-eastern boundary between the garden and adjacent field provides reasonably good visual screening in that direction during those times of the year when trees and other plants are in leaf. This screen is significantly reduced in the winter months and the loss of privacy which would occur with the link road coming much closer than the existing A8 is an understandable concern. Whilst it would be difficult to justify the construction of a wall adjacent to this boundary line, an earth bank could be an acceptable alternative.

The existing south-westerly boundary between the field (proposed for vesting in order to construct the link road) and the Hillhead Road is marked with a wire fence at present and Mr Kearney and Mrs Weir have requested that a wall topped with a fence should be provided in this general location. Again this might be difficult to justify and a continuation of the proposed earth bank referred to above might be an acceptable alternative.

Lastly, there have been drainage issues on this property since RS carried out realignment works on Hillhead Road some years ago. The drainage sump which was provided at that time is unable to cope in wet weather, leading to flooding in the field and the lower part of the garden. This problem needs to be permanently resolved.

Inspectors' Recommendations (Martin Kearney and Karen Weir)

- A retaining wall to be constructed in the garden at the front of the house to a height of 2.0m above Hillhead Road level in order to provide sound and visual screening. The wall finish to be agreed with the landowner.
- A 2.0m high earth bank to be constructed in the field on the 'link' side of the existing south-eastern boundary between the garden and the adjacent field in order to provide sound and visual screening.
- A 2.0m high earth bank to be constructed behind the south-western boundary of the field to be vested and the Hillhead Road in order to provide sound and visual screening.
- Flooding of the lower part of the garden and the adjacent field to be permanently resolved.

9.2 James Stewart

Reference Number OBJ_002
Date of Objector's Correspondence 8th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.2.1 Payment for a new Proposed Laneway:

9.2.1.1 The Department has reviewed the alternative laneway suggested by Mr Stewart and is content to provide the laneway in the alternative location. However, the landowner should note that compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

9.2.2 Plot 1.36 for a compound is transferred to the residual lands identified on attached map.

9.2.2.1 Only some of the land shown within Plot 1.36 is required on a temporary basis and has been identified for a site compound during the duration of the works. This location has been selected as it has direct access to the Coleman's Corner Roundabout and offers the optimal location for a compound at the southern end of the scheme taking safety and convenience into consideration in the assessment. The Department has reviewed the alternative land proposed by the landowner and does not feel that these lands are sufficient size and shape for a site compound, and will require access from the existing A8 resulting in right turning vehicle movements to and from the compound.

The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order. The landowner

should note that some of the land in Plot 1.36 is required on a permanent basis.

9.2.3 Plot 1.18 'area identified for top soil storage'.

9.2.3.1 Some of the lands identified within Plot 1.18 are required on a temporary basis and have been identified for storage of top soil for the duration of the works. The Department has reviewed the proposed alternative location for storage of top soil proposed by the landowner and does feel that these lands offer a similar benefit and these will be discussed further with the landowner.

The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order. The landowner should note that some of the land within Plot 1.18 is for a permanent attenuation pond and for the new boundary of the A8 dual carriageway.

9.2.4 Plot 1.11 'realigned to have a more acceptable boundary'.

9.2.4.1 The line shown on the attached map is within Plots 1.11 and Plot 1.36. Some of the land within Plot 1.36 is required on a permanent basis. Therefore the final permanent fence line will generally be in a line parallel to the proposed carriageway.

Inspectors' Comments (James Stewart)

The concerns of the Objector and the RS responses set out above have been noted.

9.3 Martin and Jill Brown

Reference Number	OBJ_003
Date of Objector's Correspondence	7th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.3.1 I live at 6 Church Road, Ballynure and the proposed road closure of Church Road would cause considerable problems for our family getting to and from out local town which is Ballyclare. If the road is closed it will effectively mean us crossing the existing A8, negotiating 2 roundabouts and approaching Ballyclare via the Templepatrick Road or having to route along the new proposed dual carriageway and come off a slip road to join the Ballyclare side of the Church Road, neither of which are acceptable.

9.3.1.1 The Department acknowledges that the closure of Church Road would result in a 1km diversion for travellers undertaking a journey from Ballynure (via Church Road) towards Ballyeaston, or Ballyclare. However, journeys between Ballynure and Ballyclare, and between Ballyclare and Larne (via the Templepatrick Road) are unaffected by the scheme proposals. In addition, those vehicles on the west of the proposed scheme that currently use Church Road to access the A8 will have easier and more direct access

via the A57 Templepatrick Road junction. The level of traffic along Church Road will significantly reduce, resulting in an improved environment for residents in that area. On balance, taking all the factors into account, the Department consider its decision to stop-up Church Road is acceptable.

9.3.2 I also believe that this closure will have quite an adverse impact on our local community with the residents on the Church Road being effectively split and isolating the village of Ballyeaston from Ballynure. The impact of a dual carriageway will inevitably cause a downturn in business for our local stores but to further isolate them from trade coming from Ballyclare will be a major problem not to mention that Church Road currently a very busy route to and from Ballyeaston, Ballyclare and Ballymena.

9.3.2.1 Church Road currently carries approximately 1,200 vehicles per day, and caters for a mixture of local traffic and more strategic traffic between the Ballyclare area and Larne. As outlined above, the maximum level of diversion for traffic as a result of the closure of Church Road is 1km. This level of diversion for Church Road traffic is considered small. It is also considered trade coming from Ballyclare and further afield is more likely to use the more strategic link of the Templepatrick Road.

9.3.3 The ‘Preferred route announcement’ showed that the Church Road had “maintained passing beneath the new route” and was a much better solution to this problem than stopping the road and providing a new link to the Templepatrick Road.

9.3.3.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access

A bridge was preliminarily indicated for Church Road in August 2009 at the Preferred Route Announcement. As a result of further scheme development, the current scheme proposes to stop-up Church Road, to a point west of the proposed A8 dual carriageway, to the Templepatrick Road. Some of the influencing factors for this decision include: the relatively low volume of traffic using Church Road, the proportion of this traffic destined for Ballynure, the limited diversion that would result from a closure of the road and the significant capital cost of providing a bridge. On this basis the Department believe on balance the decision to stop-up Church Road is correct.

Inspectors’ Comments (Martin and Jill Brown)

The concerns of the Objector and the RS responses set out above have been noted.

9.4 RSPB Northern Ireland, c/o Lynne Peoples

Reference Number	OBJ_004
Date of Objector's Correspondence	15th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.4.1 Sustainable Development:

The RSPB is aware that the Government has committed to sustainable development and Roads Service (RS) has a responsibility to reduce car usage and increase bus and train use, cycling and walking. The current proposed budget for DRD proposes cuts to local and community transport, as well as projects promoting more sustainable transport with lower carbon emissions (rail, cycling, walking). These cuts are significant for those programmes and are contradictory to DRD's own sustainable development goals. The RSPB supports the development of an integrated transport system to reduce dependence on non-renewable fossil fuels and seeks investment to reduce our reliance on car transport. This is an important part of mitigating climate change. We therefore do not object to the proposal based on the accompanying ES but do object to the budget proposal to progress this scheme at this time.

9.4.1.1 The Budget 2011-15 outlines the Executive's agreed spending priorities. This has identified the A8 dualling as one of several road projects to be taken forward and has allocated the required funds. The consultation period for the Draft Budget 2011-2015 was held between the 15th December 2010 and the 16th February 2011. Following that consultation period the Executive considered the responses and the revised Budget 2011-15 was announced and passed by the Assembly in March 2011. This Budget sets out the Northern Ireland Executive's spending plans for the four year period from April 2011 to March 2015.

9.4.2 Proposed Route:

We note that the proposed route avoids any designated sites (8.6.1). We are also unaware of any undesignated areas habitually important to Annex 1 species, or other species of conservation concern in the footprint of the proposed works. We therefore have limited concerns regards the potential ornithological impacts of the proposal assuming application of suitable mitigation measures occurs.

9.4.2.1 Your comments are noted

9.4.3 Bird Surveys:

The minimal level of breeding surveys conducted in April and June 2009 are sufficient for the proposed scale of works at this location (8.4.1, 8.4.2.2. & 8.6.3.5).

9.4.3.1 Your comments are noted

9.4.4 Impacts:

We agree that the proposed loss of habitat during construction could impact upon breeding birds (8.8.4.4) and that the operation of the road could impact on local birds through increased noise and pollution (8.11.4.4). Proposed mitigation isn't quite clear in section 8 of the ES and as such we recommend the following measures should the project be approved.

9.4.4.1 Any unavoidable vegetation removal should occur outside of the standard bird breeding season, which lasts from 01 March to 31 August. If this isn't feasible then a suitably qualified ecologist should survey the vegetation before any works and if any signs of breeding bird activity are found then a stop works authority should be enforced so as to remain compliant with the Wildlife (NI) Order 1985 (as amended). We recommend native species planting for the schemes indicated in the masterplan drawings in Appendix M and we support the inclusion of pond areas as these can help maintain and possibly enhance local biodiversity levels. Other recommendations for the landscaping proposals are:

- **to move hedgerows where appropriate, rather than destroy and plant new**
- **plant up nearby gappy hedgerows**
- **use local provenance seeds and plant stock**
- **re-seed any embankments and cutting with local provenance grass and wildflower mixtures**

We would seek a commitment from Roads Service to produce an end of contract report, on the effectiveness of habitat protection, mitigation and management.

We encourage the enhancement opportunities in section 8.15 of the ES and the provision of bird boxes and suggest that these include barn owl boxes, a species in decline and of a high conservation concern across Ireland.

The Department note your comments and will look to incorporate them, where practicable, into the scheme during the detailed design phase. The Department are committed to undertaking a Post Project Evaluation within 36 months of contract completion. This review will consider how the scheme is performing and gather information on particular aspects of the scheme to fully understand the benefits and impacts.

9.4.5 Integrated Transport

We note the integration of an improved cycle and foot path network to the proposed road design (15.7 & 15.11.1) and support this as it enables some level of freedom of choice regards transport options for the public.

9.4.5.1 Your comments are noted.

Inspectors' Comments (RSPB)

The comments made by the RSPB and the RS responses set out above have been noted.

Inspectors' Recommendations (RSPB)

- The comments made by the RSPB to be incorporated where practicable into the scheme.
 - A Post Project Evaluation to be undertaken by the Department within 36 months of the completion of the project.
-

9.5 **Mr & Mrs Gilbert Rowney, Mr William Rowney & Mr James Rowney**

Reference Number OBJ_005
Date of Objector's Correspondence 2nd March 2011
(See also OBJ_147)

The Department has considered the correspondence referred to above and responds as follows:

9.5.1 **Our clients collectively farm approximately 205 acres of owned agricultural land and approximately 500 acres of conacre land, some of which they have tenanted for over 60 years. Due to the proposed scheme, total loss in their own vested land is 7.03 acres. It is also more than likely that with their large conacre holding in the immediate area, they will lose the same area again in vested lands. As they operate an extremely efficient and intensive beef, sheep and dairy farm business with over 1000 animals per annum, any land loss will have a significant impact on their income as animal numbers will have to be reduced.**

9.5.1.1 The Department acknowledge the proposed scheme requires approximately 7 acres of land, although approximately 1.8 acres of this are only required temporarily during the works. The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order. As per 4.0 below, an Agricultural Impact Assessment has been undertaken for the farm.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

- 9.5.2 **Plot 7.14 is to be vested for a temporary construction area and we are advised that there may be a proposal by Roads Service to lease the land on a short term lease. It is essential that our client's are fully informed with regards to its intended use, as no guarantee has been made by ARUP with regards to the condition in which it will be offered back to our client's. This will play a large part in our client's decision making as to whether or not they will agree to lease the land or continue to have it vested. In either outcome, our client's request that a minimum 10 year maintenance guarantee is given in relation to drainage of the lands.**
- 9.5.2.1 As outlined above the Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.
- 9.5.3 **Due to the proposed road our client's farm will now be severed and they will be subject to intolerable and relentless diversions. In order to carry out daily/annual routine tasks for their business, said diversions will result in additional costs in excess of £25,000.00 to our clients' business on an annual basis to access their lands and farmstead only (excluding access to conacre lands). An over bridge on the new dual carriageway must to be constructed to allow our clients direct access to their lands as at present, with all forms of agricultural machinery. Said over bridge would service at least 3 businesses as each of our client's hold their own Business ID numbers and submit their own IACS forms. Should a bridge access not be provided, our clients will have no alternative but to cease farming.**
- 9.5.3.1 The Department has no legal obligation to carry out accommodation works, as liability is limited to monetary consideration only. In certain circumstances, Roads Service may consider the provision of cattle creeps as accommodation works, which may take the form of an underpass or an overbridge. If and when accommodation works are carried out by the Department, the effect is to mitigate the compensation in respect of land taken and injurious affection to land retained by the vendor. As such the case for or against the provision of such accommodation structures must be proven economically. Taking into consideration the current advice provided by McIlmoyle and Associates and LPS, in this case, the Department do not consider there is an economic case for the provision of an underpass or bridge. The Department do, however, acknowledge the scheme will have a significant adverse impact on the farm.
- 9.5.4 **Our client's also feel that insufficient thought and detail was input to the 'BaseLine' Agricultural Assessment carried out by Mr Alan McIlmoyle, and that it is totally inaccurate and does not give a true reflection of their farming activities.**
- 9.5.4.1 McIlmoyle and Associates are professional qualified Agricultural Consultants employed by Roads Service on the A8 dualling scheme to provide expert advice in terms of agricultural issues. McIlmoyle and Associates are very

experienced and Dr McIlmoyle is a Fellow of the British Institute of Agricultural Consultants. They have completed Agricultural Impact Assessments for numerous other road schemes, and provided consultancy services on a wide range of agricultural issues across Europe.

The agricultural impact assessment for this scheme has been completed in two parts. Firstly McIlmoyle and Associates produced baseline reports for all the agricultural businesses along this section of the A8. In doing this, they held discussions with the respective landowners and obtained copies of the relevant Department for Agricultural and Rural Development (DARD) farm maps. The landowners were then sent their baseline report and invited to comment on its accuracy. McIlmoyle and Associates updated these reports where comments were received. An agricultural impact assessment was then undertaken to determine the impact of the proposed scheme relative to the baseline information previously gathered. McIlmoyle and Associates used their professional judgement to assess the impact using a set of defined impact ratings (as outlined in the individual reports). The findings were written into individual agricultural impact assessment reports which were then issued to the respective landowners.

The Department maintains that the process adopted for the assessment of agricultural impact is robust and is satisfied the impacts have been correctly assessed. At a meeting held between all parties on the 28th February 2011 the content of the Agricultural Impact Assessment was discussed and broadly agreed. The Department are therefore not aware of any inaccuracies within the report. However, if the baseline information has changed since the baseline report was produced and circulated to landowners the report will be updated to reflect any changes.

Mr Irvine made an input to the Inquiry on behalf of the Rowney family on the morning of Thursday 16th June. He read from a prepared statement which is reproduced immediately below:-

'The Rowney family is sixth generation farmers living on this farm. The family unit comprises Gilbert and Diane who live at No. 62, Gilbert's brother William who lives in the adjoining house at No. 64 and Gilbert's son James and his family who live directly across the road at No.63.

The family runs an extensive mixed farm business comprising a dairy herd of about 115 cows and 50 replacement heifers, bull calves and a few heifers from the dairy herd are finished as beef or sold as stores, 80 beef breeding cattle with progeny sold as stores or beef cattle and 650 breeding sheep with approximately 1000 lambs sold each year. This type of farming is highly labour intensive and requires regular daily inspections of stock.

The farm comprises approx. 205 acres, which straddle the A8 - approx. 105 acres is adjacent to the farmyard on the west side of the A8. The remaining 100 acres is on the east side of the A8 and includes an area of 55 acres known as The Hill where the majority of the suckler cows calve and the sheep lamb. This hill is immediately across the road from the farmhouse and stock can be viewed. At present there is easy access across the A8 when stock needs attended or machinery work has to be carried out. There are a considerable number of journeys to attend stock and carry out agricultural tasks such as spreading slurry, fertiliser, cutting/collecting silage, spraying, fencing etc. Full details of these journeys are contained within an AIA carried out by our colleague Mr. Andy Hunter. This Report was given to Roads Service, ARUP, Dr. McIlmoyle and LPS at a meeting in February 2011. There has been no response to our submission

which I find to be most disappointing from a body which should be attempting to mitigate where possible the effect of the scheme and portrays a high handedness and total disregard for landowner concerns.

The business also rents on an annual basis under the conacre system a further 500-550 acres in the area. The AIA has chosen to ignore this because there is no security of tenure. However I believe this approach is inherently flawed. The conacre system of renting land in NI is a historical method, which is widespread throughout NI - approximately one third of the land in NI is taken in conacre and it is recognized as essential to the NI agricultural industry. The reason why it is popular with landowners is the taxation advantages rather than the issues of security of tenure. The AIA seems to suggest that the circumstance of farming land under conacre means that this land within a farming enterprise changes on a regular basis but this is simply not the case. Much of the land let in conacre is let on an annual basis - the Rowney family has taken some of their land on a regular basis for over 60 years. My firm conducts annual conacre lettings of thousands of acres with over 90% taken on an annually renewed basis. Were the AIA to include the land regularly taken in conacre the effect of the scheme on the future farming operations would be even greater.

While the amount of land lost for the scheme is not significant the presence of a barrier along the scheme will prevent the Rowney family from crossing the road to access their lands. The subsequent diversion along the new A8 to the Moss Road junction and then by the Ballygowan Road will result in an 8.9km or 5 mile round trip diversion - this is at variance with Dr McIlmoyle's AIA which calculates it at 5km. Can Dr. McIlmoyle confirm his position and comment if in light of the fact that his assessment is flawed as to how a journey almost double that which he has estimated would change his assessment of the severity of severance? This diversion is well outside the guidance limit and is totally unacceptable. The A8 will be subject to large slow moving agricultural machinery and the Ballygowan Road is unsuitable for large machinery. The additional cost and time associated with this diversion will add annual running costs of over £30,000 to our client's farm business - a cost that our clients cannot afford - and will result in them having to cease farming. Is Roads Service prepared to accept this situation? - It appears so as they have made absolutely no attempt to provide access across the road for our clients relying once again on the right to compensation. Despite the fact that the AIA states that an over bridge or underpass would substantially mitigate the effect of the scheme Roads Service are not prepared to provide this facility. This decision they tell us is based on information provided by LPS after consideration of the AIA. But the AIA is flawed and we have not been provided with the financial detail of how this decision has been taken yet we can have details of other costings up and down the scheme relating to link roads, junctions etc. The only form of compensation suggested as payable by LPS is a loss of capital value on a before and after basis. This does not reflect the loss of livelihood to a farming family. I appreciate that the Public Inquiry is not concerned with the aspects of compensation but it is surely concerned as to why decisions have been taken not to give fair treatment to landowners by way of mitigation measures. Particularly when an over bridge has been provided to facilitate three farmers and an underpass to another farmer all of whom farm substantially smaller areas than my clients.

(Mr Irvine amended his presentation at this point, deleting some information relating to other schemes. He believed that precedents had been established elsewhere in Northern Ireland for these types of accommodation works).

In all of these cases access has been provided but not for some reason in my clients' case. Closure of direct across the road will also substantially affect the property occupied by James Rowney. Apart from the additional travelling which he will be subjected to the entrance to his property will have to be shared with an agricultural access in other ownership - this could also potentially change to a residential access in

the future. James Rowney has always had an independent access to his property and he now requires to retain an access directly on to the A8.

I honestly cannot understand the Department's attitude. We have asked for evidence of how they have arrived at their decision not to provide accommodation measures but this has not been forthcoming as they cite that this is privileged information between them and LPS. While I appreciate that the Inquiry is not prepared to discuss Human Rights legislation the basic principles of fairness should be adhered to - in the case of Keys -v- Dept. of Regional Development the judge Nicholson L J stated that 'a Vesting Order can only be justified if it is in the public interest and a fair balance has been struck between the demands of the general interest of the community and the need to protect individual rights' and Nicholson further states a right to compensation is provided for but is that enough? I say that a fair balance has not been struck - the Rowney family is not being treated fairly and although there is a right to compensation it is not enough for the acquiring authority to rely on that where mitigation measures can be carried out. Compensation will never be enough for the Rowney family to forego their livelihood and way of life whereas mitigation measures may go some way to diluting the *effect* of the scheme.

I would therefore welcome both an inspection of my clients' farm and enquiry by the Inspector as to why my clients have been so unfairly treated and as to why no accommodation works have been provided to landowners who on at least the basis of future inconvenience are the parties most affected by the scheme'

Making the initial response on behalf of the Department, Mr McGuinness reminded the Inspectors that human rights issues were outwith the scope of the Inquiry. However, he wanted to point out that all the appraisal and assessment tools used by RS in the development of the scheme were fully compliant with Human Rights Legislation. To his knowledge this had not been challenged since the Human Rights Act came in to force in 1998. He added that the European Courts had made it clear that where compensation was payable by the State, as in the case of Vesting, or Compulsory Purchase Orders relating to residential and other properties, this is compliant with Article 1 of the First Protocol.

Mr Furneaux outlined the 5.6km diversionary round trip which would be necessary for the Rowney family to access their severed lands with the proposed dual carriageway in place. To mitigate that diversion, RS was investigating the possibility of providing a left-in/left-out connection to the back of a proposed lay-by which would form part of the new road. This would reduce the return journey to 3.3 km, a reduction in the region of 2.5km.

Mr Irvine responded that anything which would reduce the diversion for his Clients was appreciated. However, this was the first time this possibility had been mentioned, in spite of all the meetings which had taken place to date. He was unhappy that new evidence was being introduced by RS without prior notification, meaning that a considered response was not possible.

Mr Hutchinson took the point about the short notice, and explained that the possibility had only arisen within the past few hours. Though It would require a number of approvals as it would be a departure from Standard to have access of the back of a lay-by, the initial reaction from the RS Technical Approvals Authority earlier in the day had been positive.

Mr McGuinness wanted to know how Mr Irvine had arrived at a round trip distance for the Rowneys of 5km, given that the AIA had indicated 8.2km. (2.8km plus 5.4km). Mr Irvine said that he had read this as the return journey only.

An exchange took place between Mr McGuinness, Mr Irvine and Mr G. Rowney which indicated that even though there had been some occasional annual variation, the same 500 to 550 acres of land had been taken in conacre over a 40 to 60 year period.

Mr Irvine stated that there was 100% agricultural relief on land taken in conacre.

The point he was trying to make was that conacre was recognised as being very important to the Agricultural Industry. The Rowney family rent almost twice as much land as they own and it was essential to their business. In Dr McIlmoyle's AIA the person letting land is disregarded, because they are not involved in agriculture and the person taking the land is disregarded because it is held on short term tenure. To simply ignore the amount of land taken in conacre up and down the scheme was wrong.

A further exchange took place between Mr McGuinness and Mr Irvine which confirmed that there were no guarantees concerning the availability of conacre land year on year. It was also asserted that conacre land did not as a general rule change hands on an annual basis.

Mr Irvine did not accept the assertion by Mr McGuinness that the Executive had taken the decision that the letting of conacre land should not be taken into account. There was nothing in the AIA to suggest that was so.

Mr Irvine accepted that where someone lets land in conacre they were not entitled to compensation for disturbance of a farm operation, nor would land taken in conacre be taken into the assessment of disturbance, severance, or injurious affection.

There was disagreement as to whether Land and Property Services would take, or had taken in the past conacre land into account

Mr McGuinness cross examined Mr Andy Hunter who was the author of a report which had assessed the impact of the proposed new road on the Rowney family business. The points which emerged from this exchange were as follows:

There were 115 dairy cows and 650 ewes producing around 1,000 lambs every year on the farm. Whilst the dairy cows would require movement every day, the ewes would not need to be moved so frequently, though they would come back to the farm at specified times for culling, processing etc. The ewes would however, require daily attention, particularly at lambing time, with repeated visits on a 24 hour basis.

In conjunction with his Client, Mr Hunter had assessed the number of times the existing road had to be crossed each day. A figure of twice per day over 265 days had been used for checking livestock, then 40 days during lambing at 8 times per day. Visits to the suckler cows over a 60 day period, again at eight visits per day had also been taken into account. The 105 acres located on the same side of the road as the farm buildings could be used for the dairy cows and in this instance a daily trip across the road would be unnecessary.

Mr Hunter accepted that anyone who produced dirt on a road was required to remove it and the point he was making was that the provision of an overbridge would eliminate this problem.

Red diesel fuel could only be used in a farm 4x4 within 2 miles of a farm holding. White diesel would therefore be required to access conacre holdings 2 to 3 miles away.

The construction of a new modern dairy unit had been discussed within the Rowney family. This was not progressed any further when they realised the impact that the proposed new road would have on their business.

Mr Hunter had assessed the additional annual farm running costs would be £30,000. Feeding into this estimate was an assumption that the average speed of a road vehicle

making a round trip over the diversion because of the new road to access both parts of the farm would be 15 miles per hour. Mr Mc Guinness indicated that Dr McIlmoyle would say later that the figure should be in the region of £12,000.

Mr Hunter had used press reports from the Automobile Association to assess vehicle running costs at 60 pence per hour. He suggested that the cost of running a vehicle depended on the engine size, the weight of vehicle, the load transported and mileage travelled on a particular journey. While a car may cost 40 to 50p per mile, a farm 4x4 on repeated short journeys, at times towing a heavily laden trailer, would cost more. 60p per mile in his opinion was a reasonable estimate.

In the past five years, (2006-2011) there had been a 45% increase in the price of diesel. Further increases in fuel and other overheads could be anticipated before the proposed carriageway was complete. The cost of running a farm 4x4 could rise to more than 60p per mile.

A figure of £15 per hour had been used in the report for someone running a farm business. This was double the £8-44 farm management grade and this was said to be reasonable for an owner.

Because of the steepness of the hill on the eastern side of the road, Mr Hunter was unsure if slurry pumping from the farm buildings using a 300mm or 600mm conduit underneath the proposed new carriageway would be feasible.

£25 per hour had been used for slurry spreading costs as this was the charge made by a contractor. This figure included all costs associated with this activity.

Mr McGuinness then moved on to cross examine Dr McIlmoyle, who began by giving a summary of his background and qualifications. He confirmed that he had been involved in drawing up the AIAs for several road schemes since around 2005.

Turning to the conacre issue, Dr McIlmoyle reaffirmed the observations made by Mr McGuinness (above) that due to the uncertain and short term nature of land rented on a conacre basis, it was not taken into account. This decision was the result of consultations with RS and DRD over many years. Some 10 or 12 different areas were taken by Mr Rowney in conacre.

Dr McIlmoyle believed that 8 trips per day over the A8 would be reasonable during the lambing or calving seasons. He did not think that the number of trips required at other times would be so high.

He considered the suggested additional farm cost figure of £30,000 to be very much at the upper end of the calculations. He had checked the AA website and their figure was approximately 39p.

Whilst Mr Hunter had suggested an average speed for a tractor as 10 miles per hour, most modern tractors were fitted with a 40mph gearbox (sometimes 50mph). There were issues of legality and Dr McIlmoyle considered that 25mph would be a reasonable actual speed on the road.

Total travel time was a multiple of distance and average speed to which was applied the rate per hour. This provided the total cost. As speed increased the total time for a journey decreased and a further reduction would be applied if a lower rate per mile was adopted.

Slurry spreading was often carried out by a contractor who had specialised equipment, with wide tyres to operate on poor ground. Umbilical systems were widely available and these were capable of handling 40,000 to 60,000 gallons per hour. This was the equivalent of 25 to 30 loads from a fairly standard tanker on local farms.

Dr McIlmoyle confirmed that the DARD Business Management Handbook for 2011 quoted a figure of £8-44 per hour for someone running, managing and looking after a farm in the absence of the owner.

Clarifying the situation referred to earlier concerning the use of red diesel, Dr McIlmoyle said that the operational limit for the legal use of this fuel was within 1.5km (0.95 miles) radius of either owned or conacre land. Trips to (say) local shops would not be viewed as an agricultural operation.

Dr McIlmoyle considered that £30,000 extra cost figure suggested by Mr Hunter should be around £11,000 and that the £8,000 suggested for additional labour should be discounted, as the farm business was already spread over a wide area.

Responding to Mr Irvine, Dr McIlmoyle confirmed that he did not own or keep livestock but that this was not necessary to know how to run or manage them. He had spent nine years at Hillsborough during which time he had been responsible for 200 or 300 head of beef cattle. Whilst he appreciated the point which was being made, Mr Irvine suggested that this was not the same as being a farmer on the ground making their living out of livestock.

Mr McGuinness asserted that Mr Irvine's point was a submission and not a question and that no evidence was being offered to support what had been said.

Dr McIlmoyle responded that he did not accept what Mr Irvine had said, as he had been involved with the agricultural community for over 40 years and had dealt with farmers all his life. He knew how they operated and managed their farms and was able to quickly gain an insight into how a farm was being managed, their viability and what the long term plans (if there were any) might be. He was able to assess if the business was likely to continue beyond the next five years.

Mr Irvine wanted to know how the AIA had been made and Dr McIlmoyle responded that the methodology had been honed and revised over many years in consultation with RS and was published in the ES.

Three meetings had taken place with the Rowney family, the first in December 2008. Whilst Dr McIlmoyle believed that Mr Irvine had attended the two subsequent meetings, Mr Irvine said that he had only attended the most recent one.

At the first meeting an assessment was made of the farm business, including looking at the DRD farm maps. The proposed road scheme was discussed in relation to both the owned and conacre land being farmed and the impact of potential severance. The information provided by Mr Rowney was noted, recorded and provided to Arup as a written report.

Very little new information was discussed at the second meeting, which took place at Mr Rowney's request. It was attended by Mr John McGill.

Dr McIlmoyle said that discussions on the farming operation were part of the early meeting and issues around cattle, sheep, lands in conacre, milking etc. were explored. The possible impact of the scheme was discussed together with mitigation measures in relation to accessing land on the other side

Dr McIlmoyle totally rejected Mr Irvine's comment (confirmed by Mr Rowney) that the only suggestion he had made to Mr Rowney was the purchase of a tractor with a 40mph gearbox. He claimed that no discussion on the speed of tractors had taken place.

Dr McIlmoyle had not driven the diversion route and as he had no means of making the calculations, the distances involved had been provided to him by Arup. He accepted that visiting during a lambing period of 40 days and a calving period of 60 days was reasonable. He went on to say that it had to be accepted that Mr James

Rowney, who lives on the eastern side of the road, could attend to livestock without having to cross the A8, before going on to carry out work on the home farm.

On other schemes bridges, underpasses or cattle creeps had been provided but each situation had to be judged on its own merits. The Rowney farm enterprise would be almost divided in half (100 acres / 105 acres) but as he had stated earlier, the dairy farming could stay on one side of the road and the dry stock operated on the other.

Dr McIlmoyle accepted that a cattle creep or underpass would reduce some of impact of the proposed new road. However he pointed out that there was a code which he understood had been agreed between the Farmer's Union and RS, which indicated that *'a creep may only be provided in the event that regular daily crossings of livestock have to be made across the scheme and that the land surrounding the farmyard would not be sufficient under normal grazing conditions to graze the dairy herd; for example, without access to land on the other side of the road'*. He knew of one scheme (the A6), where an overbridge had to be provided because the landowner was only left with about 8 acres to graze about 70 to 80 cattle. There was in this instance a viability issue but he had no knowledge about any associated economic assessment.

Upon the resumption of the Inquiry after lunch, Mr Irvine said the Lands and Property Services had recently accepted as reasonable and agreed compensation cases with him at £15 per hour, for the farmers disturbance time (the time spent). He was happy to provide documentary evidence to RS in support of this assertion.

Responding to a query from Mr Robb on the feasibility of constructing an underpass or cattle creep for the Rowney family, Mr Furneaux confirmed the proposed carriageway would be around 0.4m higher than the existing road. The construction of any type of underpass would form a sump which would create the need for pumping and this would increase the cost of a cattle creep (about 2.5m high) to a level similar to a full height underpass (about 4.5m high) or bridge.

Mr Hutchinson added that he appreciated the large diversions which the Rowney family would face and he sympathised with their situation.

RS had looked at different options and held discussions with LPS on a number of occasions in an attempt to bring the compensation figures close to what would be required to provide an underpass, cattle creep or bridge structure. He confirmed that when providing accommodation works the policy documentation said that *'The effect is to mitigate compensation held in respect of land taken and the injurious affects of the land taken by the land owner'*.

As Public Servants RS Staff had to demonstrate value for money in the decisions taken. He would like to be offering more and he confirmed that what they were considering was a left-in left-out connection to the lay-by, together with a pipe under the road to facilitate umbilical slurry pumping.

Mr Irvine made a further short input at the Inquiry on the afternoon of Thursday 23rd June, the purpose being to read a further short submission he had received from Mr Andy Hunter. This is reproduced below in full with some minor adjustments to reflect the translation of the spoken word into written format.

'The cost of running a vehicle will depend on engine size, weight of vehicle and load transported, mileage travelled on a particular journey. While a car may cost 40-50p per mile, a farm jeep on repeated short journeys, at times towing a heavily laden trailer will cost more; 60 pence per mile in my opinion is a reasonable estimate. In the past five years 2006 - 2011 there has been a 45% increase in the price of diesel. No doubt there will be further increases in fuel and other overheads before the proposed

carriageway is complete. The cost of running a farm jeep could then be more than 60p per mile'.

RS did not make any comment on this additional input.

Inspectors' Comments (Mr and Mrs Gilbert, William and James Rowney)

From the objections submitted by Mr Irvine both before and during the Inquiry, it became clear very quickly that the most significant issue for the Rowney family was the severance of their land. This would occur as a result of the RS proposals to upgrade the A8 to a dual carriageway. Most of the discussion which took place at Corr's Corner on the 16th June concerning the AIA, stock numbers and movement, diversion distances, fuel costs, vehicle speeds, labour costs, compensation, etc. were very important issues, all of which linked back to the fact that direct access between the two severed portions of the farm would no longer be possible.

The improved road would follow the alignment of the existing single carriageway, so in one sense the farm is already severed. However, whilst there are no restrictions, other than practical considerations on crossing the present road, the situation would be very different with a dual carriageway in place.

Whilst the Rowneys have virtually direct access on to the present A8 in both directions, this would no longer be possible as a new left-in/left-out would be constructed further away to the south west towards the end of the Old Larne Road. It would then be necessary to travel to the proposed Moss Road junction to gain access to either the southbound carriageway or to their lands on the eastern side of the main line. The return journey would necessitate rejoining the dual carriageway and travelling to the new junction at Ballybracken Road to rejoin the north-bound lane before turning left in to the Old Larne Road. It had not been overlooked that Mr James Rowney already lives on the eastern side of the main alignment and this has the potential to reduce the number of round trips which would be necessary to access the severed lands in order to attend to stock etc. to some degree.

It is believed that this high degree of severance and the associated time, cost and other issues are fully recognised by RS and whilst various mitigation measures have been considered by the Design Team, nothing of major significance has been offered.

The possibility of seeking a departure from standards to create a left-in/left-out access on to the proposed lay-by on the south bound carriageway opposite the Rowney dwelling and farm buildings was introduced at the Inquiry and it would appear that this might be approved by Technical Approvals Authority. Such a connection would reduce the return journey from the lands to the east from 5.6km to 3.3km and this would certainly be a step in the right direction. Also, the provision of a suitable pipe or conduit linking the two parts of the farm under the main line to facilitate umbilical slurry pumping could help to reduce costs.

The possibility of connecting the two parts of the Rowney holding located on each side of the main line by means of a bridge, a full height underpass or a cattle creep has been examined in some depth by the Department and rejected on the grounds of cost.

A complicating factor for either of the two below ground solutions would be the levels of the surrounding ground and the fact that the proposed new carriageways would be only slightly higher than the existing road. This would mean that either of the underground options would create 'sumps' which would be unlikely to be self draining, so therefore water pumping facilities would be required to keep them dry and passable.

Whilst the explanations presented by RS as to why the three access solutions were rejected is understood, it is nevertheless believed that the potential impact on the

Rowney business would be so significant, that the provision of a private means of access under the main line should be reconsidered.

Inspectors' Recommendations (Mr and Mrs Gilbert, William and James Rowney)

- Having considered the objections and taken into account the other evidence, it is recommended that Mr and Mrs Gilbert, Mr William and Mr James Rowney should be provided with a private means of access, in the form of a cattle creep, under the proposed A8 to connect the severed portions of their lands.
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9.6 Hugh Jamison

Reference Number	OBJ_006
Date of Objector's Correspondence	13th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.6.1 I wish to comment on the proposals for the above.

The stopping up of Church Road effectively bars us from walking or driving to the shops, church, etc without taking an unnecessary detour via the new roundabout to be constructed on the Templepatrick Road.

- 9.6.1.1** The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

A bridge was preliminarily indicated for Church Road in August 2009 at the Preferred Route Announcement. As a result of further scheme development, the current scheme proposes to stop-up Church Road, to a point west of the proposed A8 dual carriageway, to the Templepatrick Road. Some of the influencing factors for this decision include: the relatively low volume of traffic using Church Road, the proportion of this traffic destined for Ballynure, the limited diversion that would result from a closure of the road and the significant capital cost of providing a bridge. On this basis the Department believe on balance the decision to stop-up Church Road is correct.

The Department acknowledges that the closure of Church Road would result in a 1km diversion for all travellers undertaking a journey along the proposed link road from the west of the proposed scheme to the centre of Ballynure. However, journeys between Ballynure and Ballyclare, and between Ballyclare and Larne (via the Templepatrick Road) are unaffected by the scheme proposals. In addition, those vehicles on the west of the proposed scheme that currently use Church Road to access the A8 will have easier and more direct access via the A57 Templepatrick Road junction. The level of traffic along Church Road will significantly reduce, resulting in an improved environment for residents in that area. It is acknowledged that the closure of Church Road will result in a diversion for the small number of pedestrians of up to 1km. On balance, taking all the factors into account, the Department consider its decision to stop-up Church Road is acceptable.

9.6.2 I am seriously concerned on the effects of the amended proposal will have on the river, its fish and wildlife. The proposal is to officially vandalise it further by culverting; in other word encasing in concrete. This will destroy an important nursery and spawning habitat.

9.6.2.1 The proposal to stop-up Church Road includes the provision of a large culvert under the A8 dual carriageway to maintain the Ballynure Water. The Department recognise this is an important salmonid watercourse and as part of the Environmental Impact Assessment, a Fisheries Study and Geomorphology Study were undertaken to fully establish the habitats and fish populations that exist along the section of the Ballynure Water affected by the proposals.

Minimising impact to the ecology of the Ballynure Water is important. A number of features will be incorporated into the design of the culvert structure to provide a more natural environment for fish, and other wildlife, and to mitigate any impacts. For example, the size of the culvert will be larger than what is required for the water flows. This will not only increase natural light ingress, benefitting spawning habitats and fish movements along the watercourse, but it will also enable bat passage through the structure. In line with best practice fish resting pools will be provided at either end of the culvert, and the gradient, bed profile and treatment of the culvert will be designed to provide a natural environment for fish. The culvert would be constructed off-line, away from the existing watercourse, to minimise the risk of pollution and sediment entering the watercourse during the construction phase.

9.6.3 From using the present road, on a daily basis, it seems to me that traffic is declining rather than increasing on the road.

9.6.3.1 The department acknowledges that traffic flows and vehicle usage are influenced by the economic climate, including the slow down of the UK's economy. However, economic downturns are considered to be anomalies and the overall trend, over a number of years, is for traffic volumes to increase. Forecast growth in traffic for this scheme has been based on planning data produced by the Northern Ireland Statistics and Research Agency which predicts increases in population and the number of households.

9.6.4 The new Ferry Port at the mouth of Loch Ryan is nearing completion. Stenline are constructing this new harbour to service their terminal in Belfast. With the improvements on the competitor route of Larne Harbour

what sensible haulage company is going to drive the extra 20 miles to Larne when Belfast will have all these advantages.

9.6.4.1 The Regional Development Strategy for Northern Ireland 2025, Shaping our Future (RDS) places great importance on the regional gateways, which includes the Port of Larne, as suitable locations for major economic development. The strategy states “Gateways are important interchange points and the quality of connection from the ports and airports to the internal transport network is crucial for economic competitiveness and the convenience of the travelling public”. The RDS outlines an aim to continue to develop the Port of Larne which is the second largest Northern Ireland port. The recently published Draft Revised RDS also outlines that the region has a number of important gateways, including the Port of Larne, through which both people and goods will continue to travel.

The Port of Larne is therefore considered a key element of the Regional Development Strategy and has an important role to play in supporting economic development. The Port of Larne provides the shortest distance between Ireland and Great Britain. In 2009 and 2010 it was the largest port in Northern Ireland in terms of roll-on roll-off traffic, and was the 4th largest in the UK based on the number of freight vehicles. Competition between the two largest ports in Northern Ireland plays a vital role in ensuring that the public, road hauliers and ferry operators have a choice, thus ensuring a competitive and efficient economy.

Whilst it is acknowledged that there has been a short-term reduction in freight movement over the last few years, the port continues to play a significant role in freight transport. The long-term predictions are that the usage of Northern Ireland ports, including the Port of Larne, will grow as the economy of the province grows. On this basis, and as acknowledged by the recent review of the RDS, the Port of Larne will continue to play an important role in Northern Ireland.

9.6.5 **I would also be greatly concerned that in a few years time, if the proposals go ahead, it will become apparent what a waste of public money the whole scheme has been. Neither the government in Northern Ireland or the Republic are currently in a position to risk wasting £113 million when economic conditions are so dire in this recession. The money would be better spend on schools or hospitals, and not wasted on this unnecessary project.**

9.6.5.1 The Regional Development Strategy: Shaping Our Future (RDS) places an emphasis on the development of a modern integrated transport system. Its stated longer-term vision for transportation is “to have a modern, sustainable, safe transportation system which benefits society, the economy, and the environment and which actively contributes to social inclusion and everybody’s quality of life”. The RDS also defines five key transport corridors, including the Eastern Seaboard Key Transport Corridor, which includes this section of the A8. The RDS is currently undergoing a ten year review; the revised strategy document supports similar principles and identifies the Eastern Seaboard as one of the four economic corridors.

At its meeting on 17th July 2007, the North South Ministerial Council noted the Irish Government’s intention to make available a contribution of £400m to help fund the major roads programme within Northern Ireland. This included the A5 Western Transport Corridor and the A8 between Belfast

and Larne. The Northern Ireland Executive confirmed its acceptance, in principle, to take forward these two major road projects. The dualling of the A8 is identified within the Investment Strategy for Northern Ireland (2008-2018) as a key milestone. The Investment Strategy also recognises that delivering better infrastructure is vital in helping to achieve the priorities for the economy, society and environment. The Budget 2011-15 outlines the Executive's agreed spending priorities. This has identified the A8 dualling as one of several road projects to be taken forward and has allocated the required funds.

The consultation period for the Draft Budget 2011-2015 was held between the 15th December 2010 and the 16th February 2011. Following that consultation period the Executive considered the responses and the revised Budget 2011-15 was announced and passed by the Assembly in March 2011. This Budget sets out the Northern Ireland Executive's spending plans for the four year period from April 2011 to March 2015.

Inspectors' Comments (Hugh Jamison)

The concerns expressed by Mr Hugh Jamison are noted.

See Section 11, Inspectors' Considerations and Section 12, Inspectors Recommendations – The Need for the Proposed Road Improvements and Proposed closure of Church Road

9.7 Antrim & District Angling Association, c/o Maurice Parkinson

Reference Number	OBJ_007
Date of Objector's Correspondence	15th February 2011

Six Mile Water Trust, c/o Maurice Parkinson

Reference Number	OBJ_008
Date of Objector's Correspondence	15th February 2011

The Department has considered the correspondence referred to above and responds as follows:

- 9.7.1 At the Association's last meeting I was asked to write to you to express total opposition to a proposal to culvert the Six Mile Water at Ballynure. The current proposal for a long culvert will be detrimental to the movement of migratory fish in particular and would render a large part of the river useless for breeding fish and the growth of young fish to populate the river system including that part of the river which the Association has a direct interest. The area upstream of this proposal area has been very productive for the breeding and rearing of fish for many years. The proposal is also contrary to Government Policy to protect threatened species. Members have also asked me to point out that this is yet another so called planning and road proposal which lowers the overall environmental quality of the**

Six Mile Water. They are aghast that this of situation continues despite the enormous interest in the river system.

9.7.1.1

We reference to your point on Government policies a series of surveys have been undertaken to identify protected species with the scheme assessment area. These have included flora, fauna and fish surveys. Relevant Government policies including the Water Framework Directive, Conservation Regulations, The Wildlife Order and the Fisheries Act have been reviewed to consider the scheme in relation to these and other policies. The Department does not consider the proposed scheme in contrary to Government policy.

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the Design Manual for Roads and Bridges (DMRB) and Web-based Transport Analysis Guidance (WebTAG). DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of roads within the U.K. Each stage of the assessment process has used this methodology and an AST has been produced. The preferred route was the most favourable in terms of the balance across the Government's five key objectives for transport of environment, safety, economy, accessibility and integration.

A bridge was preliminarily indicated for Church Road and Ballynure Water in August 2009 at the Preferred Route Announcement. As a result of further scheme development, the current scheme proposes to stop-up Church Road providing a connection from Church Road to the west of the proposed A8 to the Templepatrick Road. Some of the influencing factors for this decision include: the low volume of traffic using Church Road, the proportion of this traffic destined for Ballynure, the limited diversion that would result from a closure of the road and the significant capital cost of providing a bridge. As part of this process, the proposals for the Ballynure Water crossing were also considered in terms of design choices about an online or off-line, and single span or culvert.

The scheme will involve the construction of a large culvert to carry the new A8 dual carriageway across Ballynure Water. The proposed structure has been positioned off-line and parallel to the existing watercourse to facilitate construction of the new structure, and the upstream and downstream channels. This will minimise the risk of pollution and sediment entering the watercourse during the construction phase. In addition, during the works animals can continue to use the existing watercourse. A structure on the line of the existing watercourse, for solely Ballynure Water, was considered as an alternative. This option would have involved construction works being undertaken on both banks of the existing watercourse, and represented an increase risk of pollution. An online solution was therefore discounted.

The proposed structure will be approximately 8m wide and 6m high. This will not only increase natural light ingress, benefitting spawning habitats and fish movements along the watercourse, but it will also enable bat passage through the structure. The height of the structure is almost double what would be required for solely water flows. In line with best practice, fish resting pools will be provided at either end of the culvert, and the gradient, bed profile and treatment of the culvert will be designed to provide as natural an environment as possible for fish.

The Department acknowledge that the Ballynure Water is an important salmonid watercourse and, as part of the Environmental Impact Assessment, a Fisheries Study and Geomorphology Study were undertaken to fully establish the habitats and fish populations that exist along the section of the Ballynure Water affected by the proposals.

An assessment has been undertaken to determine the effects that the proposed scheme and culvert could have upon the Ballynure Water. This assessment considered the water quality, pollution risk, hydrology, geomorphology, fisheries and flood risk. As outlined above, the features of the watercourse that influence fish passage will be comparable to the existing watercourse through the introduction of design measures. As a result of the construction of the culvert flood passage under the road is not affected, and therefore sediment movements down the watercourse are not affected. This will mean that suspended sediment will be transported and deposited in similar, open channel conditions as exist at the site at present. As a result of the points outlined above the Department therefore does not consider the proposals will have a significant impact on protected species

The Department is aware of recent pollution events on the Six Mile Water. The scheme design includes good practice design features, including temporary settlement ponds, attenuation ponds and pollution control measures, that should reduce the risk of an pollution incidents. A construction code of practice has also been developed for the scheme, outlining best practice pollution control measures. This will allow the risk of pollution incidents and discharges to be managed during the works and the subsequent operation of the road.

A Water Framework Directive assessment has also been undertaken. The purpose of the assessment is to determine the effects on the ecological quality and status of the Ballynure Water as a result of the proposals to culvert a section of the river. The assessment concluded that the proposed culvert would not cause deterioration of the status of the Ballynure Water if appropriate mitigation is undertaken.

9.7.2 To ensure that a proper solution is found to this problem it is imperative that those involved in developing this proposal meet on a regular basis with the Ballynure Angling Club.

9.7.2.1 Consultation has been ongoing with the DCAL Inland Waterways and Fisheries throughout the Preliminary Design Scheme Assessment. The Department intend to discuss the measures included in this response with the officers of Ballynure Angling Club and the Ulster Angling Federation prior to the Public Inquiries. In addition consultation with DCAL, the Ulster Angling Federation and local angling clubs including the Ballynure Angling Club and the Six Mile Water Trust, will be undertaken during the detailed design stage for the proposals at this and other locations of importance.

Inspectors' Comments (Mr Maurice Parkinson – Ulster Angling Federation and The Six Mile Water Trust).

The observations of Mr Maurice Parkinson representing both the Ulster Angling Federation and the Six Mile Water Trust and the RS responses set out above are noted.

For the Inspectors' Comments and Recommendations, see, Mr Jim Haughey, representing The Ulster Angling Federation, OBJ_094 and Section 11 and Section 12 - Proposed Closure of Church Road

9.9 Jose and Carol Del Castillo

Reference Number

OBJ_009

Date of Objector's Correspondence

11th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.9.1 Loss of stream where there is an adjacent boundary fence that would make a more natural boundary

9.9.1.1 The existing stream is to be culverted under the new roundabout for the A8/Ballyrickard Road/Shane's Hill Junction. The existing channel is included in the Draft Vesting Order to tie the new culvert into the existing stream.

9.9.2 Lack of detail regarding the protection of trees

9.9.2.1 The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. The Department where possible will seek retain existing vegetation and trees and incorporate them into the scheme.

9.9.3 Lack of detail or explanation regarding drainage works to be provided

9.9.3.1 The preliminary drainage design for the proposed scheme has been developed in consultation with Rivers Agency. The drainage proposals aim to ensure that the additional run off for the new carriageway is fully catered for and, where possible, existing drainage issues are incorporated into the new design. The drainage design will be further developed at the detailed design stage.

The preliminary design includes a number of attenuation ponds. These manage the discharge of water from the proposed road into existing watercourses. This minimises the risk of additional flooding problems downstream of the discharge point as a result of the scheme. The ponds also to act as settlement ponds to minimise the possibility of pollutants and suspended solids from entering existing watercourses.

Further information on the drainage proposals for the scheme can be provided to the landowner during one to one meetings, if required.

9.9.4 Lack of detail confirming lighting and landscaping.

9.9.4.1 The current proposals are to light the new Ballyrickard Road/Shane's Hill Road/A8 junction to improve road safety at the key conflict points that may exist within the junction. However, the detailed design will look to minimise the extent of street lighting required and, where street lighting is provided, will design the lighting to minimise light pollution into the sky and spill outside of the footprint of the proposed road.

The landscape and visual assessment completed as part of the Environmental Impact Assessment identified that after completion of the scheme, there will be views towards the roundabout, although they will be filtered by existing vegetation, and towards the realigned Ballyrickard Road. The landscape design for this location include replacement hedgerow along the new boundary and planting around the proposed roundabout and the realigned Ballyrickard Road. The visual impact assessment considers the scale of change, the contrast to the existing, whether the change is permanent and the angle and distance of the proposed scheme. The assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established.

The visual impact for this property has been assessed to be slight adverse in 2016, remaining as slight adverse in 2031. This means the assessment has concluded the scheme would cause a limited impact to the existing view.

9.9.5 Lack of detail regarding noise pollution.

9.9.5.1 The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – ‘Calculation of Road Traffic Noise (CRTN) 1988’ as required by Design Manual for Roads and Bridges. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 69dB occurs on the north-western facade of the dwelling.
- In the future year (2031) with the scheme and proposed low noise surfacing on the dual carriageway, the highest noise level of 68dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the north-eastern facade. An increase of 0dB is predicted on this facade.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based

upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

9.9.6 No information with regard to the compensation for disturbance, injurious affection and diversion lengths, either during consideration or post completion of the upgrade.

9.9.6.1 Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

Inspectors' Comments (Jose and Carol Del Castillo)

The concerns of the Objectors and the RS responses set out above have been noted.

Inspectors' Recommendations

- Further information on the drainage and other proposals for the scheme to be provided to the landowners during one to one meetings, if requested.

9.10 Robert Weir

Reference Number	OBJ_010
Date of Objector's Correspondence	11th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.10.1 Lack of detail regarding the landscaping of the proposed scheme.

9.10.1.1 The landscape and visual assessment completed as part of the Environmental Impact Assessment identified that after completion of the scheme, there will be front views through the gap in the existing evergreen

hedge towards traffic on the dual carriageway. The landscape design at this location includes replacement lost roadside vegetation. The visual impact assessment considers the scale of change, the contrast to the existing, whether the change is permanent and the angle and distance of the proposed scheme. The assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established.

The visual impact for this property has been assessed to be slight adverse in 2016, with no change in 2031. This means the assessment has concluded the scheme would have a limited impact on the existing view.

9.10.2 Lack of detail regarding the new access point, the provision of commercial access, width of access for trailer use, the finish, ownership and ongoing maintenance.

9.10.2.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. The access provision for this property is as a result of this strategy.

The access for this property will be via a left-in left-out access onto the A8 dual carriageway. This will be a shared access with the landowners on both sides of this property. However, the access will only be shared at the point of joining the A8, which is where the adjoining lanes merge to form the single access point.

The current access arrangements will be suitable for commercial vehicles. The finish of the access, where it is shared, will be bitumen Macadam. This new section of laneway will be graded into the existing laneway for the property.

Where the access is to be shared by a number of landowners it is likely that ownership, and therefore maintenance, will remain with the Department. Where an access is for a single individual/landowner the Department will transfer ownership and its associated maintenance responsibilities to that individual.

This new proposed access arrangement was previously provided to the landowner and agent at a one to one meeting.

9.10.3 Lack of detail regarding drainage specifically with reference to the well and pond.

9.10.3.1 After discussion with the landowner's agent, we understand that this query is in relation to ponds which will not be in the landowner's land, but in close proximity.

The preliminary drainage design for the proposed scheme has been developed in consultation with Rivers Agency. The drainage proposals aim to ensure that the additional run off for the new carriageway is fully catered for and, where possible, existing land drainage problems are incorporated into the new design. The drainage design will be further developed at detailed design stage.

The preliminary design includes a number of attenuation ponds. These aim to manage the discharge of water from the proposed road into existing watercourses. This will minimise the possibility of additional flooding problems downstream of the discharge point. They will also to act as settlement ponds to minimise the possibility of pollutants or suspended solids from entering existing watercourses.

The Department is not aware of any well belonging to the landowner which could be affected as a result of the works. However, where the scheme does impact on existing wells and water supplies, the Department will seek to agree accommodation works that will provide a replacement supply.

9.10.4 **No information with regard to the compensation for disturbance, injurious affection and diversion lengths, either during construction or post completion of the upgrade.**

9.10.4.1 Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

Inspectors' Comments (Robert Weir)

The concerns of the Objector and the RS responses set out above have been noted.

Inspectors' Recommendations (Robert Weir)

- Further information on the landscaping, access, drainage and other proposals for the scheme to be provided to the landowners during one to one meetings, if requested.

9.11 William Weir

Reference Number OBJ_011
(Objection withdrawn in writing)

9.12 Mitchell Henderson

Reference Number OBJ_012
(Objection withdrawn in writing)

9.13 Noel & Maeve Egerton

Reference Number OBJ_013
(Objection withdrawn in writing)

9.14 David McAuley

Reference Number OBJ_014
(Objection withdrawn in writing)

9.15 Mark Clark

Reference Number OBJ_015
Date of Objector's Correspondence 11th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.15.1 No discussion has taken place with my client with regards to the impact on intrusive noise.

9.15.1.1 The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise (CRTN) 1988' as required by Design Manual for Roads and Bridges. The Design Manual for Roads and Bridges (DMRB) provides a set of official

standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 68dB occurs on the south-eastern facade of the dwelling.
- In the future year (2031) with the scheme and proposed low noise surfacing on the dual carriageway, the highest noise level of 69dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the south-eastern facade. An increase of 2dB is predicted on this facade. DMRB outlines that in the long term a 3dB change is the smallest that is considered perceptible, the impact is therefore considered to be small.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

9.15.2 No discussion has taken place with regard to landscaping or drainage provision.

9.15.2.1 The landscape and visual assessment completed as part of the Environmental Impact Assessment identified that after completion of the scheme, from the front of your property there would be open views towards the dualled A8. The landscape design for this property has included a planting to the redundant section of carriageway associated with the closure of Park Road. The visual impact assessment considers the scale of change, the contrast to the existing, whether the change is permanent and the angle and distance of the proposed scheme. The assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established.

The visual impact for this property has been assessed to be moderate adverse in 2016, changing to a beneficial impact in 2031 once the planting has established.

The preliminary drainage design for the proposed scheme has been developed in consultation with Rivers Agency. The drainage proposals aim to ensure that the additional run off for the new carriageway is fully catered for and, where possible, existing drainage issues are incorporated into the

new design. The drainage design will be further developed at the detailed design stage.

The preliminary design includes a number of attenuation ponds. These manage the discharge of water from the proposed road into existing watercourses. This minimises the risk of additional flooding problems downstream of the discharge point as a result of the scheme. The ponds also act as settlement ponds which minimises the possibility of pollutants, or suspended solids, entering existing watercourses.

9.15.3 No information with regard to the compensation for disturbance, injurious affection and diversion lengths, either during construction or post completion of the upgrade.

9.15.3.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. The access arrangements for this property are as a result of this strategy.

Park Road will become a cul de sac, and its junction with the A8 will be stopped-up. Access for vehicles onto the A8 for this property will be via the proposed Deerpark Road junction. For vehicles travelling from the property heading north towards Larne, and additional journey length of approximately 1.9km would be experienced, which would be increased to approximately 2.4km in the reverse direction. For vehicles from the property heading south, towards Ballynure (and in the reverse direction) there would be a small increase in journey length of approximately 400-500m. The Department consider these additional journey lengths to be acceptable.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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Queens Court
55-66 Upper Queen Street

Inspectors' Comments (Mark Clark)

The concerns of the Objector and the RS responses set out above have been noted.

Inspectors' Recommendations (Mark Clark)

- Further information on the noise, landscaping, drainage etc. for the scheme to be provided to the landowner during one to one meetings, if requested.

9.16 Michael Stuart

Reference Number OBJ_016
(Objection withdrawn in writing)

9.17 Ian Wilson

Reference Number OBJ_017
Date of Objector's Correspondence 11th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.17.1 Lack of detail confirming provision of new access points to replace ones being lost, where will they be provided?

9.17.1.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. For safety reasons, the proposed A8 dual carriageway has purposely been designed to not permit at grade traffic to turn right across the carriageway. All right-turning manoeuvres will be undertaken at the main junctions along the route. The Design Manual for Roads and Bridges (DMRB) contains the design standards for the provision of private access onto all purpose trunk roads. These design standards restrict the provision and spacing of accesses. TD 41/95:

Vehicular Access to All Purpose Trunk Roads states '*There is a potential saving in accidents where there is a reduction in the number of lightly trafficked direct accesses and minor junctions made directly on to each trunk road*'.

To provide access at every field would lead to increased safety issues with vehicles potentially blocking the visibility of other vehicles. DMRB TD41/95 states '*New direct accesses shall only be sited where they do not encroach on the visibility requirements of adjoining direct accesses or junctions in regular use. This determines the minimum spacing of new accesses*'. The access to your property and land is as a result of this strategy.

Direct access onto the A8 from Park Road has been stopped-up with Park Road becoming a cul de sac. To access the A8 from your property, vehicles will be required to travel south along Park Road, then Deerpark Road and join the A8 via the proposed Deerpark Road compact grade-separated junction.

9.17.2 Details of new drinking points for animals.

9.17.2.1 Dialogue with landowners has helped the Department to develop a draft schedule of accommodation works which the Department will seek to agree with the landowner. Where practicable, the Department will look to take on board landowner's views and requirements. The requirement and arrangements for drinking points for animals will be agreed as part of accommodation works discussions with the landowner.

9.17.3 Objection to loss of well, to be replaced by a borehole.

9.17.3.1 The Department is not aware of any well belonging to the landowner which could be affected as a result of the works. However, were the scheme does impact on existing wells and water supplies, the Department will seek to agree accommodation works that will provide a replacement supply.

9.17.4 Lack of detail regarding bus stop provision specifically for schools.

9.17.4.1 The design for bus services along the improved A8 has been, and continues to be, developed in consultation with Translink. Due consideration has been given to bus stop locations, and these have been agreed based on a number of key considerations, including:

- Safe means of pedestrian access from individual properties to and from bus-stops.
- Compliance with road design standards which primarily promote safe travel for all road users.
- Affordability of required infrastructure.

In making provision for bus-stops, facilities are required to ensure that an individual has a safe means of crossing the dual carriageway to access any bus stops on the opposite side of the road. This can be either in the form of a bridge/underpass or an at-grade pedestrian crossing across the dual carriageway. At grade pedestrian crossings are not considered appropriate for this section of the dualled A8 because of safety concerns associated with the potential conflict between pedestrians and vehicles travelling at 70mph. Given the anticipated low pedestrian usage, the provision of a bridge or an underpass for pedestrians to cross the road at this location is considered prohibitively expensive.

The siting of bus lay-bys on the proposed dual carriageway is determined by design standards, with particular reference to the proximity to adjacent junctions or accesses. If bus stops were provided too close to adjacent junctions or accesses, this could result in driver confusion for vehicles leaving or joining the dual carriageway, therefore increasing the risk of accidents. Because of the proximity of the proposed accesses along the proposed A8 in the vicinity of your property, a bus-stop cannot be provided in compliance with the design standards.

All reasonable efforts have been made to provide regular, accessible and safe bus stops along the scheme. The nearest proposed bus-stop is located at the Deerpark Road junction where the proposed road bridge can provide safe pedestrian crossing facilities. The bus-stop will be incorporated into the Deerpark Road junction. Access to this bus stop will be via Park Road and Deerpark Road. The bus stop will be 0.8km from your property. We appreciate the inconvenience this may cause; however, based on the overall balance of the many factors which have influenced this decision, the proposed arrangement is considered appropriate.

9.17.5 Objection to the previous agricultural assessment.

9.17.5.1 McIlmoyle and Associates are professional qualified Agricultural Consultants employed by Roads Service on the A8 dualling scheme to provide expert advice in terms of agricultural issues. McIlmoyle and Associates are very experienced and Dr McIlmoyle is a Fellow of the British Institute of Agricultural Consultants. They have completed Agricultural Impact Assessments for numerous other road schemes, and provided consultancy services on a wide range of agricultural issues across Europe.

The agricultural impact assessment for this scheme has been completed in two parts. Firstly McIlmoyle and Associates produced baseline reports for all the agricultural businesses along this section of the A8. In doing this, they sought to hold discussions with the respective landowners and obtained copies of the relevant Department for Agricultural and Rural Development (DARD) farm maps. The landowners were then sent their baseline report and invited to comment on its accuracy. McIlmoyle and Associates updated these reports where comments were received. An agricultural impact assessment was then undertaken to determine the impact of the proposed scheme relative to the baseline information previously gathered. McIlmoyle and Associates used their professional judgement to assess the impact using a set of defined impact ratings (as outlined in the individual reports). The findings were written into individual agricultural impact assessment reports which were then issued to the respective landowners.

The Department maintains that the process adopted for the assessment of agricultural impact is robust and is satisfied the impacts have been correctly assessed.

9.17.6 No information with regard to the compensation for disturbance, injurious affection and diversion lengths, either during consideration or post completion of the upgrade.

9.17.6.1 Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly

by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

Inspectors' Comments (Ian Wilson)

The concerns of the Objectors and the RS responses set out above have been noted.

Inspectors' Recommendations (Ian Wilson)

- Further information on access, drinking points, natural water supplies, the provision of bus stops, AIAs and other proposals for the scheme to be provided to the landowners during one to one meetings, if requested.

9.18 Derek Moore

Reference Number OBJ_018
(Objection withdrawn in writing)

9.19 David & Sharon Bonar

Reference Number OBJ_019
(Objection withdrawn in writing)

9.20 Ballynure Angling Club Member's Standard Letter

Reference Number 20-48, 62-65, 73-88,
183, 190-194, 196-197,
and, 199-204
Date of Objector's Correspondence Various.

The Department has considered the correspondence referred to above and responds as follows:

9.20.1 I strongly object to the proposals to culvert a considerable section of the Six Mile Water River as part of the upgrading of the A8. I would suggest that the plan is changed back to the original proposal of a single span bridge to avoid disturbance of the riverbed and loss of habitat.

The section of the river potentially affected is important salmonid spawning and nursery habitat and if the current proposal is allowed to proceed, it will without any doubt, result in the permanent loss of habitat and the displacement of a considerable amount of juvenile fish. The proposal may also be contrary to Government policy to protect threatened species.

I would also point out that the Six Mile Water River has been under increasing pressure from development and ongoing pollution incidents. This current proposal is yet another that will damage much needed nursery water and it will add to the cumulative degradation of the River corridor environment in a particularly sensitive stretch of our fishery.

9.20.1.1 We reference to your point on Government policies a series of surveys have been undertaken to identify protected species with the scheme assessment area. These have included flora, fauna and fish surveys. Relevant Government legislation including the European and National legislation (e.g. Water Framework Directive, Habitats Directive 1992, Wildlife Order (NI) 1985) and policies (including Regional Development Strategy, Planning Policy Statements) have been reviewed to consider the scheme in relation to these and other policies. The Department does not consider the proposed scheme in contrary to Government policy.

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the Design Manual for Roads and Bridges (DMRB) and Web-based Transport Analysis Guidance (WebTAG). DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of roads within the U.K. Each stage of the assessment process has used this methodology and an AST has been produced. The preferred route was the most favourable in terms of the balance across the Government's five key objectives for transport of environment, safety, economy, accessibility and integration.

A bridge was preliminarily indicated for Church Road and Ballynure Water in August 2009 at the Preferred Route Announcement. As a result of further scheme development, the current scheme proposes to stop-up Church Road providing a connection from Church Road to the west of the proposed A8 to the Templepatrick Road. Some of the influencing factors for this decision include: the low volume of traffic using Church Road, the proportion of this traffic destined for Ballynure, the limited diversion that would result from a closure of the road and the significant capital cost of providing a bridge. As part of this process, the proposals for the Ballynure Water crossing were also considered in terms of design choices about an online or off-line, and single span or culvert.

The scheme will involve the construction of a large culvert to carry the new A8 dual carriageway across Ballynure Water. The proposed structure has been positioned off-line and parallel to the existing watercourse to facilitate construction of the new structure, and the upstream and downstream channels. This will minimise the risk of pollution and sediment entering the watercourse during the construction phase. In addition, during the works animals can continue to use the existing watercourse. A structure on the line of the existing watercourse, for solely Ballynure Water, was considered as an alternative. This option would have involved construction works being undertaken on both banks of the existing watercourse, and represented an increase risk of pollution. An online solution was therefore discounted.

The proposed structure will be approximately 8m wide and 6m high. This will not only increase natural light ingress, providing light for spawning habitats and fish movements along the watercourse, but will also enable bat passage through the structure. The height of the structure is almost double what would be required for solely water flows. As part of the design proposals, fish resting pools will be provided at either end of the culvert, and the gradient, bed profile and treatment of the culvert will be designed to provide as natural an environment as possible for fish.

The Department acknowledge that the Ballynure Water is an important salmonid watercourse and, as part of the Environmental Impact Assessment, a Fisheries Study and Geomorphology Study were undertaken to fully establish the habitats and fish populations that exist along the section of the Ballynure Water affected by the proposals.

An assessment has been undertaken to determine the effects that the proposed scheme and culvert could have upon the Ballynure Water. This assessment considered the water quality, pollution risk, hydrology, geomorphology, biodiversity, fisheries and flood risk. As outlined above, the features of the watercourse that influence fish passage will be comparable to the existing watercourse through the introduction of design measures. As a result of the construction of the culvert, flood passage under the road is not affected, and therefore sediment movements down the watercourse are not affected. This will mean that suspended sediment will be transported and deposited in similar, open channel conditions as exist at the site at present. As a result of the points outlined above the Department therefore does not consider the proposals will have a significant impact on protected species

The Department is aware of recent pollution events on the Six Mile Water. The scheme design includes environmental design features, including temporary settlement ponds, attenuation ponds and pollution control measures, that should reduce the risk of an pollution incidents. A construction code of practice has also been developed for the scheme, outlining best practice pollution control measures. This will allow the risk of pollution incidents and discharges to be managed during the works and the subsequent operation of the road.

A Water Framework Directive assessment has also been undertaken. The purpose of the assessment is to determine the effects on the ecological quality and status of the Ballynure Water as a result of the proposals to culvert a section of the river. The assessment concluded that the proposed

culvert would not cause deterioration of the status of the Ballynure Water if appropriate mitigation is undertaken.

9.20.2 To ensure that a satisfactory outcome is reached it is essential that the officers and committee of the Ballynure Angling Club and the Ulster Angling Federation are fully consulted on this matter and kept up to date with developments.

9.20.2.1 Consultation has been ongoing with the DCAL Inland Waterways and Fisheries throughout the Preliminary Design Scheme Assessment. The Department intend to discuss the measures included in this response with the officers of Ballynure Angling Club and the Ulster Angling Federation prior to the Public Inquiries. In addition consultation with DCAL, the Ulster Angling Federation and local angling clubs including the Ballynure Angling Club and the Six Mile Water Trust, will be undertaken during the detailed design stage for the proposals at this and other locations of importance.

Inspectors' Comments (Ballynure Angling Club)

The comments of the Objectors together with those Members of the Ballynure Angling Club who submitted the standard letter of objection and the RS responses are noted.

See Mr Jim Haughey, representing The Ulster Angling Federation (OBJ_094).

See also Section 11 and Section 12 - Proposed Closure of Church Road.

Inspectors' Recommendations (Ballynure Angling Club)

- RS to arrange consultations and discussions with the Officers of the Ballynure Angling Club, the Ulster Angling Federation and the Six Mile Water Trust at the detailed design stage.

9.49 Bill Lapping

Reference Number

OBJ_049

Date of Objector's Correspondence

18th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.49.1 The problems my family and myself will face with the proposed scheme concerns access to public transport. It would appear that we will have to walk approximately over a kilometre to a bus stop to make a journey and approximately the same on the return, all this on a grass verge of a dual carriageway. My wife depends on public transport as she is partially disabled and does not drive and could not possibly manage to walk this distance. As we live at the same address as our daughter there are also grandchildren of school age to consider, one attends a school in Larne, one in Ballyclare and one in Ballynure. My daughter also fosters children which can mean possibly another two children looking to use public transport.

9.49.1.1

The design for bus services along the improved A8 has been, and continues to be, developed in consultation with Translink. Due consideration has been given to bus stop locations, and these have been agreed based on a number of key considerations, including:

- Safe means of pedestrian access from individual properties to and from bus-stops.
- Compliance with road design standards which primarily promote safe travel for all road users.
- Affordability of required infrastructure.

In making provision for bus-stops, facilities are required to ensure that an individual has a safe means of crossing the dual carriageway to access any bus stops on the opposite side of the road. This can be either in the form of a bridge/underpass or an at-grade pedestrian crossing across the dual carriageway. At grade pedestrian crossings are not considered appropriate for this section of the dualled A8 because of safety concerns associated with the potential conflict between pedestrians and vehicles travelling at 70mph. Given the anticipated low pedestrian usage, the provision of a bridge or an underpass for pedestrians to cross the road at this location is considered prohibitively expensive.

The siting of bus lay-bys on the proposed dual carriageway is determined by design standards, with particular reference to the proximity to adjacent junctions or accesses. If bus stops were provided too close to adjacent junctions or accesses, this could result in driver confusion for vehicles leaving or joining the dual carriageway, therefore increasing the risk of accidents. Because of the proximity of the proposed accesses along the proposed A8 in the vicinity of your property, a bus-stop cannot be provided in compliance with the design standards.

All reasonable efforts have been made to provide regular, accessible and safe bus stops along the scheme. The nearest proposed bus-stop is located at the Moss Road junction where the proposed road bridge can provide safe pedestrian crossing facilities. The bus-stop will be provided be incorporated into the Moss Road junction. A 1.5m footway is being provided to link your property to the bus stop at the Moss Road junction, located approximately 1.5km northeast of your property. It is acknowledged that this distance may be excessive for some individuals and that another means of transport may be required to access the bus stop. We appreciate the inconvenience this may cause; however, based on the overall balance of the many factors which have influenced this decision, the proposed arrangement is considered appropriate.

9.49.2

My other concern has to do with our soakway from our septic tank. This at present travels under the road fronting our premises into the field opposite. This field runs adjacent to the present carriageway. I would like assurances that this will be flagged up prior to work starting on the new motorway so that no inconvenience will be experienced by ourselves.

9.49.2.1

We can confirm the details you have provided in relation to your septic tank have been highlighted to the contractor and all practical measures will be taken to ensure as little inconvenience as possible will be caused.

Inspectors' Comments (Bill Lapping)

The concerns of the Objector and the RS responses set out above have been noted.

Inspectors' Recommendations (Bill Lapping)

- Further information on bus stops, the septic tank and other proposals for the scheme to be provided to the landowners during one to one meetings, if requested.

9.50

Ellen Houston

Reference Number	OBJ_050
Date of Objector's Correspondence	20th February 2011

Carole Houston

Reference Number	OBJ_051
Date of Objector's Correspondence	20th February 2011

Thomas Houston

Reference Number	OBJ_052
Date of Objector's Correspondence	20th February 2011

Jennifer Houston

Reference Number	OBJ_053
Date of Objector's Correspondence	20th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.50.1

The proposed closure of Church Road, despite the proposed link road to the Templepatrick Road, will increase traffic along the Lower Ballyboley Road. This is because traffic which now uses Church Road to get from Ballyclare or Ballymena through Ballyeaston to Ballynure and on to Larne of Carrickfergus will be forced to either detour direct through Ballyclare, down Church Road to the link road, then back along the Templepatrick Road to the A8 or take the simpler way from Ballyeaston down the Lower Ballyboley Road to Lismenary Road.

- **The Lower Ballyboley Road is a dangerous narrow country road with several bad bends and inclines.**
- **Despite its being a school bus route this road is not gritted in winter**
- **The increase in accidents along this stretch will far outweigh any gain in road safety along the A8.**

9.50.1.1

The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction

arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

A bridge was preliminarily indicated for Church Road in August 2009 at the Preferred Route Announcement. As a result of further scheme development, the current scheme proposes to stop-up Church Road providing a connection from Church Road to the west of the proposed A8 to the Templepatrick Road. Some of the influencing factors for this decision include: the low volume of traffic using Church Road, the proportion of this traffic destined for Ballynure, the limited diversion that would result from a closure of the road and the significant capital cost of providing a bridge.

The Department acknowledge the traffic levels on Lower Ballyboley Road between Church Road and Lismenary will increase slightly. The forecast level of traffic is 700 vehicles per day in 2031 without the scheme, and this increases to 800 vehicles per day in 2031 with the scheme. The total forecast traffic is still relatively small for a rural country road and is therefore considered appropriate.

9.50.2 My family and I have a keen interest in astronomy. I should like some information and assurances on what measures you are planning to take to prevent light pollution caused by the proposed bypass, and what recourse we have if the event that these measures are inadequate.

9.50.2.1 Street lighting is only proposed at the grade separated junctions and roundabouts to improve road safety at the key conflict points within the junctions. The proposed Ballynure Bypass will not be lit except for the A57 Templepatrick Road junction and the southern end of the bypass. The lighting design will be finalised during the detailed design phase which will seek to minimise the extent of street lighting required. Street lighting will be designed to minimise both the light pollution into the sky and spill outside of the footprint of the proposed road. Following the completion of the scheme any comments received from the public will be considered by Roads Service.

9.50.3 In the documentation supplied about the proposed bypass there is no mention of the effect on traffic of the fog which frequently fills the six mile valley.

9.50.3.1 Where roads pass through areas prone to fog, a number mitigation measures are available. These can include variable message signs, lighting and intelligent road studs. The requirements for mitigation measures will be considered during the detailed design phase.

9.50.4 The proposed bypass ignores the main issue with the existing road through Ballynure; that of the gradients to either side to either side of the village. This would be extremely wasteful in terms of fuel. A bypass to the

east of the village would be able to follow the natural contours of the valley.

9.50.4.1 The Government's White paper "A New Deal for Transport: Better for Everyone" published in 1998 introduced the New Approach to Transport Appraisal (NATA) as the standard appraisal process for all transport schemes in the U.K. The process and criteria outlined in NATA are based around the Government's five over-arching objectives for transport of environment, safety, economy, accessibility and integration. Additional detailed guidance on the appraisal of transport projects is provided within the Web-based Transport Analysis Guidance (WebTAG) which is published by the Department for Transport (DfT). Additional supporting analyses of practicality, affordability and acceptability have also been used in the appraisal process for the A8 Dualling. WebTAG outlines that for highway schemes, the Design Manual for Roads and Bridges (DMRB) shall be used to provide the necessary information for a NATA appraisal. DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. The DMRB defines a three stage scheme assessment process, providing a clear structure for the development and staged reporting of road schemes. NATA provides a multi-criteria appraisal methodology which enables options to be appraised within the scheme assessment process, and to be summarised and reported in an Appraisal Summary Table (AST).

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the DMRB and WebTAG. Each stage of the assessment process has used this methodology and an AST has been produced. The selection of the preferred route has strictly adhered to this process. The preferred route was the most favourable in terms of the balance across the Government's five key objectives for transport, and thus the Department is satisfied that the correct route has been selected.

9.50.5 **Drainage on the section of road between Coleman's Corner and Houston's Corner is totally inadequate and should be completed first.**

9.50.5.1 Your comments in relation to the drainage issues on this section of road have been passed on to the relevant part of Roads Service for their consideration.

9.50.6 **Despite the inclusion of a number of different options, it is unclear from the documentation provided just what measures are actually going to be taken to reduce the adverse visual and noise effects of the bypass upon those properties, like ours, which lie to the northwest of Section 6.**

9.50.6.1 The landscape and visual assessment completed as part of the Environmental Impact Assessment (EIA) identified that after completion of the scheme, from the front of your property there would be views towards the section of the dualled A8 between the A57 Templepatrick Road and Lismenary Road. The landscape design on the bypass includes dense planting on the embankments of the bypass to assist with integrating the scheme into the landscape; although it is acknowledged it will result in a permanent change to the existing landscape. The visual impact assessment considers the scale of change, the contrast to the existing, whether the change is permanent and the angle and distance of the proposed scheme. The assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the

scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established.

The visual impact for this property has been assessed to be moderate adverse in 2016, remaining as moderate adverse in 2031. This means the assessment has concluded the impact of the scheme would cause a noticeable deterioration in the existing view.

The potential noise impacts upon your property were assessed as part of the EIA for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – ‘Calculation of Road Traffic Noise (CRTN) 1988’ as required by Design Manual for Roads and Bridges. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 48dB occurs on the south-eastern facade of the dwelling.
- In the future year (2031) with the scheme and the proposed low noise surfacing on the dual carriageway, the highest noise level of 54dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the south-western facade. An increase of 8dB, to a level of 53dB, is predicted on this facade. Low noise surfacing has been provided on the bypass to mitigate the impact on noise levels. Earth mounds and noise barriers are not considered appropriate to mitigate the impact on your property, based on the distance from the road to the property.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

9.50.7 I believe your figures of ‘in excess of 17,000 vehicles per day’ are overstated, or at best calculated from figures recorded when the prices of petrol was much lower than it is today.

9.50.7.1 The quoted traffic flows of up to 17,000 vehicles per day for this section of road have been derived from traffic count data obtained during 2008. The department acknowledges that traffic flows and vehicle usage are influenced by the economic climate, including the slowdown of the UK’s economy. However, economic downturns are considered to be anomalies and the overall trend, over a number of years, is for traffic volumes to increase. Forecast growth in traffic for this scheme has been based on planning data produced by the Northern Ireland Statistics and Research

Agency which predicts increases in population and the number of households.

Inspectors' Comments (Ellen, Carole, Thomas and Jennifer Houston)

The concerns of the Objectors and the RS responses set out above have been noted. See also Section 11 and Section 12 – The Need for the Proposed Road Improvements and Proposed Closure of Church Road

Inspectors' Recommendations (Ellen, Carole, Thomas and Jennifer Houston)

- Further information on light pollution, fog issues, drainage, visual and noise impacts and other proposals for the scheme to be provided to the landowners if requested.

9.54 John McCreary

Reference Number

OBJ_054

Date of Objector's Correspondence

23rd February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.54.1 The proposed land take from plot 5.04 (red) will affect the front garden and will be detrimental to the amenity of the house.

9.54.1.1 The land from plot 5.04 is essential land that is required for the scheme. Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

9.54.2 The proposed road will seriously diminish the value and potentially blight any future prospects of a sale due to noise, reduction in air quality and loss of a view.

9.54.2.1 As detailed above, compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS).

The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise (CRTN) 1988' as required by Design Manual for Roads and Bridges. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 50dB occurs on the eastern facade of the dwelling.
- In the future year (2031) with the scheme and the proposed low noise surfacing on the dual carriageway, the highest noise level of 58dB occurs on the western facade.

Between the opening year and future year, the highest noise change is predicted to occur on the western façade. An increase of 14dB is predicted on this facade. The proposed dual carriageway will be in cutting adjacent to your property. This will provide a degree of natural noise mitigation from the main carriageway traffic.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

An Air Quality assessment was undertaken as part of the A8 EIA. Air quality standards are based on levels of Nitrogen Dioxide (NO₂) and particulate matter (i.e. dust and fine particles) in the air. The forecast levels are significantly lower than the annual mean air quality objectives for both NO₂ and PM₁₀ and as a result of the change, the significance of the effect on air quality is considered negligible.

Inspectors' Comments (John McCreary)

The concerns of the Objector and the RS responses set out above have been noted.

9.55 John, David and Robert McCreary

Reference Number

OBJ_055

Date of Objector's Correspondence

23rd February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.55.1 Water Supply:

There is currently an underground stream running from Lismenary Road across the land which feeds at least 4 drinking troughs and ultimately drains into a pond on the northern side of the land. The proposed road would bisect this stream and potentially deplete or cut off this essential water supply thus destroying the pond which is a wildlife haven.

9.55.1.1 The Department is aware of the stream referred to by the landowner, and of the importance the landowner attaches to it. The Department will seek to incorporate this watercourse into the design for the scheme with the aim of maintaining the flow of water under the new road, enabling continued use of the drinking troughs. This proposal will be developed during the detailed design phase to establish how this can be achieved.

9.55.2 Cattle Crush:

This is currently accessed by a laneway from Lismenary Road and the proposed dual carriageway will completely cut off this facility which is necessary for corralling and loading of cattle.

9.55.2.1 It is not the Department's policy to provide cattle handling facilities. If a cattle handling facility is lost, this will normally be taken into account in any assessment of compensation for the loss of land or injurious affection..

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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Queens Court
55-66 Upper Queen Street
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BT1 6FD

9.55.3 Severance:

As a result of the proposed dual carriageway a number of fields will be cut off and will no longer be accessible making it impossible to farm the land.

9.55.3.1 The Department has incorporated into the design of the scheme a proposed access to the landowner's fields to the west of the bypass via an agricultural laneway off the Lismenary Road. This has been incorporated to enable the continued farming of this land.

Additional requirements for laneways to connect fields will be discussed with the landowner and developed as part of the accommodation works proposals which the Department will seek to agree with the objector. Where practicable the Department will look to take on board the landowner's views and requirements in finalising the schedule of accommodation works.

Inspectors' Comments (John, David and Robert McCreary)

The comments of the Objectors above together with Mr Robert and Ms Anna McCreary (OBJ_056) are noted.

Inspectors' Recommendations (John, David and Robert McCreary)

- RS to keep the Objectors informed about the proposals for the watercourse at the detailed design phase with the aim of enabling the continued use of the drinking troughs.
- Additional requirements for laneways to connect fields to be discussed with the landowners and developed as part of the accommodation works proposals. Where practicable, the Department to take on board the landowners' views and requirements in finalising the schedule of accommodation works.

9.56 Robert and Anna McCreary

Reference Number	OBJ_056
Date of Objector's Correspondence	23rd February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.56.1 Water Supply:

There is currently an underground stream running from Lismenary Road across the land which feeds at least 4 drinking troughs and ultimately drains into a pond on the northern side of the land. The proposed road would bisect this stream and potentially deplete or cut off this essential water supply thus destroying the pond which is a wildlife haven.

9.56.1.1 The Department is aware of the stream referred to by the landowner, and of the importance the landowner attaches to it. The Department will seek to incorporate this watercourse into the design for the scheme with the aim of maintaining the flow of water under the new road, enabling continued use

of the drinking troughs. This proposal will be developed during the detailed design phase to establish how this can be achieved.

9.56.2 Cattle Crush:

This is currently accessed by a laneway from Lismenary Road and the proposed dual carriageway will completely cut off this facility which is necessary for corralling and loading of cattle.

9.56.2.1 It is not the Department's policy to provide cattle handling facilities. If a cattle handling facility is lost, this will normally be taken into account in any assessment of compensation for the loss of land or injurious affection.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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9.56.3 Severance:

As a result of the proposed dual carriageway a number of fields will be cut off and will no longer be accessible making it impossible to farm the land.

9.56.3.1 The Department has incorporated into the design of the scheme a proposed access to the landowner's fields to the west of the bypass via an agricultural laneway off the Lismenary Road. This has been incorporated to enable the continued farming of this land.

Additional requirements for laneways to connect fields will be discussed with the landowner and developed as part of the accommodation works proposals which the Department will seek to agree with the objector. Where practicable the Department will look to take on board the landowner's views and requirements in finalising the schedule of accommodation works.

Inspectors' Comments (Robert and Anna McCreary)

See John, David and Robert McCreary (OBJ_055).

9.57 **Mr and Mrs Millar**

Reference Number

OBJ_057

Date of Objector's Correspondence

23rd February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.57.1 **Our main concern is the close proximity to our property, which will be passing through our back garden at a distance of 50ft from our dwelling. This will cause major disruption and inconvenience to our daily lives, and there will also be increased noise and pollution by volume of traffic, particularly HGVs.**

9.57.1.1 The proposed scheme will realign the A8 to the rear of the property in question. Measured from the eastern rear corner of the house, the carriageway edge of the realigned road will be a distance of approximately 35m away, with the boundary hedge 20m away, at their closest points.

The landscape and visual assessment completed as part of the Environmental Impact Assessment (EIA) identified that, after completion of the scheme, there would be views from the rear of the dualled A8 that didn't exist prior to the scheme. To soften these views, landscape mitigation is to be provided in the form of replacement hedgerows and visual screening planting along the boundary of the road. The visual impact assessment considers the scale of change, the contrast to the existing, whether the change is permanent and the angle and distance of the proposed scheme. The assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established.

The visual impact for this property has been assessed to be substantial adverse in 2016, remaining as substantial adverse in 2031. This means the assessment has considered the impact of the scheme would cause a significant deterioration in the existing view.

The potential noise impacts upon your property were assessed as part of the EIA for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise (CRTN) 1988' as required by Design Manual for Roads and Bridges. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 66dB occurs on the south-western facade of the dwelling.

- In the future year (2031) with the scheme and the proposed low noise surfacing, the highest noise level of 64dB occurs on the south-eastern facade.

Between the opening year and future year, the highest noise change is predicted to occur on the north-eastern facade, because of the changing in the proposed road layout. An increase of 9dB, to 65dB in the future year, is predicted on this facade. As outlined above, low noise surfacing has been included in the design to reduce the impact of the scheme.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

9.57.2 At a meeting on the 26th January with representatives from Roads Service we expressed these concerns. We were assured that our concerns would be considered, particularly with a view to possibly moving the proposed dual carriageway away from our garden. Up to date of writing, we have had no communication from the Department.

9.57.2.1 The alignment of the dual carriageway has been developed seeking to minimise the impact on properties on the inside and outside of the bypass. The Department are therefore unable to move the dual carriageway further east without significantly increasing the impact on other residential properties. However, the Department are willing to consider reducing the extent of the land included within the vesting order to reduce the impact on the existing established vegetation.

9.57.3 We are also very concerned that we will lose our only Ulsterbus service, which comes through Bruslee to Belfast (156). As pensioners we rely on this service and would use it regularly. We are always being encouraged to use public transport, but the new road proposal will prevent us from doing this and we will be left without a bus.

9.57.3.1 The design for bus services along the improved A8 has been, and continues to be, developed in consultation with Translink. Due consideration has been given to bus stop locations, and these have been agreed based on a number of key considerations, including:

- Safe means of pedestrian access from individual properties to and from bus-stops.
- Compliance with road design standards which primarily promote safe travel for all road users.
- Affordability of required infrastructure.

In making provision for bus-stops, facilities are required to ensure that an individual has a safe means of crossing the dual carriageway to access

any bus stops on the opposite side of the road. This can be either in the form of a bridge/underpass or an at-grade pedestrian crossing across the dual carriageway. At grade pedestrian crossings are not considered appropriate for this section of the dualled A8 because of safety concerns associated with the potential conflict between pedestrians and vehicles travelling at 70mph. Given the anticipated low pedestrian usage, the provision of a bridge or an underpass for pedestrians to cross the road at this location is considered prohibitively expensive.

All reasonable efforts have been made to provide regular, accessible and safe bus stops along the scheme. The nearest bus stop to your property will be at Coleman's Corner roundabout and a 1.5m wide footway will be provided connecting your property to that junction along the existing A8. It is acknowledged that the distance of 1.1km may be excessive for some individuals and that another means of transport may be required to access the bus stop. We appreciate the inconvenience this may cause; however, based on the overall balance of the many factors which have influenced this decision, the proposed arrangement is considered appropriate.

9.57.4 We are also concerned, that if in some years time, we may choose to sell our property, the fact that we could be so close to a dual carriageway may make this very difficult.

9.57.4.1 Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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Any matters relating to land/property values are considered by LPS during their assessment of compensation claims.

Mr Jim McMillan of McMillan Estate Agents, made an input to the Inquiry on behalf of Mr and Mrs Millar on the afternoon of Thursday 16th June. Also present was Mr Pat McCudden, the local Councillor for the area. Mr McMillan expressed concern that the proposed road would be about 50 feet from the Millar's home which would lead to disruption and inconvenience.

Responding for RS, Mr Hall outlined the reasons for the proposed road alignment being where it was. The constraints or hinge points were, the Coleman's Corner roundabout, the collection of properties which included the Millar dwelling and thirdly

the three properties close to where the new road would rejoin the existing A8 alignment. A further consideration was the fact that this would be a 70mph road, which meant that there were strict rules on the radius of curves and the alignment shown was the minimum desirable.

Responding to the suggestion that blighting the property should be considered, Mr Hutchinson said the first step was for an applicant to submit a Notice of Blight to RS, setting out the full case, which the Department would then consider. The background was that the Roads Order did not allow RS to acquire any lands outwith those specifically identified for vesting. However the Planning Blight Order existed and that set out the blight process. RS relied on Land and Property Services to ensure that the proper process had been followed by an applicant. LPS would also eventually advise RS as to whether a property had, or had not been blighted as a result of the road scheme. The Department was not able to comment on the likely outcome of a possible blight application in advance of its receipt, as that could prejudice further considerations.

In reply to a question from Mr Millar, Mr Hutchinson said that at a meeting which he had attended, RS had agreed to investigate the removal of a small triangular piece of ground from the Vesting Order.

Whilst the alignment of the proposed road could not be changed, essential screen planting had been identified for this section of the road and it was possible that the existing mature vegetation at the end of the garden could be retained and accommodated within the scheme. This would be determined at the detailed design stage. Mr Millar thought that trees were not the answer to the problem but expected further discussion in the days ahead.

Mr Millar asked if a crash barrier could be provided, as there were health and safety concerns around the close proximity of the proposed road to the dwelling. Mr Hutchinson replied that RS had responded to most of these issues on the 9th June and whilst the letter did not appear to have been received, it had mentioned that the provision of a crash barrier would form part of the detailed design considerations.

Mr McMillan explained that both his Clients were pensioners who relied on the local 156 bus service which was not going to be available once the new scheme was in place. Mr Furneaux confirmed that at present the stop was in Bruslee, almost immediately outside their house. As part of the proposals the existing stop just to the south of Coleman's Corner roundabout would be used and this was at a distance of around 1.2km. In the other direction, a bus stop would be created at the proposed Green Road / Calhame Road junction. The distances involved were acceptable based on the advice outlined in the guidance issued by the Institute of Highways and Transportation. Mr Furneaux also explained that diverting buses from the main line onto the old alignment in the Bruslee area in order to facilitate passengers would not be possible.

Mr Hutchinson explained that this was a very difficult issue and that all types of possible solutions had been assessed over a long time. There were both safety and economic factors to consider. Regularly spaced bus stops along the main line might necessitate the creation of at grade crossings which would not be ideal on a high speed carriageway. Overbridges would require enormous ramps each side and lead to very large land takes and there would be major cost implications in the creation of a large number of pedestrian underpasses. Mr Hutchinson concluded by saying that the solutions proposed had been reached in consultation with Translink.

Answering a query on increased noise levels, Mr Power explained that when looking at the change in traffic noise levels from one side of the building to the other, without the scheme in the opening year (2016), the highest noise level of 64dB occurs on the south western side. In the future year with the scheme (2031) and the proposed low

road noise surfacing, the highest noise levels of 66dB would occur on the south eastern facade. The highest overall difference was 1dB and a change of 3dB was considered the minimum perceptible change.

The message here was that there was very little numerical difference, with the noise changing from one side of the property to the other. The initial indications were that the increase would not be sufficient to qualify for noise insulation.

Inspectors' Comments (Mr and Mrs Millar)

Having reviewed the evidence submitted both before and during the Inquiry by Mr Jim McMillan and Mr and Mrs Millar, the following conclusions have been reached.

There are very clearly design constraints which would prevent the proposed dual carriageway from being moved further away from the Millar home and whilst the noise from the existing A8 would diminish, a very similar sound level would be transferred to the rear of the property as a result of the scheme.

The decision to submit a Blight Application would be a matter for future consideration by Mr and Mrs Millar in conjunction with their Agent and no further comment will be made here.

The issues surrounding the provision of bus stops on the proposed dual carriageway was discussed in some depth and for the first time during this particular session at the Inquiry. Whilst the thinking behind the intention to locate all the proposed bus stops at the major junctions is understood, it is also recognised that this will in many cases lead to a much less satisfactory situation than at present and to major inconvenience for many people. It is considered unlikely to lead to a situation where more people are encouraged to use the public transport network.

Whilst it is comparatively easy to outline the negative issues surrounding the proposed provision of bus stops, it had proved much more challenging to either identify or recommend an alternative which would meet the needs of bus passengers and the design and cost constraints imposed upon the RS Team.

Inspectors' Recommendations (Mr and Mrs Millar)

- RS carry out further investigations in order to determine whether the small triangular portion of land discussed at the Inquiry can be removed from the vesting proposals.
- RS to determine at the detailed design stage whether the mature vegetation at the end of the garden can be retained and accommodated within the scheme. Every effort should be made to ensure that this vegetation is left undisturbed.
- RS to consider at the detailed design stage the provision of a protective crash barrier at the side of the main line to protect the property.

9.58

Gary & Margaret Mills

Reference Number

OBJ_058

Date of Objector's Correspondence

21st February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.58.1 Left in left out arrangement would be very detrimental to the running of their everyday activities and would have a severe effect on the value of their property, and accordingly oppose the proposed Vesting Order.

9.58.1.1 It is acknowledged that the proposed left-in left-out access may have some impact on everyday activities and incur some degree of additional journey length compared with the existing situation. However, it is necessary to restrict access onto a road of dual carriageway standard on the grounds of safety. Design standards also restrict the spacing and location of junctions and accesses to ensure visibility from one is not obscured by a vehicle at an adjacent access. Therefore, in this instance, it has been necessary to provide access to a number of properties from a single entry and exit point on the A8.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

9.58.2 As forty foot articulated lorries enter the property on the regular basis. The appropriate entrance radius would be imperative at the mouth of the lane.

9.58.2.1 The entrance radius proposed for the mouth of this junction has been modelled and the Department consider that suitable provision has been included for forty foot articulated lorries.

9.58.3 At the mouth of the lane an entrance is being provided for Mr James Park (12 Highgrove Avenue) to gain access to his agricultural land. When Park's cattle are being loaded/unloaded a traffic jam occurs blocking the laneway entrance and of course this is not only unacceptable, but dangerous.

9.58.3.1 Dialogue with the objector has helped the Department to develop a draft schedule of accommodation works which the Department will seek to agree with the objector. The layout arrangement which has been discussed with the landowner and provided on the proposed accommodation works drawing would provide access to Mr Park's land set back from the existing laneway and therefore reduce the likelihood of this situation arising.

9.58.4 It is requested by the two clients involved that suitable handling facilities are erected some distance up the Park laneway' to alleviate this problem.

- 9.58.4.1 It is not the Department's Policy to provide cattle handling facilities. If a cattle handling facility is lost, LPS will normally take the loss into account in their assessment of compensation.

Inspectors' Comments (Gary and Margaret Mills)

The concerns of the Objectors and the RS responses set out above have been noted.

9.59 Samuel Agnew

Reference Number	OBJ_059
Date of Objector's Correspondence	21st February 2011

The Department has considered the correspondence referred to above and responds as follows:

- 9.59.1 **No access directly onto the new carriageway, a new lane would be provided for him from his existing entrance running down to the 'link road' (from the Ballynure Roundabout to the Carrickfergus/Straid Road Junction) which is a distance of approximately half a mile.**

It was said that my client would be responsible for the future upkeep of this lane and this is totally unacceptable, my client is strongly opposed to the scheme and the vesting order.

- 9.59.1.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. The access proposal for this property is as a result of this strategy.

The proposed layout has aimed to minimise the amount of shared access to the immediate area around the junction, therefore providing independent accesses for landowners as early as practicable. The proposed access arrangement to this property utilises part of the existing A8 as the new laneway, with an additional section of new laneway created beyond the property of 24 Belfast Road (Ferguson).

The road will remain as public highway with maintenance responsibilities remaining with the Department. However, if the property owners jointly wish to restrict access to this section of road, the Department would give

consideration to any joint request from the transfer of ownership of the appropriate part of the road.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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BT1 6FD

Inspectors' Comments (Samuel Agnew)

The concerns of the Objector and the RS responses set out above have been noted.

9.60 Alan McRoberts

Reference Number	OBJ_060
Date of Objector's Correspondence	14th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.60.1 We experienced a lot of difficulty trying to access our road during the recent very bad weather. My grave concern is when the road is eventually closed off, the very twisty nature of the road with climbs and dips between Ballygowan Road and Moss Road will make access even more difficult. If it is not gritted it will mean complete isolation for all residents and make it impossible for any of us to get in or out for the road for whatever reasons (work, for supplies and school). I seek total reassurance that the new Ballygowan Road will be gritted along with the other roads in the area when the roads division sees it necessary to grit.

9.60.1.1 Roads Service policy for the inclusion of roads on the gritting schedule is based on maintaining the links between key settlements; unfortunately it is not possible to grit every road and resources are targeted on busier routes carrying most traffic. The decision to grit a road is based on traffic flows

(typically greater than 1,500 vehicles per day), site specific issues, bus services and key links to settlements. The changes to traffic flows on Ballygowan Road as a result of the proposed scheme are small and therefore it is unlikely that the gritting schedule would be altered to include Ballygowan Road following completion of the works.

Inspectors' Comments (Alan McRoberts)

The concerns of the Objector and the RS responses set out above have been noted.

9.61 John & Margaret Simpson

Reference Number	OBJ_061
Date of Objector's Correspondence	22nd February 2011

Though the specific objections defined under this reference number have been withdrawn, see OBJ_159, Calhame Road Residents Association.

9.66 James Montgomery

Reference Number	OBJ_066
Date of Objector's Correspondence	28th February 2011

Brenda Montgomery

Reference Number	OBJ_067
Date of Objector's Correspondence	28th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.66.1 I refer to the above and the notice received by my client of an Intention to Vest certain lands for the above scheme. We would like to object to the above scheme, as our clients house will be blighted by the proposed scheme. The Vesting line comes right up to the front door of this private property. The access and garden are to be vested from this dwelling thus eliminating the residential amenity of the dwelling.

9.66.1.1 The Department acknowledge the proposals will have a significant impact on the properties garden. Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover

agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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9.66.2 Due to the proximity of the proposed embankment to the front of the dwelling our clients are worried that this will structurally affect the property. How does the Department propose to mitigate against such damage occurring?

9.66.2.1 The Department are proposing to provide a retaining wall at the front of the property. The structural integrity of the existing property will be the responsibility of the contractor during the works, where he must ensure that there is no structural damage to the landowner's property. Typically the type of construction method will be selected to ensure that the likelihood of damage is reduced and ongoing monitoring of vibration levels may be used during the works. Installation of the wall will be to current and relevant standards

9.66.3 Our clients have young Grandchildren who regularly use the property and garden. The steep embankment being proposed by the Department for the Road will make the property inherently unsafe for children to play outside. What does the department propose in regards to this concern?

9.66.3.1 A retaining wall is proposed at the front of the property in order to retain as much of the garden as possible. The provision of a retaining wall would introduce the need for a pedestrian railing at the top of the wall. The design of the wall and the associated handrail would be to current appropriate standards.

9.66.4 Further, due to Road Services unfair distribution between Landowners, our clients property is being adversely affected to mitigate any adverse affect on others. This is showing bias and unfairness in the process. As such our clients Human Rights are being adversely affected.

9.66.4.1 The preliminary design which has been developed has considered the impact on both land and residential properties and the alignment selected to minimise the impact where feasible. The route of the dual carriageway has been determined considering a wide range of issues, including; the proximity of residential properties, the horizontal alignment of the dual carriageway, and environmental impacts. The Department are therefore content, on balance considering all issues, that the proposed route is correct and do not propose to the change the route. The Department have completed a Human Right Impact Assessment for the scheme, which concluded as with any large infrastructure project private land would be required. However, the vesting of this land would be undertaken in accordance with relevant legislation and within the powers outlined in the Roads Order (Northern Ireland) 1993.

9.66.5 Our clients would like to object to the vibration, noise and light pollution that will affect their property due to traffic coming closer and travelling faster along the proposed new road. They have asked Road Service to relocate their dwelling further back but this has been refused. The alignment of the Vesting line shows that Road Service is being negligent in this regard.

9.66.5.1 Roads Service has no powers to relocate dwelling as part of these works. This proposal involves matters of planning which can only be dealt with by the Department of Environment's Planning Service.

In terms of vibration, research has shown that vibration levels caused by heavy vehicles travelling at 110kph over a 25mm hump (i.e. a large discontinuity consistent with poorly backfilled trench) could cause perceptible vibration at up to 40m from the road (Watts, 1990). The newly laid road will be smooth and free from any discontinuities of this magnitude. Therefore the impact of the scheme through vibration is considered to be negligible.

The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise (CRTN) 1988' as required by Design Manual for Roads and Bridges. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 69dB occurs on the north-western facade of the dwelling.
- In the future year (2031) with the scheme and the proposed low noise surfacing on the dual carriageway, the highest noise level of 73dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the south-western facade. An increase of 4dB is predicted on this facade. As outlined above low noise surfacing has been provided on this section of the dual carriageway to mitigate the impact of the scheme on noise levels.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be above the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

The landscape and visual assessment completed as part of the Environmental Impact Assessment identified that after completion of the scheme, from the front of your property there would be direct views towards the dualled A8 which are currently partially through roadside vegetation. The landscape design at this location includes replacement vegetation where possible. The visual impact assessment considers the scale of change, the contrast to the existing, whether the change is permanent and the angle and distance of the proposed scheme. The assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established.

The visual impact for this property has been assessed to be substantial adverse in 2016, remaining as substantial adverse in 2031. This means the assessment has concluded the impact of the scheme would cause a significant deterioration in the existing view.

9.66.6 At present our clients can access all of their fields and dwelling independently from the Road. The Department proposes to access our clients property by a shared access with their neighbours, this access is to be located solely on our clients lands!

9.66.6.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. For safety reasons, the proposed A8 dual carriageway has purposely been designed to not permit at grade traffic to turn right across the carriageway. All right-turning manoeuvres will be undertaken at the main junctions along the route. The Design Manual for Roads and Bridges (DMRB) contains the design standards for the provision of private access onto all purpose trunk roads. These design standards restrict the provision and spacing of accesses. TD 41/95: Vehicular Access to All Purpose Trunk Roads states '*There is a potential saving in accidents where there is a reduction in the number of lightly trafficked direct accesses and minor junctions made directly on to each trunk road*'.

To provide access at every property would lead to increased safety issues with vehicles potentially blocking the visibility of other vehicles. DMRB TD41/95 states '*New direct accesses shall only be sited where they do not encroach on the visibility requirements of adjoining direct accesses or junctions in regular use. This determines the minimum spacing of new accesses*'. The Department is therefore satisfied that the proposed shared access is, on balance, the most appropriate arrangement in this instance. The access has been located to maximise the separation between this and

other accesses, and is considered the most efficient and effective way of providing the shared access.

9.66.7 Further, the amount of land being vested to provide this access is excessive and it does not provide access to all of the retained lands. What is the Department's proposals in regards to this?

9.66.7.1 The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. The areas identified within the Vesting Order are necessary for the construction of the new dual carriageway and access. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

The Department has attempted to arrange a meeting with the landowner a number of times to discuss accommodation works. During an accommodation works meeting the need to make additional provision for access to the retained lands would be discussed and agreed. They would be recorded on a drawing and in a schedule which the Department would seek to agree with the landowner. The Department will seek a further meeting with the landowner to agree a schedule of accommodation works.

9.66.8 Our clients are also concerned with the distance that their property will be from Public Transport, namely the Translink Bus Stops. Our understanding is that the nearest bus stop will now be over 0.5 mile away in either direction.

9.66.8.1 The design for bus services along the improved A8 has been, and continues to be, developed in consultation with Translink. Due consideration has been given to bus stop locations, and these have been agreed based on a number of key considerations, including:

- Safe means of pedestrian access from individual properties to and from bus-stops.
- Compliance with road design standards which primarily promote safe travel for all road users.
- Affordability of required infrastructure.

In making provision for bus-stops, facilities are required to ensure that an individual has a safe means of crossing the dual carriageway to access any bus stops on the opposite side of the road. This can be either in the form of a bridge/underpass or an at-grade pedestrian crossing across the dual carriageway. At grade pedestrian crossings are not considered appropriate for this section of the dualled A8 because of safety concerns associated with the potential conflict between pedestrians and vehicles travelling at 70mph. Given the anticipated low pedestrian usage, the provision of a bridge or an underpass for pedestrians to cross the road at this location is considered prohibitively expensive.

The siting of bus lay-bys on the proposed dual carriageway is determined by design standards, with particular reference to the proximity to adjacent junctions or accesses. If bus stops were provided too close to adjacent junctions or accesses, this could result in driver confusion for vehicles leaving or joining the dual carriageway, therefore increasing the risk of accidents. Because of the proximity of the proposed accesses along the

proposed A8 in the vicinity of your property, a bus-stop cannot be provided in compliance with the design standards.

All reasonable efforts have been made to provide regular, accessible and safe bus stops along the scheme. The nearest proposed bus-stop is located at the Ballybracken Road junction. A footway/cycleway is being provided on the eastern side of the new A8 which will link your property to the bus stop. It is acknowledged that the distance of 1.2km may be excessive for some individuals and that another means of transport may be required to access the bus stop. We appreciate the inconvenience this may cause; however, based on the overall balance of the factors which have influenced this decision, the proposed arrangement is considered appropriate.

9.66.9 The proposed "Left in, Left out" design will result in almost two extra miles on every journey made to and from their property.

9.66.9.1 As outlined above the junction strategy for the proposed scheme has rationalised the number of junctions on safety ground. The Design Manual for Roads and Bridges restricts, in all but exceptional circumstances, the provision of gaps in the central reserve for private accesses on dual carriageways. Therefore the scheme aims to divert all existing accesses to side roads or collect them together into a single share left-in left-out access. The Department acknowledges that this will result in diversions of approximately 2 miles on each return journey, however considers the safety benefits outweigh the additional journey time. The additional travel time has been kept to a minimum through the provision of compact grade separated junctions that provide a safe and efficient means of exiting and joining the dual carriageway.

9.66.10 Putting out the Bin will require a walk of several hundred yards made especially dangerous in icy conditions, dark winter nights and in our later years.

9.66.10.1 The proposed access laneway has been designed to accommodate a refuse vehicle, however exact arrangements for refuse collection will need to be agreed with Larne Borough Council. It is acknowledged that there may be some inconvenience caused by the provision of longer laneways.

Mr Montgomery made an input to the Inquiry on the afternoon of Monday 20th June. This was in the form of a prepared statement which is reproduced as follows:

We have three daughters and two grandchildren. We purchased our first property in 1978 and have owned four houses during those 36 years. We acquired our present house, at 55 Larne Road, in August 2000. We have spent much of our free time and cash improving the value of our previous properties in order to help us afford our current, much desired home, in a quiet, country environment. It was a big risk for us to invest in this property and the additional 11.5 acres surrounding agricultural land also purchased with the property. While the house was located only some 30 metres from the main Larne line, we were happy that the road was just far enough away to make the noise and disturbance from traffic not too disruptive for comfortable living. Free from noisy neighbours and possible disputes was also a big attraction. The house required considerable refurbishment which is now almost complete. We planned to enjoy our ideal home and a small piece of Ballynure in our retirement.

We have several objections to the scheme and they are:

The road will totally destroy the character of our house leaving us only a few metres from a four lane motorway with a 70 miles an hour speed limit, inflicting new levels of noise, fumes, vibration and other forms of pollution. Our property will be blighted and we will have to suffer this punishment for the rest of our lives. We object!

We object to this scheme taking the whole of our front garden and leaving us at the top of a steep slope to the road or perched on a sheer concrete cliff face dropping at least ten feet to the road. Both of these dreaded options are offered by this heartless scheme. The safe garden we currently own where our grandchildren play is being taken leaving us with a highly unsafe play area from which they will be banned. We object!

We live at what is described as a pinch point, a place where there is a shortage of space for Roads Service. And Roads Service have decreed that for the greater good the road must go through our front garden. They have also decreed that, rather than all the properties which form the pinch point sharing the pain, it is better that we bear it all. While they have admitted that this is simply to avoid impact to other properties thus making their job easier, they attempt to disguise the fact saying that the road must take this line for engineering reasons. Unlike Roads Service, we do not wish to push a road into anyone's garden and have proposed an alternative solution, which they have rejected. This solution would reinstate our home to its current position relative to the road, save a considerable amount of tax payers money, remove the pinch point and remove the need for a large amount of engineering work, an eyesore on the environment. If the road must go through this pinch point then we object to being victimised and to having our human rights abused for the greater good.

The Roads Service environmental study has gone to great pains to understand the impact of the scheme on the flora and fauna along the route and the efforts to be taken to insure no harm to these helpless plants and animals. We applaud and support these efforts. Sadly, we cannot say that about how we are being treated. It is apparently acceptable to subject us to the destruction of our living habitat. We are expected to suffer the increased noise, vibrations and pollution of fumes and light. We may be offered some assistance to sound proof our home but we will have to wait a year to prove that faster traffic passing closer to our home is actually noisier. Even if it is possible to protect the inside of our home from the noise, are we expected to keep our windows closed forever and wear ear protectors while outside? Vibrations from traffic will be increased and while Roads Service quote research to say that the new, with the new road surface vibrations will be considered negligible. Road surface, by their nature wear out and require repair or replacement. Vibrations will increase with age and there is no guarantee that any repair or replacement will be to the original standard. The very justification for this road is the increasing travel levels and ever increasing torture for us. We object!

We currently enjoy a private access to our property giving us a buffer of some 30 metres from the public road, this scheme will bring the public within ten metres from the rear of our house removing all privacy we currently enjoy. We will be forced to share an access to our property, an access that will also be used by agricultural tractors trailing slurry tankers and the like. The inevitable spillage from these vehicles will be carried into the area around our house and into our home. This is surely a health hazard to our family. This access lane will be over 150 metres and in winters like we've just had, it will be impossible for us to clear it of snow and ice and it will be highly dangerous to just put out and bring in the bins.

As we approach retirement and the bus pass we can look forward to bus stops being removed to almost a mile away in both directions making the benefits of the pass almost worth less and public transport all but useless to us.

We are James and Brenda Montgomery and we have worked the last 36 years to

achieve what we now have in our current home and property. We understand that the greater good needs to take what we have worked so hard for. We don't understand why the greater good would not be prepared to fix the wrong they are doing to us. If this scheme will potentially save many lives why would it want to potentially wreck ours?

Mr Donaghy made an additional input to the inquiry on behalf of Mr and Mrs Montgomery on the afternoon of Monday 20th June. This was in the form of a prepared statement which is reproduced as follows:

We welcome the Department's acknowledgement of our objection in relation to the affect this proposal will have on our clients house. However the only response in relation to this is that the land owner will be entitled to compensation! We have pointed out that the Vesting line is within 2 metres of the front wall of our clients house.

The Department have stated in their response that they are proposing to provide a retaining wall at the front of the property. The drawings provided to date do not depict this. Can the Department give us an assurance that this will be the case and provide a drawing depicting this with the dimensions that this will be from the front of our clients house. This may help to alleviate some of the anxiety in relation to the structural integrity of the property. We ask the Department to give an assurance that a structural survey of the Property will be carried out pre scheme and post scheme by an Independent Structural Engineer. We welcome the Departments assurance that Vibration levels during construction will be monitored.

The Department have stated that the introduction of a retaining wall will mean that a pedestrian railing would be required at the top of this structure. Can the Department please give an undertaking that a Detailed design drawing with specification will be provided to our clients for comment prior to commencement of the scheme.

We note the Departments response in relation to unfairness and impingement on our clients Human Rights. We still feel that the selection of the alignment for the scheme has been designed to impact more on our clients property than on the properties on the other side of the existing Road. This may be to mitigate the impact on some but our clients are left with the larger burden of this impact and feel that this is grossly unfair.

We have asked the Department to relocate the house further back on lands within our clients ownership. The Department have stated that this is not for them to decide but for DOE Planning Service. Can the Department give us an undertaking that if we seek Planning Service approval, then they will fund the relocation of the House to mitigate the impact this scheme will have on this property?

We would like to highlight the alignment of the proposed vesting line around our client house. Why is this doglegged around the dwelling house?

The Department recognises the proposal will have a profound affect in regards to noise pollution in the vicinity of our clients property. The Only mitigation proposed is the adoption of low noise surfacing on the new road which may reduce the noise by 3db. We would seek assurances from the Department that they will provide the client with actual recorded noise levels before the scheme and actual recorded noise levels post scheme and not to rely on Noise models for the purpose of Part 2 Claims in this regard. We note the comments in relation to Vibration but the close proximity of our clients house to the proposed road still gives our client great cause for concern.

We acknowledge the response of the Department in relation to Visual Impact that the scheme will have on our clients property. This as conceded by the Department cannot be mitigated against unless the Department give the assurance sought earlier in relation to relocating the house!

We note the Departments views in relation to provision of accesses onto the proposed dual carriageway. Our clients are very supportive in regards to Road Safety measures. However the adopted solution in regards to access at this location has once again burdened our client solely and backs up the view in regards to their Human Rights being adversely affected more than others in this vicinity. The joint entrance will be located solely on our clients lands! And at the extremity of our clients landownership adjacent to their neighbour. The entrance could be designed to halfway along this laneway making it more equitable in regards to access to each property.

We acknowledge the response from the Department in relation to the excessive amount of land being vested for provision of the access laneway proposed. We had a meeting with the Department on 7th April 2011 and discussed the lack of access to some of the retained lands. The Department were unable to provide access to this land within the Vesting Line and turned down all requests discussed with them at that meeting. In its response dated 19th April 2011 the Department states that they have sought a meeting in regards to agreeing accommodation works! They then proceeded to issue on 28th April 2011 preliminary drawings and schedules in regards to accommodation works. This is not the actions of responsible consultation and the insinuation that it is our clients fault that accommodation works have not been agreed is totally disingenuous.

We note the Departments comments in relation to provision of bus stops along the new Dual Carriageway. We do not agree that the only location for a bus stop should be located at the Ballybracken Road Junction. There is a new Lay-by being provided on the Belfast bound carriageway some 200 metres from our clients house. This would be much more suitable and would not add any conflict with traffic on the Dual Carriageway. We fail to see the logic of locating bus stops so far apart that other motorised transport will be required to access them. How does this philosophy fit with sustainable development and lowering our carbon footprint?

We acknowledge the Departments response in relation to every journey to and from the Property being an extra 2 miles that this was felt to be acceptable as the Road Safety benefits will outweigh these disadvantages. How will this be compensated for? Will the Department give a written assurance that our client can capitalise up the extra journey times each and every day, time, fuel costs, wear and tear on cars over the lifespan of the, i.e. 60 years and calculate the net present value for this and claim this in regards to compensation on top of the diminution in value of their retained property and the loss of land value taken for the scheme?

The Departments response in relation to refuse collection has been noted but does not alleviate our clients concerns in relation to this matter. As already stated our client will have to walk further with their bin to the access to the Dual Carriageway. Our neighbour will not have to walk any further than at present due to the location of the access adjacent to their property. This is inequitable. The Access should be located halfway along this laneway!

Responding to the two statements, Mr Hutchinson said that he very much appreciated the impact the proposed new road would have here and the land take line would be very close to the property. However, RS were prepared to minimise the impact by the provision of a retaining wall which would be in the region of 10m from the house (The existing carriageway is 28m from the front wall of the house). It could be constructed at various heights to vary the fall within the garden. The provision of railings, a fence, a wall etc. could be included in the discussions.

Whilst the Department had certain powers under the Roads Order to acquire land necessary for the construction of the road it was believed that whilst not belittling the potential impact on the property, this was not required.

There were other possible avenues including blight but that could not be considered until a blight application had been received.

Mr Montgomery intervened to say that there was no certainty that such an application would succeed and if it did, the affect would be that they would be evicted from their property. Responding to Mr Hutchinson, who had suggested that they could build further back on their own land, Mr Montgomery confirmed that they wanted to stay in their present location but there was no way of knowing if a Planning Application would be successful. Effectively, this could all result in their being evicted for the property and then having to move somewhere else. He had been developing his understanding of blight for the past two years and did not want to put himself in that situation.

All he was asking for was an assurance that RS would fund the relocation of the house within the property.

Mr Hutchinson referred back to the high level approach taken by LPS to compensation and he could not give any guarantees as to the amount of compensation which would be paid.

On the subject of vibration, a full structural survey would be undertaken beforehand and the structure would be monitored during and after construction.

Mr Hutchinson also confirmed that RS would consider the possibility of moving the left-in left-out junction closer to the Montgomery dwelling. He wanted to make sure that there were no constraints, but did not see any reason why that could not be done.

Though it had been explored in some depth earlier in the Inquiry, a short discussion took place between Mr Robb and Mr Hutchinson concerning the location of bus stops. A stop in a lay-by would be a departure from standards and a further stop would normally be required on the opposite side of the other carriageway. Pedestrians attempting to cross the carriageways to access either bus stops or homes when returning would present a safety issue.

Mr Donaghy did not accept Mr Hutchinson's explanation that the vesting line had been 'bent' around the house for drainage reasons. Examination of the relevant drawing showed that the drainage started each side of the house which was why the vesting line came further out.

A typical drainage channel would be 1m wide at the bottom with a 1 in 1 slope either side, which would give an overall width of 3m. In some locations it could be wider at the top when the surrounding ground had been taken into account.

Mr Power set out the reasons why the new road alignment had been chosen, explaining that from a construction perspective it would be the least disruptive when the impact on a number of other properties and other constraints were taken into account. A great deal of time had been spent on attempting to obtain the best fit through this particular location.

Inspectors' Comments (James and Brenda Montgomery)

Detailed objections to the RS proposals for the dualling of the A8 were raised by Mr James and Ms Brenda Montgomery and their Agent Mr Thomas Donaghy, both before and during the Inquiry process and the exchanges which took place at the Inquiry are set out in some detail in the paragraphs above.

It is quite clear that the impact on the Montgomery home would be very considerable as the main line would move very much closer to the building. It was also established that the proposed road alignment had been chosen because it would be the least disruptive when the impact on a number of other properties and construction constraints were taken into account, so in a sense Mr and Mrs Montgomery would pay a heavier price for that decision.

Apart from a retaining wall little had been offered in terms of mitigation and the family were of the view that the only acceptable solution open to them was to rebuild the house further back on the site, further away from the existing road.

Submitting a blight application had been considered but were that to be successful then Mr and Mrs Montgomery would be required to leave their existing dwelling in the knowledge that it could be sold on to others. If the Planning Service was not prepared to allow them to construct a new home on the same site they could then find themselves homeless.

The location of bus stops and issues surrounding bin collections have been discussed elsewhere in this Report, so further comment will not be made here. For bus stops see Mr and Mrs Millar, (OBJ_057) and for bin collections see Mr Elwin Ward (OBJ_144).

Inspectors' Recommendations (James and Brenda Montgomery)

- Subject to a successful Planning Application, RS to give serious consideration to finding a means to fund the relocation of the Montgomery house further back on the same site to mitigate the impact of the scheme on this property. Mr Donaghy suggested that a possible option open to RS would be compensation under injurious affection.
- RS to provide a drawing depicting the proposed retaining wall showing dimensions to the front of house.
- RS to provide a detailed design drawing and specification for the pedestrian railing which would be required on top of the retaining wall to Mr and Mrs Montgomery for comment prior to commencement of the scheme.
- RS to arrange for a full structural survey of the house to be carried out before work on the new road commences, and after construction is completed by an Independent Structural Engineer. The structural integrity of the property to be monitored during the construction phase.
- The proposed shared left-in/left-out junction which would provide access to the main line to be moved closer to the Montgomery dwelling.

9.68 Malcolm & Adrian Smith

Reference Number	OBJ_068
Date of Objector's Correspondence	25th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.68.1 The alignment some thirty metres from the farmyard and dwelling and land take will have a drastic affect on this holding, severing it in two. The remaining portions of fields will be unworkable. The dwelling and yard will now be sandwiched between two roads detracting substantially from the amenity of the property. What measures are the Department proposing in regards to mitigating against such affects?

9.68.1.1 The Department acknowledges that the proposed alignment will have an effect on the holding, dividing the current plot. The Department however

do not agree with the statement that the plot will be sandwiched between two roads. The only other road area in the vicinity of the land is the Church Road, which with the proposed scheme will be extremely lightly trafficked.

The Department have looked to take on board the landowner's comments and views where practicable, and has considered alterations to the alignment of the dual carriageway. In this case it was not practicable to move the dual carriageway as far as was suggested, due to the impact on an adjacent residential property. However, the Department have moved the alignment west, further away from the property, since the publication of the Preferred Route.

Under the proposed arrangements access will be provided to the retained lands to the west of the proposed dual carriageway via an underpass. In addition, the Department will seek to agree a schedule of accommodation works with landowners prior to the commencement of the scheme, based on the principle of like-for-like replacement. Accommodation works are works that are undertaken by the Department on private land to assist with the continued use of the land and reduce the injurious affection and/or disturbance. Where these can be agreed with a landowner and the costs fall within the District Valuer's estimate of compensation, that would otherwise be payable, the works will be undertaken as part of the scheme.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

9.68.2 Can the Department provide our client with a photo montage of how the new road will be viewed from our clients house/yard after the road is built and ten years after the road is built?

9.68.2.1 The Department are currently preparing a photo montage and will issue to the landowner under separate cover shortly.

9.68.3 The Department, belatedly, decided to close the Church Road adjacent to our clients property and our clients feels that the consultation process and assessment process is fundamentally flawed on behalf of Roads Service and their consultants. This is the road which our client uses to access the property. The current proposal will lead to extended journey times to and

from the property for our clients. How will the department mitigate such an affect?

9.68.3.1 The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB outlines a three-stage process that allows for decisions to be taken at any stage of the process. The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

A bridge was preliminarily indicated for Church Road in August 2009 at the Preferred Route Announcement. As a result of further scheme development, the current scheme proposes to stop-up Church Road providing a connection from Church Road to the west of the proposed A8 to the Templepatrick Road. Some of the influencing factors for this decision included: the low volume of traffic using Church Road, the proportion of this traffic destined for Ballynure, the limited diversion that would result from a closure of the road and the significant capital cost of providing a bridge.

The Department acknowledges that the closure of Church Road would result in a 2km diversion for journeys along the proposed link road from the west of the proposed scheme to the property. However on balance, the closure of Church Road and the resulting diversions are considered acceptable.

9.68.4 **Under the original proposals the Church Road would be bridged over and this bridge would have provided access to retained lands west of the proposed dual carriageway. The current proposal has an underpass incorporated to access retained lands and access a proposed drainage pond. However the Department have verbally stated that this may not be required and as such the underpass may not be constructed. This will land lock the retained lands! Can the Department confirm that this is NOT the case and the full height 4.5m high underpass will be constructed? Can the Department please provide detailed drawings showing dimensions of the proposed structure or underpass and also what the Departments proposals are in regards to the remnants of church road where it is being stopped up.**

9.68.4.1 The Department can confirm access will be provided to the retained lands to the west of the proposed dual carriageway. The access will make provision for vehicles which would be accommodated by a 4.5m high underpass.

9.68.5 **The current proposal does not give access to each individual field as is the case at present. Further the severed portion of land will not have any livestock handling facilities which can be easily accessed at present. The drawings provided state that the fence will be a 4 rail timber fence. This is totally unsuitable for livestock and not acceptable. The hedges should be**

planted on the DRD vesting line with a stock proof fence on the Landowners side of the Hedge. What are the Department proposals in regards to these issues?

9.68.5.1 As outlined above the Department will seek to agree a schedule of accommodation works with landowners prior to the commencement of the scheme.

9.68.6 **Our client would like to object to the Departments proposals to vest land for Drainage Ponds which may or may not be required! This clearly shows that the assessment process has not been carried out properly. Further the need for Temporary areas and ponds is a new Departure from standard practise for Road Service. Can the Department please clarify the Legal position in regards to these 'Temporary Areas'.**

9.68.6.1 The Department has previously vested lands both for drainage ponds and temporary areas. The Roads Order (Northern Ireland) 1993 allows the Department, for any purpose in connection with the performance of any of its functions under the Order, to acquire by agreement or compulsorily any land including land on either side of a road or proposed road within 200m.

The design of the proposed carriageway and land drainage has been developed in consultation with Northern Ireland Environment Agency Water (NIEA) Management Unit and Rivers Agency (RA). The operation of the scheme will require the discharge of carriageway run-off into existing watercourse. The scheme design includes petrol interceptors and attenuation ponds to minimise the risk of pollution and flooding associated with the highway drainage. There are two ponds identified at this location.

The southern pond (adjacent to Ballynure Water on the west of the scheme) is a permanent feature and the final size of this will be defined in conjunction with NIEA and RA at detailed design stage. Maintenance access will be required to this and this is included within the current proposals. The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

The northern pond (on the west of the scheme) is a temporary pond required during construction to attenuate and treat water gathered during construction prior to discharge. Provision has also been made for a pipe to connect this to the watercourse. The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.

9.68.7 **Our clients would like to object to the vibration, noise & light pollution that will affect their property due to traffic coming closer and travelling faster along the proposed new road. Has the Department measured the noise level at present at our clients' property?**

9.68.7.1 Noise

The noise assessment has been undertaken in accordance with the guidance provided within DMRB and the Noise Insulation Regulations (Northern Ireland) 1995. Both documents state noise levels should be calculated using the method detailed in the Department for Transport technical memorandum – ‘Calculation of Road Traffic Noise (CRTN) 1988’). CRTN has been used for this scheme to determine the existing and forecast noise levels. Noise levels vary based on a number of conditions including the direction and strength of wind, whether it is wet or dry and the time of day. Therefore the published process uses modelled levels to provide a common basis for assessment.

Baseline noise surveys were undertaken at a number of locations along the existing A8 to determine the ambient noise levels in that location. These surveys were undertaken to understand the existing noise climate and are only used to supplement the modelled method of determining noise changes and are not a calibration tool for the model. It is therefore not a requirement to take noise readings at every property. There are stringent conditions outlined within CRTN for which the noise surveys must satisfy with regards to the environmental parameters and time of day. The document outlines noise measures should be recorded over any three consecutive hours between 10.00 and 17.00 hours.

The noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 51dB occurs on the south-eastern façade of the dwelling.
- In the future year (2031) with the scheme and proposed low noise surfacing on the dual carriageway, the highest noise level of 57dB occurs on the south-western facade.

Between the opening year and future year, the highest noise change is predicted to occur on the north-western facade. An increase of 12dB, to a level of 53dB, is predicted on this facade. Noise barriers were considered but are not typically employed for isolated properties due to the cost, visual impact and restrictions on how close the barrier can be to a property. Earth mounds require additional land which would have increased the land requirements in this area.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property façade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

Vibration

In terms of vibration, research has shown that vibration levels caused by heavy vehicles travelling at 110kph over a 25mm hump (i.e. a large discontinuity consistent with poorly backfilled trench) could cause

perceptible vibration at up to 40m from the road (Watts, 1990). The newly laid road will be smooth and free from any discontinuities of this magnitude. Therefore the impact of the scheme through vibration is considered to be negligible.

Light Pollution

Street lighting is proposed at the grade separated junctions to improve road safety at the key conflict points within the junctions. The main carriageway will only be lit on the approaches to these junctions. The scheme design does not propose to light the main carriageway in-between junctions and in proximity to this property.

- 9.68.8 **Our client would like to request clarification in regards to the amount of land being required for the New Road. The Central reservation as depicted on the provided drawing shows a large area between the two carriageways. Why is this amount of land required?**
- 9.68.8.1 The proposed scheme has been design in accordance with the Design Manual for Roads and Bridges (DMRB). DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of roads within the U.K. The central reserve has been widened in accordance with the design standards to provide the required forward stopping sight distance, on the proposed bend, for vehicles travelling towards Larne.
- 9.68.9 **Further, the amount of land being vested along church road and the new dual carriageway is excessive to the requirements for a Road! Can the Department provide drawings of the dimensions for the proposed ponds in our clients lands showing capacities etc.**
- 9.68.9.1 The Department is content that the amount of land currently in the vesting schedule for Church Road and the new dual carriageway is correct and not excessive. It is essential land required for the proposed roads.

Mr Thomas Donaghy made an input at the Inquiry on the afternoon of Monday 20th June on behalf of Mr Malcolm Smith and Mr Adrian Smith.

Generic Objections

Before dealing with the specific objections relating to the Smiths, Mr Donaghy raised some generic objections concerning the scheme as a whole. These were presented in the form of a prepared statement and are recorded in full below. The Departmental responses are shown immediately after each point which was made.

1. Loss of prime agricultural land.

The land take from Farmers is 175 Hectares of land (433 Acres) for 14.6 Km of dual carriageway. That is 120 sq m for each metre of Road. The actual carriageways and verges are approximately 21.1m wide so an extra 99m of land is required (nearly five times the width of the carriageway)! We would like to point out the inaccuracy in the published Data by the Department at P5 of the ES Non Technical Summary where it states that typically the area for the proposal is 40-50m! Has an assessment of the other routes been carried out to determine a coefficient to compare the amount of land required?

The objectors have the opinion that Road Service give much more weight to Urban Dwellers and wildlife than they do of the Farming community. They further feel that the countryside is seen as Landbank which can be used at the Departments behest.

It is noted that the Department has Compulsory acquisition powers and that affected landowners have an entitlement to compensation. However a Landowner would not contemplate the sale of a 120m strip running through his farm at a simple Market Value. Some of these Farms have been in a Family for generations and they have kept them to a very high standard and they are considered to be the custodians of the countryside.

Mr Hutchinson responded that to total all the proposed land take and divide it by 14 would probably result in an average cross section width which was very large. However, this would not take account of the side roads, ponds, maintenance strips etc. The statement in the title summary was correct in that the general typical cross section was 40m to 50m.

2. Agricultural Assessment

Some objectors initially welcomed the inspection of their Agricultural enterprises from a representative from Road Service. However they feel that quite a few inaccuracies occurred in this process. I will deal with these on an individual basis. One major problem with the assessments and is common to them all is the Bio-Security issues that the proposed scheme will create. In today's agricultural climate with TB, Brucellosis, Foot and Mouth, Bird Flu and Blue Tongue all making the headlines, complacency in this issue puts farms in a dangerous position economical ruin is a strong possibility.

New routes to parts of Farms which could be accessed within each individual farm holding will no longer be possible. There will be an increase in road movement of stock to severed portions of land. New private means of access laneways will be created and this again will add to bio-security issues. These points were never addressed by the assessment of each holding. Each landowner must have an individual agricultural connection to minimise the risks.

Dr McIlmoyle confirmed that part of the AIA was an assessment of bio-security issues. If they were in place that would be noted.

On the subject of slurry, he went on to explain that under the Nitrates Directive a landowner can only apply less than 107kg of organic nitrogen per hectare within the normal spreading season from the 1st February through to the 15th October. A higher level could be permitted in respect of dairy herds. Dr McIlmoyle then spent some time describing the system which enabled a calculation to be made of the quantity of organic nitrogen produced on any particular farm.

Whilst slurry used to be considered a waste product, a tanker load (2,000 to 2,500 gallons) could now be worth up to £45 to £50. Pig slurry could be worth more because of its nutrient content.

Mr Donaghy said that he did not understand the evidence. Whilst he had gone through the regulations, Dr McIlmoyle had recorded that bio-security was not an issue for Mr James Montgomery, who was going to have to share an access with his neighbour. How could that be so?

Dr McIlmoyle replied that when he visited the farm in December 2008, all the land was in conacre and Mr Montgomery had no stock on the land. Therefore that particular landowner did not have bio-security issues and a copy of the Bio-Security Code of Practise had been submitted to the Inquiry.

At a previous Inquiry the recommendation had been made that a *single* private access laneway should be created in those situations where it would be shared with two or more other landowners. A double fence with a hedge in between would be erected down each side for bio-security purposes.

3. Severance of the Farm and Fields

The proposed route will create severe problems for each Farming enterprise as it will sever through each Farm leaving misshapen fields which will be unable to be laboured with Machinery. There is also a Countryside Management Scheme affect to each landowner if hedgerows are removed along the new road path. Access to severed portions of land will add considerably to management and running overhead costs considering the price of oil today. This will have serious economic impacts on each enterprise.

Further the severance created by the proposed route will add extra slow moving agricultural traffic to the Road Network. At present this can be done within the farm boundary. How does this rational fit in with a sustainable carbon footprint policy by Government and further the transportation policies as laid down in the RTS and so widely espoused to by the Department?

The severing of a Farm can be a far greater problem to a Farm Enterprise than the actual loss of Land to the Farm. As I have stated the Management of the Farm is dependent on the compact nature of a Farm and with severance this compact holding is lost and the overheads increase dramatically in the management of the enterprise.

Mr Hutchinson replied that Points 3, 4 and 5 were all linked to compensation and whilst he did not intend to get into the detail, compensation for severance was generally based on the value of the entirety before the scheme and the value of the remainder after the scheme. That was a very high level principle as to how the District Valuer applied compensation.

4. Loss of Single Farm Payment

It has been acknowledged by the Road Service and their consultants that each Farm will lose this valuable asset on the Land. It is also acknowledged that this will be a Loss that will be compensated for financially under the relevant compensation code. However it is this acknowledgement, and the lack of a detailed assessment, to understand the economic loss to the agricultural industry, that we object to. A proper assessment prior to selection of preferred route on the value of single farm payment would have shown which route was less intrusive to the viability of the agricultural industry.

Mr Hutchinson – Linked to compensation. See 3 above.

5. Farm Nutrient Management

The loss of Farm land acreage to a Farm Enterprise will have a major impact on the overheads associated with farm management, particularly Farm Nutrient. The EU has legislated that each farm must restrict the amount of Fertiliser and Manure being applied to Farm land. They have further installed a regime in that Farm Slurry must be stored between Mid October and Late February before being applied to land. This has given a huge financial burden on to Farms with an average expenditure of between £40,000 and £60,000 per farm for storage tanks.

The Loss of land will mean that the Farm will have less land to distribute slurry and manure onto. This will mean that Farms may be over the permitted level of Nitrates

and the only solution will be to reduce stocking levels and hence earning capacity will be reduced for the Farm. One other solution may be to take other land by conacre or purchase extra land but post scheme 80 affected landowners will all be looking for land and this will mean higher prices having to be paid.

Mr Hutchinson – Linked to compensation. See 3 above.

6. Countryside Management Scheme

The preferred route in the main runs at an angle to the natural layout of the Field structures. This means that large amounts of hedges will have to be removed and this is contrary to the Department of Agriculture guidelines for GEAC (Good Environmental and Agricultural Condition) which must be complied with for both Single Farm Payment and Countryside Management Scheme. Permission must be sought for Hedges to be removed and strict guidelines exist to replace any hedges removed.

Road Service must where required erect new hedges of native species to replace hedges and we would suggest that this planting should be done at the outset of the scheme, so that during any scheme (2 Years construction) the new hedge would have a chance of taking.

Mr Hutchinson was of the opinion that it appeared to be an exceptionally reasonable suggestion that hedgerows should be planted as early as possible. This had not been given much consideration to date but would be taken on board. However, there would be places where this would not be possible because of the need to maintain access to other locations.

7. Social Impact and Economic Impact

The objectors would like to state on record that they feel the preferred alignment of this road will have a serious impact on the local community, especially residents of Ballynure and its hinterland to the west, with the restricted access onto the new road. The length of journey times will be greatly increased for Farm Traffic having to use the local network more to access severed lands. These delays will be a particular disadvantage in the sustainability of local agricultural businesses.

Mr Hutchinson said that again this was linked with compensation. RS had been attempting to minimise the impact where possible and the Department believed that the best proposal had been put forward.

8. Utility Infrastructure - Water and Electricity

We would like to purport at this stage the need to look at the current infrastructural provision and the need for this to be maintained throughout any proposed scheme and the eventual post scheme world. There will be a need for ducts under the Road to maintain connection for infrastructure including slurry pumping pipes.

We acknowledge that the Department is working on a proposed Accommodation Works schedule for each landowner. It is the lack of information from the Department which is creating stress and anxiety for the affected landowners. Will their farms be severed in totality or will an underpass be provided to maintain connection?

Mr Hutchinson believed that the installation of ducts under the road would be sensible in certain instances. The approach to accommodation works would be different for everyone and RS was very keen to finalise what was going to be done as soon as possible. Nothing was ruled out at this stage.

9 Fencing Responsibility

Further, any new fences that are erected along the proposed road will be extra fences which will need maintained. Our clients would like to take this opportunity to stress that there will be approximately 30 Kilometres of new fencing and this will, over the lifespan of the road 60 year assessment period, require regular maintenance and they would suggest that this should be Road Service's responsibility. Can the Department please confirm that this will be the case?

Mr Hutchinson replied that at the request of the Ulster Farmers Union, the Department had created a paper which defined what RS would, or would not provide, together with the associated criteria. It very clearly stated that whilst the Department provided the fencing, the fence and hedge was owned by the landowner. Responding to a question from Mr Donaghy, Mr Hutchinson reiterated that the policy was that the fence would be on the land take line with the hedge on the landowner's side of that. A further temporary fence would be erected to protect the hedge whilst it was growing.

Mr Donaghy wanted to know how hedges were going to be planted on lands which were not within the control of the Department? That would be outwith the powers of RS in the Roads Order. His understanding prior to this was that the hedge was on the land take boundary and the fence behind that on the landowner's side. If Mr Hutchinson was now saying that hedge would be on the land owner's land and the fence on the boundary then RS should have the responsibility for maintaining that.

Mr Hutchinson said that hedges and fences would be part of the accommodation works which would be carried out in agreement with the landowner.

10 Stock Handling Facilities

One further factor which must be looked at and possibly may be included in the accommodation works schedule held by Road Service, is stock handling facilities on severed parts of farms which are only accessed via laneways or via the local road network now that they are remote from the Farmyard and the normal stock handling facilities. These should include concrete hardstands with suitable pens and cattle crushes. This would help to mitigate the effect of some of the severance. Can the Department confirm that these mitigation measures are included in their accommodation works schedules?

Having quoted from the guidelines produced in consultation with the UFU, Mr Hutchinson said that the need for *temporary* cattle handling facilities during the construction phase would be discussed on a case by case basis. Should *permanent* stock handling facilities be required to be provided, that would be dealt with under compensation. Different commitments could well have been given before September 2010 when the new guidelines were published.

Objections - Mr Malcolm and Mr Adrian Smith

Mr Donaghy then moved on to set out the specific objections of Mr Malcolm Smith and Mr Adrian Smith. Again, he read from a prepared statement and this is reproduced in full as follows, with the Departmental responses set out at the end.

Consultation Process

It is quite clear from the correspondence and timing of meetings that the Department and the Consultants were proceeding with designing of the scheme without taking the views or opinions of the Landowners into consideration. The view from the

Landowners is that, the so called consultation meetings, were timed to inform them of the Departments updated proposals, and not take their concerns into consideration.

This can be further backed up by the fact that at each meeting more land was being acquired from this particular Landowner and at no stage was the survival of his Dairy Farm Enterprise properly considered or proper access to retained lands. The process was a One Way Street without the warning signs!

The ES may be written to the requirements of the DMRB but it is not presented in a format which one, especially lay people, can access the data readily. I challenge you Mr Inspector to determine without any aide from the Department or ARUP to find the Farm Impact Assessment Report for any particular Landowner in the ES.

It is our firm belief, as has already been stated by others at this Inquiry that the procedures and timetable being followed for this project are not conducive to proper consideration of all the issues. The free flow of information that the Department states is part of this project is not a view shared by those affected by the scheme. The project is being rushed, to meet milestones in the Consultants brief, to the detriment of the affected landowners.

Departments Cognisance of The Agricultural Industry

It is to be noted in the Economic Appraisal of the scheme presented in Mr Henderson's evidence to the Inquiry that there is no reference to costs to agricultural business's especially the loss of some 175 hectares or 433 acres of mainly agricultural land from the local economies for 60 years along the route.

Further the severance of Farms and the stopping up of side roads will lead to longer journeys for Agricultural vehicles between different parts of farms post scheme. This will have a negative impact on Business Benefits which has not been computed in the presented model. Does this not cast serious doubts to the validity of the TUBA model adopted.

The Assessment of Agriculture for the whole scheme has been confined to an 8 page submission by the Consultant. If one takes out the contents, introduction and ratings explained page this leaves three pages of commentary. Surely this is evidence in itself of the lack of cognisance by the Department of the Agricultural Industry affected by the proposed scheme!

The agricultural consultant for the Department expressly stated that the economic loss to assessed Agricultural enterprises would not be carried out. However he then goes on to exclude land taken in Conacre from Farm Businesses in his impact assessments. Nearly one third of all land in Northern Ireland is let out in conacre. The Agricultural assessment for this scheme has thus failed to take cognisance of some 140 acres of agricultural land in regards to scheme impact! Surely this cannot be considered a proper impact assessment by reducing the affected land by one third?

It has also been notified to me that not all affected agricultural Landowners had an impact assessment carried out by the agricultural consultant. The number of affected Landowners assessed was reduced by approx 30%. This means that only 50% of the agricultural land affected has been encapsulated in the Agricultural assessment process. Surely again this cannot be construed as an objective assessment process.

An assessment of the economic loss to agriculture enterprises should have been carried out to weigh up the costs/benefits of each alternative route prior to selection of the preferred route!

Affect on Our Clients Property

We note the Departments response in relation to the affect the scheme will have on our clients property. We do not agree with their assessment in regards to the House and Yard not being bounded by two roads post scheme! As already stated we do not agree that the Department has taken our clients views into consideration in their assessment and have done very little in regards to offering any mitigation proposals as requested in our letter of objection. They simply state that they will provide an access to retained lands west of the proposed road via an Underpass which is also to be utilised for servicing the proposed attenuation pond. Can the Department provide detailed drawings of the proposed structure showing dimensions and give a written assurance that this structure will be provided as requested in the Original objection letter some four months ago!. We note that this will be 4.5m high but need clarification in regards to width and levels in regards to existing Ground levels.

We thank the Department for the photomontage produced depicting the new road through our clients lands. However we felt that the photomontage should have looked at the road from our clients Yard at the closest point to give a better perception of the impact on the Property. Would this be possible for the Department to provide the inquiry and ourselves this view?

We note the comments from the Department in relation to the stopping up of Church Road adjacent to our clients property. We wholly disagree with the Departments responses in regards to this issue and are particularly annoyed by the response that the diversions proposed are considered acceptable . As has been already stated at the Inquiry the decision to not provide the Bridge structure was taken at a very late stage and no consultation with our client in regards to this was undertaken. This once again shows the blatant lack of consideration to affected landowners. The Bridge was for a dual purpose keeping the local road network connected into Ballynure and an Underpass to connect to severed lands west of the Dual Carriageway.

The Underpass is still proposed but our client who uses the Church Road daily to access the Property will now have a 3km diversion there and back. The Department have stated that the main reason for this is due to reduction in Capital costs. Can the Department provide us with the Cost reduction from the original proposed Church Road Bridge/Underpass structure/River Diversion Culvert to the now proposed Church Road Diversion of approximately 900mts long with associated earthworks costs/Underpass Structure and River Diversion Culvert.

Furthermore we would like to express our view that the updated proposal will have a much more significant visual environmental impact in the Landscape and due to the late inclusion of this option (December 2010) just before the Draft Orders we are concerned that this impact has not been properly considered in the published Environmental Statement. The Department have been asked what mitigation measures are being proposed in relation to accessing the property from Church Road but they have, to date, not responded to this issue. As such we must object strongly to the stopping up of the Church Road at this location. We would Invite the Inspectors to come out and view the location of the scheme and its impact on our clients property.

The Department has failed to respond to the request for details in regards to the remnants of the Church Road post scheme. Can they give an assurance that these will be provided. Further could the remnants not be used for access to the proposed underpass and thus alleviate the need for land from the Road side field being required for an access track to the Underpass? Can the Department give their assurance that this will be carried out and the draft vesting line reduced accordingly?

The Departments responses in relation to no mitigation provision for proper access from the yard and dwelling to retained lands is noted. This is also the case in relation to the proposed fencing provision and we refer to points made earlier to the inquiry in

this regard. We reiterate the views expressed by others that there is serious confusion in regards to the provision of hedges and whose responsibility they are post scheme.

We acknowledge the Departments response in relation to Drainage ponds proposed on our clients lands and refer to this issue being raised earlier at the Inquiry. We had been informed by Mr Hutchinson of Road Service that there may not be the requirement for the attenuation pond beside the Ballynure Water. Can the Department now give a more definitive answer to this issue. Will this pond be required or not? If not then can the Department give us an assurance that this area will be removed from the Draft Vesting Order? In regards to the Temporary drainage pond for filtering water during the excavation process of the proposed works, I have already expressed my concern in relation to this especially the size of catchment area and discharge rate. Can the Department elaborate on the plans and designs of this pond. We note the Departments comments in relation to a license agreement for this but the proposed use of the Land would give great cause for concern in relation to leaving it back into good agricultural productive land following the completion of the works. We would request the Departments proposals in this regard.

The we note the predicted noise levels that the Department state that there will be an appreciable change in noise level before the scheme and after using the noise model. However we are disappointed by the decision that an increase of some 12db will not be mitigated against in this quite rural location. We would ask the Department for an assurance that they will measure the exact noise level at the property before the scheme and the actual noise level after at the property and not rely on a Noise Model to carry out these calculations. Further in regards to light pollution we were referring to headlights from Cars passing on the new Road and not to the provision of street lighting at this location. We note the comments in regards to Vibration.

The Departments response in relation to the amount of land required for the Road is noted and I refer to the comments made earlier in relation to the amount of land being vested against that stated in the Environmental Statement Non Technical summary document. We do not accept the Departments final statement that the land within the Draft Vesting schedule is correct and not excessive.

Responding, Mr Hutchinson began by saying that right up to the publication date of the Draft Order, changes which could alter the land take were being made to improve the layout of the scheme.

Whilst each land owner has access to their own, AIAs relating to individual farm holdings were not published as there would be data protection and confidentiality issues were this to be done. He had no doubt that there would be objections from individuals, were the detailed information to be in the public domain.

Land and compensation costs were provided by LPS and all included within the economics of the scheme.

The former Agricultural Minister had spoken at the Assembly before the elections about the proposed A8 scheme and the work which was being done to minimise the impact. The Department had stated that the impact on 'NI Farming plc' for want of a better term would be minimal in terms of the overall agricultural business in Northern Ireland.

Drawings, sizes, layouts, levels etc relating to the underpass were available, though these could be subject to adjustment at the later detailed design stage.

The issues surrounding the different types of ponds had been discussed in some detail earlier in the Inquiry. The particular pond being proposed for construction on the Smith's land would be for treatment rather than attenuation purposes and a letter had been issued to NIEA giving a commitment that it would be provided as a control

measure in that location. This was based on the assumption that the scheme would go ahead based on the current proposals in the area around that particular location. More detailed work than would normally be required at this stage had been done in connection with this particular pond and it was clear that it would be required for treatment purposes.

Mr Hutchinson considered the suggestion from Mr Donaghy that the Church Road itself could be used as part of the proposed access laneway under the dual carriageway to be reasonable and he agreed to consider this in greater detail. This would avoid taking it out of the adjacent field.

The provision of suitable access to each of the fields in the severed lands west of the proposed road would be a matter for resolution at accommodation works meetings with RS.

Responding to the request by Mr Donaghy for actual noise level measurements to be taken, it was explained that this matter had been discussed at some length earlier in the Inquiry. Due to the complexity which would be involved in taking meaningful and comparable measurements this was not done and the changes before and after the construction of a new road were assessed using a standardised modelling process.

Inspectors' Comments (Malcolm and Adrian Smith)

As this had been his first input to the Inquiry, Mr Thomas Donaghy took the opportunity to set out his higher level, or generic objections to Departmental proposals for the dualling of the A8. His comments and the responses from the RS Team have been recorded above.

He then moved on to the specific issues relating to the Smiths and it is very clear that the impact on their land holding as a result of the scheme would be considerable in terms of the land which would be lost to the scheme.

Though the farm operation in this particular location would very clearly be severed by the new road, the impact of this severance would be mitigated to some degree by the fact that RS intends to construct a full height access under the new carriageways, which would be used jointly by the Smiths for their farming enterprise and the Department as a means of access to the attenuation pond on the western side of the main line.

However, in Section 11 of this Report, the proposed closure of Church Road is considered in some detail and the recommendation is made in Section 12 that RS should revert to the original intention to construct an overbridge to span both Church Road and Ballynure Water. This would mean that Church Road would not be severed and this would provide an opportunity for this road to be used to provide a means of access between the two parts of the Smiths' holding. Further details of the implications of this recommendation for Malcolm Smith, Adrian Smith and others, will be found in Chapter 10.

Inspectors' Recommendations (Malcolm and Adrian Smith)

- RS to have discussions with the landowners concerning the provision of suitable access to each of the fields in the severed lands to the west of the proposed dual carriageway.
- RS to provide a photomontage of the proposed new road at its closest point to the Smiths' yard.

- New hedgerows to be planted as early as possible throughout the scheme corridor during the construction stage, in order to minimise the time required to reach maturity.
- Should the recommendation to reverse the decision to close Church Road not be accepted by RS then:
 - The remnants of Church Road to be used to access the proposed underpass rather than vesting part of the adjacent field.
 - Detailed drawings of the 4.5m high underpass to be constructed to link the Smiths' land and service the proposed attenuation pond to be provided by RS. This to show dimensions and finished road level in relation to existing ground levels.

9.69 Raymond McCann

Reference Number	OBJ_069
Date of Objector's Correspondence	25th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.69.1 We would like to object to the above scheme as our clients farm will be blighted by the proposed scheme. The alignment some forty metres from the farmyard and dwelling and land take will have a drastic affect on this holding, severing it in two. The remaining portions of fields will be unworkable. The dwelling and yard will now be sandwiched between two roads detracting substantially from the amenity of the property.

9.69.1.1 The Department acknowledge that the scheme will have an impact on the farm, and the Agricultural Impact Assessment consider the scheme will have moderate adverse impact. The proposed scheme will realign the A8 to the rear of the property in question. Measured from the north-western side of the house, the carriageway edge of the realigned road will be a distance of approximately 50m away, with the boundary hedge 35m away, at their closest points.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

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Land & Property Services
Queens Court
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Belfast
BT1 6FD

- 9.69.2 **Can the department provide our client with a photo montage of how the new road will be viewed from our clients house/yard after the road is built and ten years after the road is built?**
- 9.69.2.1 The Department are currently preparing a photo montage and will be issued under separate cover shortly.
- 9.69.3 **The Department have proposed an accommodation bridge to be shared between our clients and two other farming neighbours. Our clients are worried that this proposal will have an adverse bio security impact on the holding. Further it has been pointed out to the Department that the Land Ownership boundary on the proposed vesting maps is inaccurate and the proposed laneway to give our clients access will stop short of their land ownership therefore prohibiting them from using this as a means of access to retained lands. Another issue is that the proposed laneway does not connect the existing yard and this will sterilise even more land to connect to this laneway.**
- 9.69.3.1 The Department's policy in relation to Bio Security endeavours to ensure that the works will not place a farm holding at any greater risk than that which existed before the new road was constructed. In this regard, the Department does not consider the proposal will significantly vary from the existing.
- The land which is included within the Draft Vesting Order is based on the information obtained from Lands Registry. This shows the existing ownership boundary between the adjacent landowners at the end of the proposed laneway. If in the event that the Lands Registry map is incorrect the Department will in the first instance seek to purchase the additional land by agreement. If agreement cannot be reached the Department will look at the options for steepening the embankment to provide suitable access to the landowner's property.
- The detail of the laneway within the landowners existing property and necessary accommodation works will be developed further with the landowner and where possible the land will be minimised to reduce the impact.
- 9.69.4 **At present our clients property is one block with suitable fencing for their agricultural operation. This includes high hedges and fencing. The Department are proposing to use 1.2m high fences which will be totally unsuitable for our clients farming operation. Can the department confirm that 2m high fencing will be erected along the boundary with the new road? Our clients welcome that all services will be maintained to their property and reiterate the request that a duct be placed under the new road for any new services or slurry pumping across to retained lands as discussed with the Department at prior meetings.**
- 9.69.4.1 The Department notes the points raised in relation to potential accommodations. Dialogue with landowners has helped the Department to

develop a draft schedule of accommodation works which the Department will seek to agree with the landowner. Where practicable the Department will look to take on board landowner's views and requirements in finalising the schedule of accommodation works. The proposals for the laneway have been provided to the landowner for comment.

9.69.5 Our clients would like to object to the vibration, noise & light pollution that will affect their property due to traffic coming closer and travelling faster along the proposed new road. Has the Department measured the noise level at present at our clients property? What mitigation measures are the Department proposing in regards to these issues?

9.69.5.1 The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise (CRTN) 1988' as required by Design Manual for Roads and Bridges. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 62dB occurs on the north-eastern facade of the dwelling.
- In the future year (2031) with the scheme and the proposed low noise surfacing, the highest noise level of 58dB occurs on the north-eastern facade.

Between the opening year and future year, the highest noise change is predicted to occur on the north-western facade. An increase of 4dB, to a level of 52dB, is predicted on this facade. The proposed dual carriageway will be in cutting adjacent to your property. This will provide a degree of natural noise mitigation from the main carriageway traffic. In addition, low noise surfacing on this section of the dual carriageway has been included with the design to reduce the impact on noise levels.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared

with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be above the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

Street lighting is proposed at the grade separated junctions to improve road safety at the key conflict points within the junctions. The main carriageway will only be lit on the approaches to these junctions. The lighting design will be finalised during the detail design phase which will look to minimise the extent of street lighting required. Where street lighting is provided it will be designed to minimise light pollution into the sky and spill outside of the footprint of the proposed road.

In terms of vibration, research has shown that vibration levels caused by heavy vehicles travelling at 110kph over a 25mm hump (i.e. a large discontinuity consistent with poorly backfilled trench) could cause perceptible vibration at up to 40m from the road (Watts, 1990). The newly laid road will be smooth and free from any discontinuities of this magnitude. Therefore the impact of the scheme through vibration is considered to be negligible.

Mr Donaghy made an input to the Inquiry on the afternoon of Monday 20th June. This took the form of a prepared statement which is reproduced below in full.

1. We note the Departments response in regards to the close proximity of the proposed road in relation to our clients' house and yard at the closest point only 35mts away. We do not agree with their assertion that this will only have a moderate impact on our clients property. This will have a very significant impact on our clients property! We invite the Inspector out to view the property at this location. The Departments stance in relation to this impact being a Compensation matter leaves our client with the view that the Department are most unsympathetic when dealing with Landowners.
2. We thank the Department for the provision of the Photomontage in relation to this.
3. We acknowledge the Departments response in relation to bio-security by the introduction of a shared bridge structure to access retained lands. We do not agree with their assertion that this does not vary from the existing situation. At present our clients can access all their lands within the holding and do not have to use any other external laneway to do so. Post scheme this will not be the case! We note the Departments response in relation to landownership boundaries and in particular to the fact that the proposed laneway will not come to our clients boundary on the south side of the new road. We accept that there may be a problem with the Land Registry Data but the Fence on the Ground is the actual boundary and always has been! Could the Department please give a written assurance that access will be provided no matter what the problem is to this laneway!
4. We welcome the Departments comments in relation to fencing requirements and other accommodation works required. We will endeavour to work with the Department in this regard but would reiterate the points in regards to fencing made earlier.
5. The predicted noise levels that the Department state that there will be no appreciable change in noise level before the scheme and after using the noise model.

This could not be correct as the Road is moving closer to our clients house! We would ask the Department for an assurance that they will measure the exact noise level at the property before the scheme and the actual noise level after at the property and not rely on a Noise Model to carry out these calculations. Further in regards to light pollution we were referring to headlights from cars passing on the new road and not to the provision of street lighting at this location. We note the comments in regards to vibration.

Having pointed out that it was not in his prepared statement which is set out above, Mr Donaghy wanted to know if the Department had given consideration to the situation which could arise when two tractors drawing slurry or milk tankers met on side roads which were not suitable to carry such traffic. This was more likely to occur as a result of the closure of minor roads

Following the input by Mr Donaghy a short discussion developed around a small portion of land shown on the RS drawings as belonging to the McCann family. Mrs Lorraine Robinson said that this had been owned by *her* family for 45 years and that the McCanns would not dispute that. This was seen as an issue which involved the Land Registry and whilst important, it was believed that it could be resolved to the satisfaction of everyone concerned through discussion.

Mr Hutchinson was of the opinion that access onto and off the side roads from the proposed dual carriageway could be achieved very quickly.

Inspectors' Comments (Raymond McCann)

The impact of the proposed new road on this land holding would be considerable, with both ground being lost and the farm severed by the main line.

However, access to the severed lands using the proposed accommodation overbridge which would be shared with the neighbouring Robinsons, (OBJ_132) and the Mills Family, (OBJ_162) would mitigate the severance to some degree. Farm vehicle and stock movements between the severed portions would be possible using the new bridge without the need to use the public road network and the travelling distance involved would be comparatively short.

Whilst a separate accommodation overbridge to serve these lands might be desirable from the owner's point of view, it would be difficult to make a recommendation that this should happen.

At present the land holding is all contained within one continuous boundary and this is preferable from a bio-security standpoint. Whilst the bio-security risk from the interface with the proposed main line is considered to be small, the risk would clearly be slightly greater on the accommodation overbridge, as both stock and vehicles from each of the three farms would have access to it. However, this is not considered to be a major issue.

With the proposed new road in place, the direction from which the majority of the road noise would come from would be on the opposite side of the farm buildings and dwelling than at present and noise from the dual carriageway would be mitigated to some degree by the fact that the new road would be in cutting in this area.

The points relating to fencing requirements and possible issues concerning the formal record of property boundaries have been noted.

Inspectors' Recommendations (Raymond McCann)

- RS to prepare a photomontage showing the view of the new road from the yard/house area.
- Discussions to continue with the landowner concerning their request for a suitable duct to be installed under the main line to facilitate the installation of possible new services and slurry pumping.
- Discussions to continue with the landowner concerning fencing requirements.
- RS to provide a written assurance that the proposed private means of access laneway leading to the south eastern end of the accommodation overbridge will be constructed to reach Mr McCann's land holding boundary.

9.70 Mr J. Gault and Mrs K. Gault

Reference Number	OBJ_070
Date of Objector's Correspondence	24th February 2011

Though the specific objections defined under this reference number have been withdrawn, see OBJ_159, Calhame Road Residents Association.

9.71 Mr Ian McAllister

Reference Number (Objection withdrawn in writing)	OBJ_071
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9.72 Mary and Stanley Robinson

Reference Number	OBJ_072
Date of Objector's Correspondence	28th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.72.1 We wish to register our concerns on the impact the proposed plans will have on our local environment.

9.72.1.1 Part V of The Roads (Northern Ireland) Order 1993 sets out the statutory requirements for the assessment of the environmental impacts of road schemes. This requires the Department to determine using the Annexes to 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 97/11/EC and Directive No. 2003/35/EC of the European Parliament and Council, whether or not a relevant project should be subject to an Environmental Impact Assessment.

For the A8 dualling scheme, the Department determined that the project met the requirements of Annex I of the Directive and that an Environmental Statement should be prepared. The Environmental Impact Assessment was carried out, and an Environmental Statement prepared in accordance with Article 67 of the Roads (Northern Ireland) Order 1993 and the published guidance outlined in DMRB. DMRB provides guidance which reflects both legislative and best practice requirements, and outlines a clear process which is designed to ensure an objective assessment. It is accepted that with large infrastructure project of this type there will be some impact on the local environment, and mitigation measures have therefore been included in the design to minimise this impact.

9.72.2 We feel that any benefits will be outweighed by the negatives impact on the families living within the area.

9.72.2.1 The Government's White paper "A New Deal for Transport: Better for Everyone" published in 1998 introduced the New Approach to Transport Appraisal (NATA) as the standard appraisal process for all transport schemes in the U.K. The process and criteria outlined in NATA are based around the Government's five over-arching objectives for transport of environment, safety, economy, accessibility and integration. Additional detailed guidance on the appraisal of transport projects is provided within the Web-based Transport Analysis Guidance (WebTAG) which is published by the Department for Transport (DfT). Additional supporting analyses of practicality, affordability and acceptability have also been used in the appraisal process for the A8 Dualling. WebTAG outlines that for highway schemes, the Design Manual for Roads and Bridges (DMRB) shall be used to provide the necessary information for a NATA appraisal. DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of roads within the U.K. The DMRB defines a three stage scheme assessment process, providing a clear structure for the development and staged reporting of road schemes. NATA provides a multi-criteria appraisal methodology which enables options to be appraised within the scheme assessment process, and to be summarised and reported in an Appraisal Summary Table (AST).

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the DMRB and WebTAG. Each stage of the assessment process has used this methodology and an AST has been produced. The selection of the preferred route has strictly adhered to this process. The preferred route was the most favourable in terms of the balance across the Government's five key objectives for transport, and thus the Department is satisfied that the correct route has been selected.

9.72.3 We note many of the farms will be affected by the scheme and the road will go through their land in some cases it will reduce their farm land by many acres and have an impact on their dwellings. It will also have a negative financial implication for them.

9.72.3.1 From the early stages of development the Department has sought to reduce as far as possible the land required for the scheme and the impact on agricultural land. To this end, the strategy taken forward is a predominately online scheme which makes the best use of the existing road infrastructure. 60% of the scheme is online and the only locations where the proposed scheme leaves the existing road corridor is at the two

settlements of Bruslee and Ballynure, where bypasses were shown to perform better in terms of the Government's five key objectives for transport. This strategy has resulted in existing road forming approximately 22% of the total land requirements for the scheme. However, as with any large infrastructure project of this type there will always be an impact on land outside of the highway boundary. To minimise the impacts associated with rural land acquisition for this scheme, the Department have endeavoured, where practicable, to preserve farm assets and provide accommodation works to mitigate impacts. The impact upon individual farms has been assessed as varying from negligible to significant adverse impact, however the overall impact upon agricultural in Northern Ireland has been assessed as negligible.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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9.72.4 In addition, the proposed changes will cause increased traffic on side roads, some of which are narrow and not capable of carrying huge volumes of traffic. In some cases these side roads are to be completely closed at one end.

9.72.4.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

The junction strategy has attempted to keep diversion lengths as small as possible, and on average they are 1.2km, but in some exceptional cases

diversion lengths for a specific journey may be up to 5km. Some side roads are being stopped up. These have either very small volumes of traffic at present and/or there is a convenient alternative route. Some of these stopped up roads will be maintained open at one end to provide access to residential properties or land, forming cul-de-sac arrangements.

Inspectors' Comments (Mary and Stanley Robinson)

The concerns of the Objectors and the RS responses set out above have been noted.

9.89 Trevor Robinson

Reference Number	OBJ_089
Date of Objector's Correspondence	1st March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.89.1 I feel some of the proposed plans are not in the interest of local people especially farmers.

9.89.1.1 The Government's White paper "A New Deal for Transport: Better for Everyone" published in 1998 introduced the New Approach to Transport Appraisal (NATA) as the standard appraisal process for all transport schemes in the U.K. The process and criteria outlined in NATA are based around the Government's five over-arching objectives for transport of environment, safety, economy, accessibility and integration. Additional detailed guidance on the appraisal of transport projects is provided within the Web-based Transport Analysis Guidance (WebTAG) which is published by the Department for Transport (DfT). Additional supporting analyses of practicality, affordability and acceptability have also been used in the appraisal process for the A8 Dualling. WebTAG outlines that for highway schemes, the Design Manual for Roads and Bridges (DMRB) shall be used to provide the necessary information for a NATA appraisal. DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. The DMRB defines a three stage scheme assessment process, providing a clear structure for the development and staged reporting of road schemes. NATA provides a multi-criteria appraisal methodology which enables options to be appraised within the scheme assessment process, and to be summarised and reported in an Appraisal Summary Table (AST).

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the DMRB and WebTAG. Each stage of the assessment process has used this methodology and an AST has been produced. The selection of the preferred route has strictly adhered to this process. The preferred route was the most favourable in terms of the balance across the Government's five key objectives for transport, and thus the Department is satisfied that the correct route has been selected.

9.89.2 The proposed new road will cut through farm land which will make access to the land very difficult, and will also affect the farms financially.

9.89.2.1 From the early stages of development the Department has sought to reduce as far as possible the land required for the scheme and the impact on agricultural land. To this end, the strategy taken forward is a predominately online scheme which makes the best use of the existing road infrastructure. 60% of the scheme is online and the only locations where the proposed scheme leaves the existing road corridor is at the two settlements of Bruslee and Ballynure, where bypasses were shown to perform better in terms of the Government's five key objectives for transport. This strategy has resulted in the existing roads forming approximately 22% of the total land requirements for the scheme. However, as with any large infrastructure project of this type there will always be an impact on land outside of the highway boundary. To minimise the impacts associated with rural land acquisition for this scheme, the Department have endeavoured, where practicable, to preserve farm assets and provide accommodation works to mitigate impacts. The impact upon individual farms has been assessed as varying from negligible to significant adverse impact, however the overall impact upon agricultural in Northern Ireland has been assessed as negligible.

The Department is committed to providing appropriate alternative access to all land and property affected by the proposals. During the development of the scheme a series of one-to-one discussions have been held with all landowners to discuss access and accommodation works requirements. These discussions have helped shape the scheme proposals.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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BT1 6FD

9.89.3 There is also the matter of closing up some smaller side roads and diverting traffic onto other narrow roads most of which are not capable of carrying extra traffic.

9.89.3.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety

and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes,

The junction strategy has attempted to keep diversion lengths as short as possible, and on average they are 1.2km, but in some exceptional cases diversion lengths for a specific journey may be up to 5km. The side roads that are proposed to be stopped up have either very small volumes of traffic at present and/or there is a convenient alternative route. The impact on the side road traffic flows is minimal and therefore they are considered capable of carrying the forecast flows.

Inspectors' Comments (Trevor Robinson)

The concerns of the Objector and the RS responses set out above have been noted.

9.90 Adrienne Heaney

Reference Number

OBJ_090

Date of Objector's Correspondence

28th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.90.1 I feel that the introduction of a new junction so close to the main roundabout will have a detrimental effect on safety as slow moving traffic exits the new link road. I understand that computer simulations have been carried out to investigate this junction however, living so close to the proposed junction, I experience Hillhead Road traffic daily, the speed at which traffic both leaves and approaches Coleman's Corner roundabout is considerable. There is also a dip in the road that obscures the view towards Ballyclare for traffic exiting the proposed road and vice versa. Much of the traffic from the landfill site will include cars with trailers or heavy vehicles with the potential to stray across to the other side of the road due to human error thus increasing the risk.

9.90.1.1 The new junction has been designed in accordance with the Design Manual for Roads and Bridges (DMRB). DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of roads within the U.K. The new left-out only junction has been located to provide acceptable forward visibility for southbound traffic travelling on the Hillhead Road. Traffic entering the Hillhead Road, using the new left-out only junction, will do so at a location where southbound

traffic on the Hillhead Road would have passed the map and warning signs for the Coleman's Corner Roundabout and will be slowing down accordingly. The junction layout has been designed to allow long vehicles to manoeuvre out of the junction and avoid crossing into the opposing traffic lane.

9.90.2 If it is impossible to incorporate an exit from the landfill site at the entry point, Lisglass Road, a preferred option would be to use the existing A8 to connect directly to the roundabout. Alternatively exit traffic could use Coleman's Corner roundabout. These options would have the added benefit of reducing the environmental effect due to the loss of hedgerow and mature trees at the top of the Hillhead Road.

9.90.2.1 To accommodate all the existing side roads within the new dualling scheme would require a six-arm roundabout with an increased circulatory carriageway. DMRB outlines that the number of accidents per year increases with the number of arms. A 6-arm roundabout at this location would require an increased circulatory carriageway width and a larger roundabout diameter. This would encourage higher vehicle speeds. A 6-arm roundabout would also increase the number of potential conflict points which in combination with higher speeds would reduce safety. The resulting roundabout diameter is not recommended in the national design standards.

The Department acknowledge there will be an impact on land and wildlife habitats. The design of the proposed scheme includes a number of standard design features to cater for animals along the scheme. These include:

- Replacement badger setts, underpasses and fencing to ensure safe foraging on both sides of the road for badgers,
- Otter ledges at watercourse crossings identified as those used by otters and otter fencing at appropriate locations along the scheme,
- Hedgerow and hop-over planting to facilitate bats to safely cross the scheme, and
- Replacement hedgerows and other planting to provide habitat for birds and other animals.

The environmental assessment has used standard guidance to determine the significance of the effects of the scheme due to construction and operation. The assessment considers the design features outlined above and the different animals individually. The effect for birds, otters, badgers and bats during construction is considered to be moderate adverse in the short-term. This is due to the potential loss of habitat, injury and death, although measures will be implemented during the construction phase to minimise the impact on wildlife. During the operation these effects reduce to minor adverse.

Inspectors' Comments (Adrienne Heaney)

The concerns of the Objector and the RS responses set out above have been noted. The majority of these issues are discussed under Martin Kearney and Karen Weir (OBJ_001).

9.91 Mrs Kathryn Gault

Reference Number OBJ_091
Date of Objector's Correspondence 24th February 2011

Though the specific objections defined under this reference number have been withdrawn, see OBJ_159, Calhame Road Residents Association.

9.92 Andrea McAfee

Reference Number OBJ_092
Date of Objector's Correspondence 27th February 2011

David Cochrane

Reference Number OBJ_093
Date of Objector's Correspondence 27th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.92.1 Impacting directly on me and my property:

This proposed scheme will destroy the landscape, my view and take my private access. My private access begins with a bend at the top of a lane from the existing A8 and continues down a private laneway to my secluded house which lies discreetly hidden in the valley below, totally shielded from the road. My private access road is perpendicular to the existing road and is shielded by wind bushes, thorns, trees and appropriate hedging, this proposed new scheme dictates a road adjacent to the A8 which takes a further land grab across my land and into neighbours fields before reaching the new proposed A8 and the Moss Road roundabout thus rendering this now a shared access, not private. There has been no mention of planting shield cover of any description for this access road.

9.92.1.1 The proposed junction strategy for the A8 has rationalised the number of junctions and accesses along the route making it more appropriate for a high speed dual carriageway. It has therefore been necessary to group accesses together at the Old Larne Road and provide the junction arrangement shown. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements.

The access proposed brings the landowner to a shared access at the southern end of the Old Larne Road and not as suggested at the Moss Road Roundabout. The landowner has a private access laneway which meets the shared access to the A8 at the Old Larne Road.

The area between the landowner's private access laneway and the A8 carriageway is proposed to be planted with trees and shrubs. The Visual Intrusion Schedule (VIS) presented within Appendix A of the A8 Environmental Statement (ES) presents the visual impact for each receptor identified within the Visual Intrusion Drawings. The VIS states that the effect on your property is moderate adverse at the opening year (2016) of the scheme. This would be reduced to slight adverse by the design year (2031) due to the maturing of replacement tree and shrub planting which is proposed.

9.92.2 I have been notified directly by Colin Hutchinson of Roads Service that there is no funding available for shield coverage on my stretch of new access road.

9.92.2.1 The proposed scheme includes the provision for replacement tree and shrub planting between the laneway and the A8 carriageway.

9.92.3 This proposed scheme will force me to drive approximately 1.5 miles to the Moss Road roundabout to double back on the road for access to Belfast, thus significantly increasing my travel and transport times adding to my carbon footprint, incurring further fuel costs and considerably adding to my driver stress.

9.92.3.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. For safety reasons, the proposed A8 dual carriageway has purposely been designed to not permit at grade traffic to turn right across the carriageway. All right-turning manoeuvres will be undertaken at the main junctions along the route. The Design Manual for Roads and Bridges (DMRB) contains the design standards for the provision of private access onto all purpose trunk roads. These design standards restrict the provision and spacing of accesses. TD 41/95: Vehicular Access to All Purpose Trunk Roads states '*There is a potential saving in accidents where there is a reduction in the number of lightly trafficked direct accesses and minor junctions made directly on to each trunk road*'.

To provide access at every property would lead to increased safety issues with vehicles potentially blocking the visibility of other vehicles. DMRB TD41/95 states '*New direct accesses shall only be sited where they do not encroach on the visibility requirements of adjoining direct accesses or junctions in regular use. This determines the minimum spacing of new accesses*'.

The Department acknowledges that this will result in diversions of approximately 1.5 miles on each return journey, however considers the

safety benefits outweigh the additional journey time. The additional travel time has been kept to a minimum through the provision of compact grade separated junctions that provide a safe and efficient means of exiting and joining the dual carriageway. The Department is therefore satisfied that the proposed shared access is on balance the most appropriate arrangement in this instance.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

9.92.4 This proposed scheme takes my privacy and makes my property and land more vulnerable to burglars.

9.92.4.1 The Department acknowledges that there may be some changes to the landscape and views to and from the property as a result of the works. However, as outlined above the proposed scheme includes replacement trees and shrubs along the carriageway.

9.92.5 This proposed scheme will adversely impact on the site of Local Nature Conservation Interest, part of which is on my land.

9.92.5.1 The Department assumes that the Landowner is referring to Cardnoo Marsh which lies at the rear on the landowner's property. The site is not directly affected by land take and the assessment undertaken as part of the Environmental Impact Assessment, in accordance with published guidance, does not assign any significance as a direct result of the works.

9.92.6 This proposed scheme will significantly increase noise pollution to me exceeding The Noise Insulation Regulations (NI) 1995 (Noise Insulation Regulations) criteria. It will be extremely difficult to hold a conversation whilst standing in my front garden; sound levels will be significantly increased thus rendering my garden space obsolete for my enjoyment and use.

9.92.6.1 The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise (CRTN) 1988' as required by Design Manual for Roads and Bridges. An

Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 62dB occurs on the eastern facade of the dwelling.
- In the future year (2031) with the scheme and proposed low noise surfacing on this section of the dual carriageway, the highest noise level of 62dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the northern facade. An increase of 2dB, to a level of 52dB, is predicted on this facade. DMRB outlines that in the long term a 3dB change is the smallest that is considered perceptible, the impact is therefore considered to be small.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

9.92.7 This proposed scheme 'takes' my agricultural land, in direct contravention of PPS21 -Sustainable Development in the Countryside, October 2007.

9.92.7.1 The A8 Dualling scheme is being delivered under the provisions of The Roads (Northern Ireland) Order 1993. However planning policy has been a key consideration in the assessment and design of the scheme to ensure compliance with government policy and legislation. The scheme is identified as a strategic development within key development and transportation policies for Northern Ireland including the Regional Development Strategy for Northern Ireland 2025: Shaping Our Future (RDS) and the Regional Transportation Strategy for Northern Ireland 2002-2012 (RTS).

PPS 21 does not directly refer to the development of a protected route road scheme within the countryside. Reference should be made to PPS 3 Access, Movement and Parking and PPS 13 Transportation and Land Use which support and contain the policies relevant to the development of strategic road schemes identified within key Government planning documents as outlined above. PPS 21 Annex 1 contains an amendment to PPS 3 Policy AMP 3 for developments in the countryside that are seeking access to a protected route.

9.92.8 This proposed scheme will present a significant Health & Safety danger to me and my animals from noise pollution, air pollution, carbon monoxide pollution and possible traffic impacting over the road. Given the significant height of the road above my house there is a significant and increased risk of traffic crashing over the embankment and into my property.

- 9.92.8.1 Noise pollution issues have been discussed as previously.
- An Air Quality assessment was undertaken as part of the A8 Environmental Impact Assessment. The results are reported within the A8 Environmental Statement (chapter 14). Air quality standards are based on levels of Nitrogen Dioxide (NO₂) and particulate matter (i.e. dust and fine particles) in the air. The predicted levels at your property against national and European objective thresholds are significantly lower than the annual mean air quality objectives for both NO₂ and PM₁₀ and as a result of the change, the significance of the effect on air quality is considered negligible.
- The design standards for the proposed dual carriageway will improve the highway geometry and increase safety on the route and reduce the likelihood of accidents. The design standards for the dual carriageway will mean that a safety barrier would be provided on the carriageway at the top of the embankment. At present there is no safety barrier, therefore the Department considers this change to reduce the risk of a vehicle crashing over the embankment.
- 9.92.9 **My house at present sits in proportion to the ground, should the road be widened my house will be adjacent to the road with very little or no frontage.**
- 9.92.9.1 Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service as outlined previously.
- 9.92.10 **Due to the leakage during construction it would conclude that contamination of the Six Mile Water which borders my property at the rear will lead to fish kills and environmental deprivation with adverse long-term effects.**
- 9.92.10.1 A Code of Construction Practice has been developed which is detailed within the A8 Environmental Statement. The code of practice details measures which will be implemented during the construction phase by the contractor to minimise the risk of adverse effects during construction. In relation to works within the vicinity of watercourses, compliance with best practice guidance including Pollution Prevention Guidelines (PPGs) published in Northern Ireland by the Northern Ireland Environment Agency (NIEA) would be adhered to. Consultation with the NIEA Water Management Unit and Department Culture Arts and Leisure Inland Waterways and Fisheries is ongoing and method statements would be reviewed by relevant statutory authorities prior to the construction phase to minimise pollution risks and ensure appropriate measures are implemented.
- 9.92.11 **This proposed scheme totally destroys my landscape view: when the road encroaches to the proposed vesting line my house will be tens of metres below the road which will be at an acute angle above it creating a very unpleasant visual outlook from the front of my property.**
- 9.92.11.1 The Department acknowledges that there may be some changes to the landscape as a result of the works at the landowner's property and therefore has proposed mitigation of replacement trees and shrubs along the carriageway as outlined previously.

- 9.92.12 All of the above points illustrate the infringement of my human rights in that the property that I bought is no longer - I will have no private access, I will incur a higher level of noise and pollution, I will be forced to live under environmental deprivation.**
- 9.92.12.1** The Department have completed a Human Right Impact Assessment for the scheme, which concluded as with any large infrastructure project private land would be required. However, the vesting of this land would be undertaken in accordance with relevant legislation and within the powers outlined in the Roads (Northern Ireland) Order 1993.
- The Department has provided the landowner with a private access to their property with a shared access onto the A8 at the Old Larne Road.
- As outlined above the impact on air quality and noise have been assessed as part of the environmental impact assessment. The assessment of air quality has found a negligible difference in air quality, and the noise assessment concluded the highest noise level with the scheme, and proposed low noise surfacing, would be the same as without the scheme.
- 9.92.13 This proposed scheme destroys the plans that I had to develop a number of businesses on my property requiring a further private access onto the A8; these businesses would have provided economic regeneration by creating jobs for local people.**
- 9.92.13.1** The proposed scheme maintains access to the property, which is now from the Old Larne Road, instead of a direct access from the existing A8. It should be noted the A8 Dualling scheme is identified as a Protected Route within strategic Northern Ireland policies (Regional Development Strategy, Regional Transportation Strategy, Regional Strategic Transport Network Plan, and the Belfast Metropolitan Transport Plan. Further private accesses and increased use onto a protected route would be severely restricted.
- 9.92.14 I have had extensive architectural plans including that of a Norman tower built in local stone with viewing windows, agreed for my property and surrounding areas at the front of the property where the land grab is concentrated - these plans are now totally useless further diminishing my aspirations to live in my home.**
- This proposed scheme will have a massive direct detrimental effect on the value of my property and land. I have spent thousands of pounds landscaping the front of my property, and in fact chose to get married in the front garden in June 2010, we have now also started a family - this proposed scheme destroys everything that I had aspired to do and have for my family.**
- 9.92.14.1** The Draft Vesting Order does not require land on the location of the proposed tower. However the Department acknowledges that this may have an impact on the setting.
- All Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service as outlined previously.
- 9.92.15 This proposed scheme has taken away my human right of choice and equality of opportunity, I have never been consulted as Roads Service**

indicates - merely dictated to. Each point raised by me has been totally rebuffed.

9.92.15.1 Roads Service has endeavoured to consult with the landowner throughout the development of the scheme, and have held a number of meetings with yourself to discuss the scheme. Where possible the Department have tried to take landowners concerns on board within the development of the preliminary design.

9.92.16 **Having a general impact on the surrounding area:**

The level of Category 6 dual carriageway far exceeds the need for the road, it is not conducive to the rural landscape and in fact adversely changes and denigrates the environment in which it is proposed to pass through. In fact the dualling before and after this proposed scheme was not built at Category 6 dual category standard - private accesses both residential and business, remain.

9.92.16.1 The proposed category of dual carriageway for the A8 is Category 5 and not Category 6. The proposed scheme is of dual carriageway standard, as detailed with the Design Manual for Roads and Bridges (DMRB). DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. The carriageway will typically consist of two 3.65m lanes, with a 1m hard strip along the verge and central reserve, in each direction. Category 5 is the lowest standard of dual carriageway outlined within the DMRB.

This is the same cross section and design criteria used for the section of dual carriageway south of Coleman's Corner roundabout. As outlined above the proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway.

9.92.17 **This scheme will not improve road safety but endanger the area because of excessive speed.**

9.92.17.1 The design of the new dual carriageway will have an improved horizontal and vertical geometry, restrict the number of accesses onto the A8 and includes a barrier in the central reserve. All of these improvements are considered by the Department to increase road safety. The safety impacts of the proposed scheme have been assessed quantitatively and monetised using COBA (COst Benefit Analysis) software. COBA is a standard software package approved by the Department for Transport (DfT) for use in modelling the benefits of transport schemes. This assessment has shown the proposed scheme will deliver accident benefits.

9.92.18 **There is insufficient need for the upgrading of the road to the proposed level -there is no road congestion and crawler lanes have been built to facilitate farm vehicles. The argument that there is a platooning at times of ferry disembarkation is moot; Stena have recently stopped their Fleetwood to Larne.**

9.92.18.1 The Regional Development Strategy for Northern Ireland 2025, Shaping our Future (RDS) places great importance on the regional gateways, which includes the Port of Larne, as suitable locations for major economic development. The strategy states "Gateways are important interchange points and the quality of connection from the ports and airports to the internal transport network is crucial for economic competitiveness and the

convenience of the travelling public". The RDS outlines an aim to continue to develop the Port of Larne which is the second largest Northern Ireland port. The recently published Draft Revised RDS also outlines that the region has a number of important gateways, including the Port of Larne, through which both people and goods will continue to travel.

The Port of Larne is therefore considered a key element of the Regional Development Strategy and has an important role to play in supporting economic development. The Port of Larne provides the shortest distance between Ireland and Great Britain. In 2009 and 2010 it was the largest port in Northern Ireland in terms of roll-on roll-off traffic, and was the 4th largest in the UK based on the number of freight vehicles. Competition between the two largest ports in Northern Ireland plays a vital role in ensuring that the public, road hauliers and ferry operators have a choice, thus ensuring a competitive and efficient economy.

Whilst it is acknowledged that there has been a short-term reduction in freight movement over the last few years, the port continues to play a significant role in freight transport. The long-term predictions are that the usage of Northern Ireland ports, including the Port of Larne, will grow as the economy of the province grows. On this basis, and as acknowledged by the recent review of the RDS, the Port of Larne will continue to play an important role in Northern Ireland.

9.92.19 There is no evidence to substantiate the 'prediction' that by 2016 the A8 is likely to suffer from operational problems such as congestion and unreliable journey times, surely this is a 'prediction' for any road in Northern Ireland not least the A2, the A6 and other main roads in Northern Ireland which have now been shelved.

9.92.19.1 The department acknowledges that traffic flows and vehicle usage are influenced by the economic climate, including the slowdown of the UK's economy. However, economic downturns are considered to be anomalies and the overall trend, over a number of years, is for traffic volumes to increase. Forecast growth in traffic for this scheme has been based on planning data produced by the Northern Ireland Statistics and Research Agency which predicts increases in population and the number of households.

9.92.20 This proposed road gains no support from local people or local businesses and will in fact turn Ballynure into a ghost village as the trend will be to not use slip roads to come off, i.e. to use garage services, restaurants, post office etc.

9.92.20.1 The A8 Belfast to Larne Dual carriageway proposals has support from local people and road users. In addition, Shaping Our Future: Regional Development Strategy for Northern Ireland 2025 and Investment Strategy for Northern Ireland (ISNI) highlight the dualling of the A8 as a critical part of promoting development and encouraging growth and investment within the Province. The dualling of the A8 is identified, alongside the dualling of the A5, as one of the ten key network milestones within the ISNI. In addition, the milestone is specific about the opening the scheme within the lifetime of that strategy (2008-2018). The scheme will complete to at least dual carriageway standard the entire route between Larne, Belfast, Dublin and beyond, providing a major improvement to the north-south link.

The economic assessment for the scheme has been undertaken in accordance with the published best practice and guidance provided in the DMRB and WebTAG. This assessment considered the financial benefits, through journey time savings and accident savings, against the costs of providing the new dual carriageway, which included land and compensation costs. The eligibility of individuals to compensation is outlined in legislation. This assessment has shown a positive economic return set against the capital investment in the scheme. However, as with any large infrastructure project of this type, there is the potential for impact to individual businesses or at a community level.

The scheme assessment process considered both online and off-line options for the dual carriageway at Ballynure. An online option would require an all-movement junction with Lismenary Road and Riverside. However, the provision of additional junctions or gaps in the central reserve represent safety concerns and therefore the remaining accesses would be either closed or restricted to left-in left-out. This would impose diversions on those wishing to use the local businesses, especially those along the existing A8. The off-line option provides the opportunity to retain the existing all-movement accesses within Ballynure for local residents and businesses. The proposed junction strategy includes vehicular access from the improved A8 at either end of the village: from the A57 (Templepatrick Road) junction and the Ballybracken Road junction. In addition, public transport links will be maintained within the village for those wishing to use local services, local residents and landowners. During detailed design, the Department will seek to provide relevant signage along the A8 for local services and facilities.

In addition, the community and private assets element of the Environmental Statement considers the existing land use pattern, provides an assessment of the areas of land lost to the scheme and assesses the impact on land use and the community. The key community facilities considered, based on the DMRB guidance, include: doctors, hospitals, aged person homes, schools, shops, post offices, churches and recreational areas. This assessment highlights the potential for impact upon the businesses varies from improved links to the A8 for business along Church Road to adverse impacts associated with the reduction in passing trade for business along the existing A8. The proposed scheme does not change the existing access arrangements for the school, and the changes in the traffic flows on Lismenary Road are considered to be small. It is acknowledged that traffic through Ballynure will be significantly reduced; however, the Department considers this will have benefits to the local community that are associated with improved access to facilities within the settlement which may lead to increase usage.

9.92.21 On the DRD draft budget paper paragraph 15 states 'around £790 million which is 70% of the entire roads service budget is tied up in 2 major road schemes - the A5 and A8, as a result there are no allocations to commence construction on other road schemes such as the A6, A2 Greenisland, the York Road flyover, Sydenham by-pass widening'; in paragraph 10- 'the priority in this budget is to stimulate the economy, tackle the disadvantage, protect the most vulnerable and protect front line services', the DRD then contradicts itself by saying in paragraph 17 that this funding of the A5 and A8 also reduces the available funding for the transport, water and sewerage programmes, and in paragraph 22 it also says that because of

this level of investment coupled with the reduction in roads service maintenance activities it is predicted to lead to the network being less resilient to extreme weather events such as freeze/thaw cycles and flooding, the results of which were catastrophic several weeks ago.

In this present financial climate there is no justification for the building of a high category road at a cost of £113 million where there is no justification, no need or desire from local people; the findings from Roads Service that the road would increase journey times from Larne to Belfast by three minutes is an appalling excuse for justification when considered against other factors in the construction of the road i.e. the danger to ecology and nature conservation, the significant adverse effect on the landscape and cultural heritage and the ruination of local business, both agricultural and commercial, never mind the destruction of peoples' homes and dreams including my own, allied to the continual stress and health deprivation to all home and land owners affected on this route.

9.92.21.1

The Regional Development Strategy: Shaping Our Future (RDS) places an emphasis on the development of a modern integrated transport system. Its stated longer-term vision for transportation is “to have a modern, sustainable, safe transportation system which benefits society, the economy, and the environment and which actively contributes to social inclusion and everybody’s quality of life”. The RDS also defines five key transport corridors, including the Eastern Seaboard Key Transport Corridor, which includes this section of the A8. The RDS is currently undergoing a ten year review; the revised strategy document supports similar principles and identifies the Eastern Seaboard as one of the four economic corridors.

At its meeting on 17th July 2007, the North South Ministerial Council noted the Irish Government’s intention to make available a contribution of £400m to help fund the major roads programme within Northern Ireland. This included the A5 Western Transport Corridor and the A8 between Belfast and Larne. The Northern Ireland Executive confirmed its acceptance, in principle, to take forward these two major road projects. The dualling of the A8 is identified within the Investment Strategy for Northern Ireland (2008-2018) as a key milestone. The Investment Strategy also recognises that delivering better infrastructure is vital in helping to achieve the priorities for the economy, society and environment. The Budget 2011-15 outlines the Executive’s agreed spending priorities. This has identified the A8 dualling as one of several road projects to be taken forward and has allocated the required funds.

The consultation period for the Draft Budget 2011-2015 was held between the 15th December 2010 and the 16th February 2011. Following that consultation period the Executive considered the responses and the revised Budget 2011-15 was announced and passed by the Assembly in March 2011. This Budget sets out the Northern Ireland Executive’s spending plans for the four year period from April 2011 to March 2015.

Letter from Mr Sammy Wilson MP MLA

Mr Cochrane made an input to the Inquiry on the afternoon of Monday 20th June. He began by explaining that Mr Sammy Wilson, the Finance Minister was to be present to speak on his behalf but was unable to attend due to another commitment. However,

Mr Cochrane had a letter dated 17th June 2011 from Mr Wilson, which he asked to be placed on public record. It is therefore reproduced below in full.

House of Commons, London, 17 June 2011

I have visited Mr Cochrane's site with Roads Service Officials and discussed the impact which the road scheme would be likely to have on his property.

From what was a secluded rural property with a substantial barrier between the existing road and the house, Mr Cochrane will now be faced with a road which takes away two thirds of the land at the front of his house and more importantly, will leave him looking into a huge bank which will be higher than the roof of his existing property.

In discussion with Roads Service Officials it became clear that first of all, there was an alternative line which the road could have taken which would have avoided this and secondly, the justification for the land take was far from defensible.

Part of the reason for the encroachment onto Mr Cochrane's property is the over-specification of the road design. Roads Service were unable to justify the width of the central reservation which is three times of that on the M2. The need for a two metre wide footpath in the middle of a rural area, the slope of the bank, the distance from the bottom of the bank to the fencing along the boundary with Mr Cochrane's property, all of which have contributed to the problem which he faces.

While everyone agrees that the A8 should be upgraded, it would appear that no consideration has been given as to how that upgrading could sympathetically work with and meet the needs of the land owners along the line of the new road.

Yours sincerely

Sammy Wilson MP MLA

Input by Mr Cochrane

Having read aloud the letter from Mr Sammy Wilson, Mr Cochrane moved on to set out his own objections to the RS proposals. His presentation was developed from a detailed prepared paper and this paper is reproduced below in full as follows.

'I feel it's only right to use this opportunity as a platform to voice some of my objections and concerns regarding this proposed scheme and how it directly affects myself, my wife and my family. All of the issues that I am about to raise have a direct impact on me and my family.

Human

- At least 6 people on the A2 lost their lives and others became ill as a direct result of that particular scheme; can the Department make figures public relating to any deaths and/or illnesses attributed to this scheme when it completes?

This morning I visited the grave of a man who fell ill when the DRD told him they were going to acquire his bungalow for the A2 dualling; he subsequently died on this very day 4 years ago, followed by his wife who when moved from her home 8 months later, collapsed 2 days later from a massive stroke and died - all because of the disturbance and annoyance at having to leave their fully renovated bungalow overlooking the sea on the prestigious Shore Road. Their dream home to end the rest of their days.

Father - no objection at that time but his voice is heard through me. No support from DRD/ No representative at funeral and no support made available. Made things very difficult - Mother

A2 - The very same bungalow has been left 4 years later rat-infested and decaying, sitting in an area where other properties on that stretch of the A2 have been demolished and others bricked up.

Health

- On-going stress and worry - constantly thinking about our home and our new daughter and her future.
- On December 3rd 2010 we had a meeting in our home with DRD and Sammy Wilson. My wife was actually in labour during this meeting - we immediately went to hospital and our baby was born 2 days later. My wife vows that it is easier to go through childbirth than the process that this whole proposed scheme evokes.
- It is not to my knowledge and indeed has never been brought to my attention any support being offered to me, my wife, or indeed any landowner throughout the scheme in this traumatic and stressful time. Is this something that the Department should address in the future when engaging with homeowners in such schemes?

DRD

Firstly we feel extremely aggrieved with the management of this scheme by the DRD and ARUP - we have been treated with no respect and feel incidental to their workings.

- Is there any will on the Department's behalf to compromise with affected landowners? Us and Mr Montgomery. Could I ask you Mr Inspector to consider a compromise put forward by myself and Mr Montgomery where the road is pushed significantly towards his property and the Department acquires his property and lets him build on his own land further back. Mr Inspector if you could speak with the DRD and let them know that there are other ways of achieving this road which are less intrusive to individuals and indeed more cost effective.
- Colin Hutchinson on Friday described the road scheme in an answer to MLA Sammy Wilson, as an endeavour to provide value for money. I would like once again to refer to the A2 where Projected budget for A2: £21.1 million originally, revised to £41.1 million, in October 2007 £55.2 million - £16 million has been spent so far and the scheme has now been shelved....is that good value for money Colin? The journey time suggests an average improvement time of 3 minutes. Is this a justification for capital expenditure and value for money? As little as 2 years ago the A8 was resurfaced in parts. Is this what the DRD considers value for money? Is this a real indicator of how the DRD plans its budget, allocating 70% of it on 2 road schemes while in turn ceasing to fund the AG, the A2, York Street flyover and the Sydenham bypass, your budget goes on to say it also reduces the available funding for transport and water and the sewerage programmes, and there is no funding for the Lurgan track replacement or to fund the utility regulators capital funding level in 2012/2013. Also because of the level of investment needed for the 2 roads, it is predicted to lead to the network being less resilient to extreme weather events such as freeze, thaw cycles and flooding and importantly reductions in roads maintenance activities to name but a few. This is found in your own draft budget statement. How can the Department justify this lack of planning and prioritising?
- Compensation - If we are expected to jump through hoops to accommodate the DRD in accepting their road proposals and extensive land-grabs on our property then I would hope a representative from the LPS is here today to can give me an idea as to how much compensation one would expect to be paid. Where is LPS representative? I do hope that this scheme will have appropriate compensation levels.
- Has the Department been out to check the landscape of my property since their latest vesting line? Turning circle which was completed over a year and a half ago yet the latest vesting order made available to us a few months ago does not include this on the drawing.

- Where the access road will become shared and if for example a farmer is transporting cattle is it not likely that cattle waste will pollute the road - who is responsible for cleaning it as at present we don't allow cattle or farm vehicles onto our private access. Also can we have an assurance from the Department that no residential properties will be built on the field beside us as where before there was no access to my property, there now will be.
- Toxic drainage and waste from the proposed scheme will surely encroach on Cardnoo Marsh, a designated conservation site part of which is on our land. This will undoubtedly result in poisoning wildlife and result in fish kills in the 6 mile river which borders our property at the rear. These statements are quoted in the A8 Environmental Statement, page 3 and 6 with adverse long-term effects yet in your answer to me you have categorised our environmental effect as slight adverse.
- Significant landscape change -2 lanes will now become 4 lanes/central reservation/footpaths etc Dramatic and extensive change in character. At the meeting on Dec 31st it was put to Cohn Hutchinson that there is a good screening along the roadside and indeed our private access. In fact for 9 months of the year the road is totally obscured although you flippantly pointed out at the time that you could see the road from the house obviously not realising that whilst there was 2 feet of snow on the ground, we were in winter and the trees are deciduous, in fact even in the letter that I will read from the Finance Minister, Mr Sammy Wilson MLA, he writes we have 'a secluded rural property with a substantial barrier between the existing road and the house'. The DRD's response states that the effect on my property is moderate adverse in 2016, reducing to slight adverse by 2031 surely this is a misprint as it is absolutely absurd in the extreme to expect any landowner to wait 20 years from now for everything to be ok!! Colin, do you not think this is unreasonable and unjust and simply unfair?
- Over last 2 years the vesting line on our property has changed approximately 6 or 7 times taking more land each time showing complete lack of consistency.
- Could I ask the road GEO technicians what the fall of our slope is at present? 5 degrees at present. What degree pitch is the road? The reason being we are trying to work out how high the road will be above our property. We need an accurate drawing and visual presentation from an outlook from one of our downstairs windows looking up at the proposed new road to give an example of perspective and visual aspect ratio.
- Is it true to say that there is a distance of 18 metres from the front of our house to the start of the vesting line on the lane, then it curves to the left of the property and finishes somewhere around 29 metres to the foot of the boundary line of the exit/access lane thus encroaching over 2 thirds on our land. There is 75 -80 metres from the front toe of the house to the heel of the existing road - am I correct in thinking that the DRD are taking in excess of approximately 58 metres?
- Is every new road scheme in NI to be a gold standard dual carriageway? Are any future roads in NI going to be 4 lanes or will they all be up to dual carriageway standard? Shore Road/Antrim Road Is this the best use of public money for future times? I cannot understand why a 4-laned road and not a dual carriageway cannot be built to meet the objectives of providing overtaking opportunities to avoid platooning - surely this is all that is needed to provide a substantial road to the Port of Larne along with traffic calming measures along the route, e.g. in Ballynure. This 4 laned road would certainly be capable of ferrying any traffic now and in the future.
- Who has the lions share for the contract of the road - is this a NI CONTRACTOR? Spanish company Ferrovial Agroman - up to December 2009 they had been

awarded contracts amounting to 1.3 billion euro. There is no direct support for local companies, e.g. Farrans gone to Scotland for work.

- One of your key objectives is the development of the Port of Larne - should it not be concentrated on Larne town's vast economic issues - social deprivation/lack of good quality social housing/inward investment to attract business and to rejuvenate and colour the town as it is a gateway to the Glens of Antrim and beyond.
- Your figures suggest an increase in traffic stemming from a boom period some years ago when in fact that is not the true reality of today. The Irish Sea's leading ferry company - **Stena** - has actually pulled out of Larne and is now working successfully from Belfast - that, coupled with the economic situation, presents figures indicating a decline in traffic using the A8 - Where is your evidence to justify your figures for today - 2011 and onwards? This covers 2 of your key objectives for implementing this scheme.

AXE: In my pocket is at least a 4 and a half thousand year old Neolithic possibly monolithic axe found on my property whilst I was excavating approximately 2 years ago. This just adds weight to the argument against building a road as big as the one proposed with all of its concrete and steel roundabouts, by-passes and accesses and overpasses, through the historical 6 mile valley - a site of unmistakeably rich heritage.

This in your eyes may shape the future; but it is a future that no-one will want to be part of, destroying our economic growth for local farmers and businesses, re-shaping our environment whilst destroying our wildlife, fish and landscape, and burying our rich historical past.

I would like a copy transcript of my questions and the Department's answers in hard copy.

Note - Department's Key objectives for implementing the scheme:

- Support continued development of the Port of Larne
- Accommodate the growing volume of freight moving to and from regional gateways
- Complete a minimum of dual carriageway standard along the eastern seaboard key transport corridor
- Reduce journey times with increased journey time reliability
- Improve road safety
- Develop the final proposal with the most favourable balance across the 5 objectives of safety, economics, environment, integration and accessibility considerations.

Input by Mr Donaghy

Following on from Mr Cochrane, Mr Donaghy made a further input to the Inquiry. This was in the form of a prepared statement which is reproduced below in full as follows.

Impact on No 50 Larne Road

We acknowledge the Department's commitment in their response letter dated 19th April 2011 to provide planting screening between the proposed Road and the laneway which is to access the Property (although this screening has not been defined); this commitment was not forthcoming at an earlier meeting with the Department, namely Colin Hutchinson and Billy Millar on December 3rd 2010; Mr Sammy Wilson, MLA was also present at this meeting. However, this is not nearly enough as the proposed

laneway on the owner's side of the property is to be left unscreened and open to intrusion with no privacy, the owner's private access lane at present is screened on both sides; this proposed scheme significantly adversely affects the property.

We note the Department's acknowledgement that our clients' property will be adversely affected by the proposal in that their individual access at present will be no more, and will be replaced by a shared access to the A8 thus negating privacy. We again note the Department's stance in relation to Visual intrusion on the property as being moderate adverse at the opening year (2016) reducing to slight adverse in the Design year (2031) due to maturing of proposed planting. We do not consider this impact as being slight. The Department acknowledges that there will be significant changes to the landscape and views to and from the property; the scheme will have a severe impact on the setting and integration of the property in the landscape. To say it will be less in 15 years time goes against all Planning Policies in place in regards to integration of the development in Rural Northern Ireland.

We acknowledge the Department's response in relation to every journey to and from the Property being an extra 1.5 miles that this is felt to be acceptable as the Road Safety benefits will outweigh these disadvantages. How will this be compensated for? Will the Department give a written assurance that our client can capitalise up the extra journey times each and every day, time, fuel costs, wear and tear on cars over the lifespan of the Road i.e. 60 years and calculate the Net Present Value for this and claim this in regards to compensation on top of the diminution in Value of their retained property and the loss of land value taken for the scheme?

The Department's comments, in reply to the loss of privacy to our clients' house and the vulnerability of leaving the property more open, are totally inadequate and insulting. To simply state that replacement trees and shrubs will be planted leaves us with a view that the Department do not care in relation to the impact that the scheme will have on the property! My clients have undertaken extensive horticultural development of their property and indeed have specimen plants throughout including their private access laneway, this development work will now be redundant and totally destroyed. The new proposed road will totally undo all of this work.

We note the Department's view in relation to the impact of the scheme on Cardnoo Marsh which partly lays on our clients lands. We do not accept that there will be no impact on this Local Nature Conservation Interest site. The property and Cardnoo Marsh both lie in a downward sloping valley so where will drainage of the Road run to as it passes over our clients ground?

In relation to the Department's paragraph in response to compensation matters where it states: 'the purpose of compensation is, the owner is put, as far as money can do it, in the same position as if the land and property has not been taken' - what exactly does this mean as my clients do not want their land taken at any cost for the reasons they stated in their objection letters!!!

The Department states that there will be no appreciable change in noise level before the scheme and after using the predicted noise level model. This could not be correct as the Road is doubling in size, increasing in height by approximately 1.2 - 1.8 metres from its present level, heavier traffic flow is predicted, and the road is moving significantly closer to our clients' house and, as previously stated there will be immature screening for 15/20 years. Can the Department justify their statement that there will be no appreciable change.

We also note the Department's response in relation to the provision of a crash barrier on the top of the embankment beside the proposed road, however the Department's response considers this change to reduce the risk of a vehicle crashing over the embankment and not eradicate the risk; considering the additional risks of increased speed and heavier traffic with a higher percentage of the traffic being HGV, coupled

with the new proposed height of the road from their house as it encroaches on their property, my clients feel this amalgam of issues will not decrease any risk but in fact significantly increase it.

The Departments responses to reduction in distance between our clients' house and the Road, adverse affect on the landscape and views from the house and loss of private access and the mitigation measures proposed are noted. The statement that compensation matters are dealt with by DFP - LPS does nothing to reduce the impact that this scheme is having on our clients and the stress that is being occasioned. This is the second time this has happened to these clients. They owned separate properties on the A2 at Greenisland and their previous properties where required for that Dualling Scheme. They moved to this current property to get away from that Dualling project and now are left in the same position!!! They are quite right to feel as if their Human Rights are being adversely affected! The Department have and continue to show scant regard for the individuals directly involved - my clients feel particularly aggrieved as, having been through extreme upset and upheaval because of the proposed A2 scheme, they took measures including speaking directly with ARUP representatives including John McGill before purchasing their present property; they only purchased the property on the basis of having been told by ARUP the extent of the land required for this proposed scheme being approximately 5-10 metres. As it presently stands this initial meterage confirmed to my clients by ARUP has increased 800% and is essentially forcing eviction.

The views expressed by the Department in relation to our client establishing new businesses on the property give our client serious cause for concern. The Department seems to be stating that they would oppose any development which would require access to the Road. Will the Department give us a written assurance that this is not the case and post scheme our client would be able to access his property for all purposes.

The response by the Department in relation to the Planning Permission for Development of the Property falls very short in relation to the Impact that this scheme is having on my clients' Property. This scheme is Blighting this Property and the prepared plans will no longer be viable due to the proximity of the new Road! A significant part of the agreed development plans concentrate on workings to the front of the property including the erection of a tower and a viewing gallery to overlook the land which forms part of the frontage of the property – this scheme with its proposed plans in relation to proximity, height and landscaping renders all of the planning useless.

In regards to consultation with the Department, our clients with his local MLA, Mr Sammy Wilson had a meeting to ask the Department to minimise the area required for the Road Scheme. The result of this meeting was the Department stating that it would reduce the Area required by 0.5 metre for the footpath! This is hardly the result of taking on board landowners concerns!

We note the Department's responses in relation to the proposal having an impact on the surrounding area. These responses quite clearly show the Departments attitude with regards to objections to their proposal. The evidence does not support the need for the road but because of Political Will and objectives then they will proceed with the scheme anyway! Reduction in traffic to Larne and reduction in freight etc is excused in that it is only a blip!. The Traffic modelling was based in boom times but this was not considered a BLIP! As the saying goes There are Statistics and then there are LIES!

Departmental Written Response - Post Inquiry

At a later stage in the Inquiry, Mr Cochrane resubmitted the paper which had formed the basis of his input on Monday 20th June. In this revised document he had added

comments highlighting questions which he believed had either not been answered fully by the Department, or answered at all.

Following the conclusion of the Inquiry, RS supplied the Inspectors with a further written response to the papers submitted by Mr Cochrane and Mr Donaghy. This formal response is reproduced below in full as follows.

Mr and Mrs David Cochrane Submission, and additional comments from Mr and Mrs Cochrane.

At least 6 people on the A2 lost their lives and others became ill as a direct result of that particular scheme; can the Department make figures public relating to any deaths and/or illnesses attributed to this scheme when it completes?

It is not to my knowledge and indeed has never been brought to my attention any support being offered to me, my wife, or indeed any landowner throughout the scheme in this traumatic and stressful time. Is this something that the Department should address in the future when engaging with homeowners in such schemes? *Not Answered*

From the outset of the scheme development, the Department have sought to engage with landowners and the public. Extensive consultation has been undertaken which has included four separate public exhibitions, attendance at two public meetings, and three rounds of one-to-one landowner consultations. We are currently undertaking a fourth round of one-to-one landowner meetings to agree accommodation works.

The initial public exhibition for the scheme was held in May 2008. This exhibition publicised that a study was being undertaken and defined the study corridor. From this early stage in the assessment process, the Department and their consultants were available to discuss landowner concerns.

Is there any will on the Department's behalf to compromise with affected landowners? Us and Mr Montgomery (55 Larne Road). Could I ask you Mr Inspector to consider a compromise put forward by myself and Mr Montgomery where the road is pushed significantly toward his property and the Department acquires his property and lets him build on his own land further back. *The compromise was rejected with no justifiable reason given. To compromise would be cost effective and value for money.*

This matter was covered at the Public Inquiry, Page 54 to 56, and Page 87 - 20th June Transcript.

Also can we have an assurance from the department that no residential properties will be built on the field beside us as where before there was no access to my property, there will be. *Not Answered*

This matter was partly covered at the Public Inquiry alongside other points in relation to development of the landowner's land, Page 85 to 86 - June 20th Transcript.

Planning Service is responsible for considering any application for planning permission. The Department is therefore not able to provide any comments in relation to planning applications that have not already been approved.

The DRD's response states that the effect on my property is moderate adverse in 2016, reducing to slight adverse by 2031 surely this is a misprint as it is absolutely absurd in the extreme to expect any landowner to wait 20 years from now for everything to be ok!! Colin, do you not think this is unreasonable and unjust and simply unfair? *Not Answered. This new landscaping is to be substantial adverse effect on my property. Please can I get this confirmed.*

This matter was covered at the Public Inquiry, Page 92 to 96 - 20th June Transcript

It is not possible to state when soft landscaping will have matured as different species of flora will mature at different rates. Climate, weather and geography will also have a bearing on growth rates. The landscape and visual assessments have been undertaken in accordance with the guidance provided within the Design Manual for Roads and Bridges (DMRB). This outlines the assessment should consider the impact in the opening year, and in the fifteenth year after opening, and this should take account of all proposed planting. The assessment therefore acknowledges that there is a greater impact in the first few years after a scheme has been constructed, prior to planting establishing, and therefore considers both time periods.

Is it true to say that there is a distance of 18 metres from the front of our house to the start of the vesting line on the lane, then it curves to the left of the property and finishes somewhere around 29 metres to the foot of the boundary line of the exit/access lane thus encroaching over 2 thirds on our land. There is 75-80 metres from the front of the house to the heel of the existing road - am I correct in thinking that the DRD are taking in excess of approximately 58 metres?

The distance from the front of the house to the vesting line within the draft Vesting Order is a distance of approximately 35m. The realigned access road to serve the property sits outside the vesting line within the landowners land.

The folio maps for this property indicate the existing property boundary is approximately 60-65m from the front of the house. The scheme will require (approximately) a minimum of 28m and a maximum of 40m of land, at the northern and southern ends of the property respectively. The scheme will require approximately 50% of the land to the front of the house.

Is every road scheme in NI to be a gold standard dual carriageway? Are any future roads in NI going to be 4 lanes or will they all be up to dual carriageway standard? Shore Road/Antrim Road is this the best use of public money for future times? I cannot understand why a 4-laned road and not a dual carriageway cannot be built to meet the objectives of provided overtaking opportunities to avoid platooning - surely this is all that is needed to provide a substantial road to the Port of Larne along with traffic calming measures along the route, e.g. in Ballynure. This 4 laned road would certainly be capable of ferrying any traffic now and in the future. *Not answered but refer to Mr Sammy Wilson's comment on Friday, June 17th. If this question had not been alluded to but had been answered honestly, then the answer would have concurred with the evidence produced on Wednesday, June 22nd, by the barrister representing Andrew and Allister Craig, and also noted by yourself and the other Inspectors, that a gold standard dual carriageway is not necessary for this proposed scheme.*

The issue of a 'gold standard' dual carriageway was discussed a number of time, but the most in depth discussion was with Sammy Wilson, Page 54 to 58 - June 17th Transcript.

The dual carriageway proposed is Category 5, which is the lowest standard dual carriageway permitted within DMRB. The design of the A8 has been developed based on best practice and design guidance provided within DMRB and other Roads Service polices.

Department's Key objectives for implementing the scheme:

Complete a minimum of dual carriageway standard along the eastern seaboard key transport corridor.

This is a misrepresentation and incorrect as evidence produced on Wednesday, June 22nd, by the barrister representing Andrew and Allister Craig, and also

noted by yourself and the other Inspectors, states that a dual carriageway is not necessary for this proposed scheme.

This matter was discussed and clarified during the Public Inquiry, Page 194 to 197 - 22nd June Transcript, and again Page 111 onwards - 23rd June Transcript.

Thomas Donaghy Submission on behalf of Mr and Mrs David Cochrane, and additional comments from Mr and Mrs Cochrane.

We acknowledge the Department's commitment in their response letter dated 19th April 2011 to provide planting and screening between the proposed road and the laneway which is to access the Property (although this screening has not been defined). *Not answered.*

The Environmental Statement details tree and shrub planting on the embankment slope between the dual carriageway and the highway boundary/laneway. The details of the type and spacing of plants will be finalised as part of the detailed design.

However, this is not nearly enough as the proposed laneway on the owner's side of the property is to be left unscreened and open to intrusion with no privacy, the owner's private access lane at present is screened on both sides; this proposed scheme significantly adversely affects the property. *Not answered. Please confirm substantial adverse effect.*

The proposed laneway will be on the landowner's private land and will be for the sole use of the landowner and therefore the Department do not consider this will lead to a loss of privacy.

The laneway will form part of the accommodation works for the scheme.

Accommodation Works are works which the Department is prepared to carry out during a road contract to accommodate adjoining land owners and to reduce the impact of the road scheme. There is no obligation on the Department to carry out such works but it will do so where it is cost effective. The Department are developing schedule of accommodation works which the Department will seek to agree with the landowner. Where practicable the Department will look to take on board landowner's views and requirements in finalising the schedule of accommodation works.

The scheme will have a severe impact on the setting and integration of the property in the landscape. To say it will be less in 15 years time goes against all Planning Policies in place in regards to Integration of the development in Rural Northern Ireland. *Answered as being moderate, this is surely substantial adverse.*

As outlined above the landscape and visual assessments have been undertaken in accordance with the guidance provided within the Design Manual for Roads and Bridges (DMRB). These assessments have considered the impact in the opening year and fifteen years after opening. This matter was covered at the Public Inquiry, Page 92 to 96 - 20th June Transcript

We acknowledge the Department's response in relation to every journey to and from the Property being an extra 1.5 miles that this is felt to be acceptable as the Roads Safety benefits will outweigh these disadvantages. How will this be compensated for? Will the Department give a written assurance that our client can capitalise up the extra journey times each and every day, time, fuel costs, wear and tear on cars over the lifespan of the Road i.e. 60 years and calculate the Net Present Value for this and claim this in regards to compensation on top of the diminution in Value of their retained property and the loss of land value taken for the scheme.

This matter was discussed and clarified during the Public Inquiry, Page 86 - 20th June Transcript which refers to previous input to the PI, included Page 50 - 20th June Transcript.

The rights to compensation and methods and procedures for assessing the correct amount are

derived from what is commonly referred to as the "Compensation Code". This is made up of Acts of Parliament, case law and established practice. This booklet is aimed at lay people so avoids quoting extensive case law or legislation. However, the principal Statutes which are relevant are the Lands Tribunal and Compensation Act (NI) 1964, the Planning and Land Compensation Act (NI) 1971, the Land Acquisition and Compensation (NI) Order 1973, the Land Compensation (NI) Order 1982 and the Planning Blight (Compensation) (NI) Order 1981. Compensation claims received in relation to a vesting order are assessed by LPS on behalf of the Department.

The landowner's agent should liaise directly with LPS over this matter.

The Department's comments, in reply to the loss of privacy to our client's house and the vulnerability of leaving the property more open, are totally inadequate and insulting. To simply state that replacement trees and shrubs will be planted leaves us with a view that the Department do not care in relation to the impact that the scheme will have on the property! My clients have undertaken extensive horticultural development of their property and indeed have specimen plants throughout including their private access laneway, this development work will now be redundant and totally destroyed. The proposed road will totally undo all of this work. *Not answered. Please confirm substantial adverse affect.*

The Environmental Statement details the proposed landscaping measures for the scheme. The Department are developing schedule of accommodation works which the Department will seek to agree with the landowner. Where practicable the Department will look to take on board landowner's views and requirements in finalising the schedule of accommodation works.

We note the Department's view in relation to the impact of the scheme on Cardnoo Marsh which partly lays on our clients land. We do not accept that there will be no impact on this Local Nature Conservation Interest Site. The property and Cardnoo Marsh both lie in a downward sloping valley so where will drainage of the Road run to as it passes over our clients ground. *We do not accept no impact on this site.*

This was discussed at the Public Inquiry, Page 90 and 91 – 20th June Transcript.

The scheme design includes a drainage system that will collect runoff from the carriageway and includes pollution control and attenuation measures. This will ensure the water discharged in to watercourse does not cause pollution or increase the risk of flooding. In addition, the scheme will include a small cut-off ditch along the bottom of embankments to collect any runoff from the embankment slope, and prevent it from running onto adjacent land. The Department is therefore content that the drainage system will prevent any drainage runoff impacting on Cardnoo Marsh.

The Department states that there will be no appreciable change in noise level before the scheme and after using the predicated noise level model. This could not be correct as the road is doubling in size, increasing in height by approximately 1.2 - 1.28 metres from its present level, heavier traffic flow is predicted, and the road is moving significantly close to our client's house and, as previously stated their will be immature screening for 15/20 years. Can the Department justify their statement that there will be no appreciable change. *Answer was referred to earlier date, we do not accept that the noise level would be the same during and after design period. This is substantial adverse effect.*

This was discussed at the Public Inquiry, Page 91 and 92 - 20th June Transcript.

We also note that the Department's response in relation to the provision of a crash barrier on the top of the embankment beside the proposed road, however the Department's response considers this change to reduce the risk of a vehicle crashing over the embankment and not eradicate the risk; considering the additional risks of increased speed and heavier traffic with a higher percentage of the traffic being HGV, coupled with the new proposed height of the road from their house as it encroaches on their property, my clients feel this amalgam of issues will not decrease any risk but in fact significantly increase it. *Not answered.*

The design of the proposed scheme has been undertaken in accordance with the recently updated DMRB guidance and will improve the standard of the road provided. The guidance takes into account all road geometric factors and assesses them on a risk-based approach. The proposed scheme will include a safety barrier, appropriate for the speed of the road, in-between the two carriageways and in the western verge of the carriageway. Currently no safety barriers are provided in the immediate vicinity of the property. The proposed layout will provide one barrier between the northbound traffic, and two barriers between the southbound traffic and the highway boundary adjacent to this property.

The Department's response to reduction in distance between our clients' house and the road, adverse affect on the landscape and views from the house and loss of private access and the mitigation measures proposed are noted. The statement that compensation matters are dealt with by DFP - LPS does nothing to reduce the impact that this scheme is having on our clients and the stress that is being occasioned. This is the second time this has happened to these clients. They owned separate properties on the A2 at GreenIsland and their previous properties where required for that dualling scheme. They moved to this current property to get away from that dualling project and now are left in the same position!! They are quite right to feel as if their Human Rights are being adversely affected! The Department have and continue to show scant regard for the individuals directly involved - my clients feel particularly aggrieved as, having been through extreme upset and upheaval because of the proposed A2 scheme, they took measures including speaking directly with ARUP representatives including John McGill before purchasing their present property; they only purchased the property on the basis of having been told by ARUP the extent of the land required for this proposed scheme being approximately 5-10 metres. As it presently stands this initial meterage confirmed to be my clients by Arup has increased 800% and is essentially forcing eviction. *Evidence provided by us in form of drawing produced by John McGill of ARUP and given to us on September 30, 2009 - this was signed and dated, and confirms a maximum of 10 metre land acquisition. We would like to note the DRD barrister's unprofessional, unhelpful and untrue private comments in this public forum, we consider this unacceptable.*

(Mr McGuinness made reference to this particular section of the above submission towards the end of the Inquiry on the afternoon of Thursday 23rd June.

He said that whilst he had hoped to end the day on a positive note, he took umbrage at the content of the last sentence of the paragraph above, in which a particular reference had made to Mr McGuinness. He had a personal difficulty with what he saw as an unfair and prejudicial statement being put into the public domain and he reserved his personal position on that. Mr McGuinness added that it was unhelpful that Mr

Cochrane was not present because if he had been, Mr McGuinness would have been asking him formally to withdraw what he had written.

He believed it was entirely proper, relevant and based on evidence that was available to the Department that the line of questioning was started concerning whether someone was aware of the scheme prior to purchasing their home).

The response by the Department in relation to the planning Permission for Development of the Property falls very short in relation to the Impact that this scheme is having on my client's Property. This scheme is Blighting this Property and the prepared plans will no longer be viable due to the proximity of the new Road! A significant part of the agreed development plans concentrate on workings to the front of the property including the erection of a tower and a viewing gallery to overlook the land which forms part of the frontage of the property - this scheme with its proposed plans in relation to proximity, height and landscaping renders all of the planning useless. *Not answered. Substantial adverse effect.*

The Department acknowledge the scheme will require land from the front of the property. The compensation for any impact on the current use, or any consented developments, would be considered by LPS as part of the compensation package.

NB: After observing several other cases on the days after Monday, June 20th in the Public Inquiry, it became apparent that certain landowners were unimpressed with the service provided by Dr. McIlmoyle by his untimely appearance at many farms and his inadequate agricultural reports. It must be noted that as a result of my hearing this I realised that Dr. McIlmoyle had not furnished me with an agricultural report on my farm. I do however remember on one occasion in the Winter of 2009 I saw Dr McIlmoyle on my property unannounced and with no appointment. When challenged he introduced himself and as agricultural assessor and said he needed a field map. I told Dr McIlmoyle when he has this field map to arrange a suitable appointment and return to my property and feel free to conduct the agricultural report. To this end I have never been contacted by Dr McIlmoyle. When John McGill was asked about this on Wednesday, June 22nd, his reply was that he thinks Dr McIlmoyle tried to contact my wife; both my wife and I know that neither of us were contacted. To this date I have not received an agricultural report on my farm. This is another unacceptable situation from the Department.

Initial contact was made and an initial view of the use of the land taken during the site visit, which informed the assessment process. The Department are willing to ask Dr McIlmoyle to contact the landowners to complete an Agricultural Report.

Inspectors' Comments (Andrea McAfee and David Cochrane)

In his original letter of objection, Mr Cochrane set out a considerable number of particular concerns to the proposed A8 scheme and formal written responses were subsequently provided by the Department.

His objections were covered once again and developed further at the Inquiry by Mr Cochrane, his Agent Mr Thomas Donaghy and in addition, a supporting letter was received from Mr Sammy Wilson and this was included in the written evidence.

Mr Cochrane subsequently came back to say that a number of the questions which he had raised as part of his input had not been answered and it was agreed that RS would submit written replies to these points to the Inspectors following the conclusion of the Inquiry at Corr's Corner Hotel. This was done.

A number of the points raised, such as what was said to have occurred as result of the A2 Scheme, human rights, compensation issues, etc., are clearly outwith the scope of the A8 Inquiry process, whilst others such the need for the scheme, the standard of the proposed road etc., are referred to in Sections 10 and 11 of this Report.

All the very detailed points of evidence which were submitted by Mr Cochrane and the RS responses have been examined and in the majority of cases there is little further to add. However, to step back a little, metaphorically, and consider the slightly bigger picture, a number of key points begin to emerge.

The proposed dual carriageway would be aligned closer to Mr Cochrane's home than the present A8 (by 11.8m to the verge lines) and this would entail the removal of a high hedge which provides good visual screening at the front of the dwelling, especially in the summer months. It may also attenuate traffic noise slightly though this reduction is likely to be minimal and undetectable.

Of all the properties visited by the Inspectors in the week following the Inquiry, it was very noticeable that due to the natural fall of the land, Mr Cochrane's home is positioned very low to the existing A8 and would be slightly lower again to the proposed new carriageways. This would probably make the visual impact even greater since the family would find themselves looking up at a road which would be closer and at a slightly higher level.

The view upwards to the south east, towards the A8 is important and it was noted that there is an established hedgerow containing a number of mature trees running parallel to the front of the house. This would not be disturbed as it is growing outside the vesting line and though the hedge would not be high enough to screen the new alignment from the house, it would nevertheless provide some visual screening.

Though the road would be closer to the front of the house, the opposite or north westerly aspect is more impressive as it looks down the hill, across the valley over the Cardnoo Marsh. It is understood Mr Cochrane intends to develop and enhance his landholding there at some stage in the future. This aspect would be undisturbed by the RS proposals.

The argument that purchasing and demolishing the property belonging to Mr and Mrs Montgomery (OBJ_66/67) on the other side of the A8 would enable the main alignment to be constructed further to the south east is not accepted, as maintaining the required geometry would create issues for property owners elsewhere.

It is hoped that a partial solution to the visual screening issue may be possible and it is noted that where practicable the Department will look to take on board the landowner's views and requirements in finalising the schedule of accommodation works.

With regard to an AIA, it is noted that the Department is willing to ask Dr McIlmoyle to contact Mr Cochrane to complete an Agricultural Report.

Mr Cochrane's request for the provision of a crash barrier on the top of the embankment beside the proposed road and the RS response are noted.

The suggestion that professional support should be made available to land and property owners to help them deal with the potentially traumatic and stressful situations which can and do arise as a result of a road scheme is an interesting issue. Mr Cochrane's explanation of impact on his parents added a personal dimension to the point he was making.

Inspectors' Recommendations (Andrea McAfee and David Cochrane)

- RS to have further discussions with Mr Cochrane concerning the possibility of enhancing the planned visual screening between the dwelling and the proposed dual carriageway.
- RS to arrange for an Agricultural Report to be completed for this land holding.
- A suitable crash barrier to be provided on the top of the embankment to protect the dwelling.
- RS to investigate the provision of professional support to land and property owners to help them deal with the potentially traumatic and stressful situations which arise as a result of a road scheme. Even at this advanced stage, such support could well prove useful to those who are being adversely affected by the A8 proposals.

9.94 Ulster Angling Federation c/o Jim Haughey

Reference Number	OBJ_094
Date of Objector's Correspondence	2nd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.94.1 Summary:

The Ulster Angling Federation objects to the Environmental Statement: it is inadequate in respect of protection of the fisheries, and of river ecology in general. There are too many bland statements which will come to mean nothing in practice. The area of fisheries protection in the ES needs to be re-examined and improved. The present provisions are cheap and nasty.

9.94.1.1 Part V of The Roads (Northern Ireland) Order 1993 sets out the statutory requirements for the assessment of the environmental impacts of road schemes. This requires the Department to determine using the Annexes to 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 97/11/EC and Directive No. 2003/35/EC of the European Parliament and Council, whether or not a relevant project should be subject to an Environmental Impact Assessment.

For the A8 dualling scheme, the Department determined that the project met the requirements of Annex I of the Directive and that an Environmental Statement should be prepared. The Environmental Impact Assessment (EIA) was carried out, and an Environmental Statement prepared in accordance with Article 67 of the Roads (Northern Ireland) Order 1993 and the published guidance outlined in Design Manual for Roads and Bridges (DMRB). DMRB provides guidance which reflects both legislative and best practice requirements, and outlines a clear process which is designed to ensure an objective assessment.

The scheme assessment and EIA have been undertaken in accordance with guidance within DMRB and the Department for Transport's (DfT), Web-based Transport Appraisal Guidance (WebTAG). The EIA has also been undertaken with reference to environmental topic specific guidance

such as guidance from Institute of Ecology and Environmental Management Guidelines for Ecological Impact Assessment and the Landscape Institute. The Department is satisfied that the relevant legislation has been complied with and that the impact of the scheme has been correctly assessed based on that published guidance.

9.94.2 The fiasco where the bridge formerly to be provided over the Ballynure Water was replaced by a very long culvert is unfortunately very typical of the dismissal of fishery considerations in this scheme. It is unacceptable and needs to revert to the bridge.

It was unacceptable for the bridge plans to be changed two weeks prior to the public meeting at Corr's Corner and the fact that neither ARUP or the Roads Service could show any plans or provide any details of the culvert at the meeting speaks volumes. It is quite clear the environment is not being considered; only the cheapest costs are important. Also there is no evidence from the developer or ARUP that a culvert of this length will allow fish, eels and invertebrates to ascend upstream. It will be a disaster for the stream. The whole subject of culverting is hidden away and not discussed in the ES - what are they trying to hide? The present provisions are cheap and nasty.

9.94.2.1 A bridge was preliminarily indicated for Church Road and Ballynure Water in August 2009 at the Preferred Route Announcement. As a result of further scheme development, the current scheme proposes to stop-up Church Road providing a connection from Church Road to the west of the proposed A8 to the Templepatrick Road. Some of the influencing factors for this decision include: the low volume of traffic using Church Road, the proportion of this traffic destined for Ballynure, the limited diversion that would result from a closure of the road and the significant capital cost of providing a bridge. As part of this process, other proposals for the Ballynure Water crossing were also considered. Design choices considered online or off-line, and single span or culvert options.

The scheme will involve the construction of a large culvert to carry the new A8 dual carriageway across Ballynure Water. The proposed structure has been positioned off-line and parallel to the existing watercourse to facilitate construction of the new structure, and the upstream and downstream channels. This will minimise the risk of pollution and sediment entering the watercourse during the construction phase. In addition, during the works animals can continue to use the existing watercourse. A structure on the line of the existing watercourse, solely for Ballynure Water, was considered as an alternative. This option would have involved construction works being undertaken on both banks of the existing watercourse, and represented an increase risk of pollution. An online solution was therefore discounted.

The proposed structure will be approximately 8m wide and 6m high. This will provide natural light ingress for spawning habitats and fish movements along the watercourse, and will also enable bat passage through the structure. The height of the structure is almost double what would be required solely for water flows. As part of the design proposals, fish resting pools will be provided at either end of the culvert, and the gradient, bed profile and treatment of the culvert will be designed to provide as natural an environment as possible for fish.

The Environmental Statement does assess construction of a new large culvert to carry the dual carriageway across Ballynure Water. This is documented in chapter 8 (Nature Conservation, section 8.7 and 8.8) of the Environmental Statement Volume I, in Geomorphology Report in Appendix L of the Environmental Statement Volume II and in a Water Framework Directive Assessment, outlined in the Environmental Statement Addendum. As part of the Environmental Impact Assessment, a Fisheries Study and Geomorphology Study were undertaken to fully establish the habitats and fish populations that exist along the section of the Ballynure Water affected by the proposals.

The assessment included consideration of water quality, pollution risk, hydrology, geomorphology, fisheries and flood risk. Fish passage will be comparable to the existing watercourse through the introduction of design measures. The scheme should also not have any significant impact on suspended sediment transport because it has been oversized to accommodate bats. This will mean that suspended sediment will be transported and deposited in similar open channel conditions as are at the site at present. The Department therefore does not consider the proposals will have a significant impact on protected species.

Minimising impact to the ecology of the Ballynure Water is important. A number of features will be incorporated into the design of the culvert structure to provide a more natural environment for fish, and other wildlife, and to mitigate adverse impacts. For example, the size of the culvert will be larger than required for the water flows. This will not only increase natural light ingress, benefitting spawning habitats and fish movements along the watercourse, but it will also enable bat passage through the structure. In line with best practice, fish resting pools will be provided at either end of the culvert, and the gradient, bed profile and treatment of the culvert will be designed to provide as natural an environment as possible for fish. The culvert would be constructed off-line, away from the existing watercourse, to minimise the risk of pollution and sediment entering the watercourse during the construction phase. It is acknowledged that the proposal will result in a loss of habitat, and therefore the proposed scheme includes planting and mitigation measures in the new channel to accommodate fish and provide appropriate habitats.

9.94.3 There seems to be no mention of the SUDS/soakaway type approach to avoid pollution of local streams, which are very small in relation to the size of the road. This is a significant failing. The scheme should be changed to replace outfalls to streams with a SUDS/soakaway type approach. The present provisions are cheap and nasty.

9.94.3.1 SUDS consider drainage with a focus on management that includes; prevention, source control, site control and regional control. On a highway scheme prevention is not an option. The use of source control methods has been considered on the A8 in the form of a soak away system that also would treat hydrocarbons and heavy metal. However, the use of a soak away system is affected by the water table and soil permeability. Unfortunately the ground conditions, which include a relatively high water table, along the A8 are not appropriate for this type of system.

The design of the proposed carriageway and land drainage has been developed in consultation with Northern Ireland Environment Agency Water Management Unit and Rivers Agency. The operation of the scheme

will require the discharge of carriageway run-off into existing watercourses. The scheme design includes petrol interceptors and attenuation ponds to minimise the risk of pollution and flooding associated with the highway drainage. Currently surface water runoff is not treated by petrol interceptors. This will improve the quality of water being discharged along the route. Subsoil drainage would be by means of narrow filter or fin drains. The Department does not consider the scheme will adversely impact on existing flood patterns.

9.94.4 There is a lack of adequate reference design standards for works to the bed and soil of watercourses, and culverts. Good guidance on this is available from DCAL, SEPA, etc. and needs to be incorporated. The present provisions are cheap and nasty.

9.94.4.1 A series of measures have been developed as part of the EIA and scheme design process. The scheme design has followed the design guidance outlined in DMRB Volume 10 Environmental Design and Management, Guidance set out in Bickmore Associates, 2003. *Review of Work Carried Out on the Trunk Road Network in Wales for Bats*. Transport Directorate, Welsh Assembly Government and Environment Agency's Culvert Design Guidance Note. Consultation has been ongoing with the DCAL Inland Waterways and Fisheries throughout the Preliminary Design Scheme Assessment, and the design has incorporated guidance from DCAL. A geomorphologist has also been involved in scheme design and environmental assessment. The Environmental Statement recommends that a fluvial geomorphologist should be involved at detailed design stage and subsequently oversees any construction activities involving channel works.

9.94.5 Non-Technical Summary:

There is generally a lack of a firm clearly stated commitment to fishery/ecological protection, instead the NTS seems to assume that because there are no designated sites within 2 km, then all problems are very minor. This is the attitude which has contributed to the continual loss of biodiversity in NI: the view that unless there is a designation, then really we don't have to worry too much.

9.94.5.1 The Non Technical Summary outlines the principal environmental impacts found during the EIA process and the predicted residual effects that would remain following implementation of the scheme and its associated mitigation measures. The Environmental Statement details the significance of the effects on each topic and in the case of nature conservation, each species. It recognises that the effect during construction on protected species would be moderate adverse and short term, reducing to minor adverse in the long term, during operation of the scheme. Breeding birds and fisheries are predicted to experience short term minor adverse effects during construction, reducing to negligible during operation of the scheme. These are the findings of the EIA, which has been undertaken by professional ecologists in accordance with current standards and guidance.

9.94.6 Under "Ecology and Nature Conservation" the NTS says that "The operation of the scheme would have a negligible effect." This type of catch-all phrase is unwelcome as it tends to give the developer carte blanche to wreck watercourses, so long as some form of questionable "compensatory measures" are incorporated. Often such measures offer

inadequate compensation and their adequacy is couched in vague terms, with little or no input or examination from DOENI Roads Service, or anyone else.

- 9.94.6.1 As stated above, the Non Technical Summary outlines the principal environmental impacts found during the EIA process, the details of which are outlined in the Environmental Statement.
- The operation of the scheme is considered to result in a negligible effect on ecological receptors as a result of the range of mitigation measures which have been incorporated in to the Environmental Design. In respect to water courses these measures include the size of culverts, fish resting pools, flow gradient, bed profile and culvert design.
- 9.94.7 **Under “Ecology and Nature Conservation” there is no mention of the many culverts on watercourses which will occur. This is a significant failing and indicates a worrying degree of complacency on the subject.**
- 9.94.7.1 The environmental assessment has considered the value of the watercourse along the scheme in terms of aquatic habitat, riparian habitat and fisheries value. This has then been used in the assessment process to consider the impact of the proposed scheme. The proposed design includes culverts that will be designed to accommodate fish where necessary, including reducing their length where possible, decreasing the flow velocity of water through the culvert and creating pools above and below the culvert for fish to rest. Details of the proposed watercourse structures are provided within the appendices to the Road Drainage and the Water Environment chapter.
- 9.94.8 **Under “Road Drainage and the Water Environment” it refers to “attenuation ponds and a wetland treatment area at outfalls”. However there is no mention of wetland treatment areas in the main body of the ES - it seems to have been conveniently forgotten. These approaches tend to be a catch all solution which is cheap and nasty - these facilities need regular maintenance and attention otherwise they choke with weeds and silt up - maintenance which is all too often the first item on the list of savings when costs need to be cut. There seems to be no mention of the SUDS/soakaway type approach to avoid this number of additional outfalls into local streams, which are very small in relation to the size of the road. This is a significant failing. The scheme should be changed to replace outfalls to streams with a SUDS/soakaway type approach.**
- 9.94.8.1 As outlined above SUDS, and specifically a soak away system, have been considered as part of the design process. However, ground conditions along the A8, which include a relatively high water table, are not appropriate. Reference to wetland treatment areas is outlined in Chapter 18 of the Environmental Statement. A wetland treatment area is recommended to be included within the attenuation pond during the detailed design stage. The purpose of the wetland treatment area at this particular attenuation pond and outfall is to reduce dissolved copper in surface water.
- 9.94.9 **This document is complacent in respect of Construction Environmental Management. Phrases such as “measures to reduce the risk”, “reduce the potential”, “mitigation”, etc., roll easily onto the page but are difficult to achieve in practice. The recent Ballygawley scheme was an environmental disaster, and the phrases used in this NTS indicates a worrying complacency in this respect. DOENI Roads Service is either not capable or**

not interested in carrying out effective contract control in respect of pollution from these schemes. One of the main problems was a lack of ground available to the contractor for settlement ponds because DOENI Roads Service provided inadequate site space. There is no indication that this scheme will be any different.

9.94.9.1 As stated above, the Non Technical Summary outlines the principal environmental impacts found during the EIA process and the predicted residual effects that would remain following implementation of the scheme and its associated mitigation measures. It does not attempt to provide details which are to be undertaken during construction. This is documented in the Construction Code of Practice Environmental Statement, which is recommended to be further developed by the contractor into a construction environmental management plan. An Integrated Delivery Team, consisting of the client, designer and contractor, has been formed to deliver this project. This has brought a contractor into the project at an early stage. This has enabled early, detailed consideration over how the scheme will be constructed which has informed the design of the scheme and land requirements. This has included the identical of land required for temporary settlement and attenuation ponds during the works.

9.94.10 **Main Environmental Statement:**
Environmental Statement, Chapter 5: The Proposed Scheme.
Section 5.7: Changes to the Scheme Design.

We understand that the bridge formerly to be provided over the Ballynure Water is now to be replaced by a very long culvert - this is unacceptable and needs to revert to the bridge solution. This lack of consideration for fisheries is all too typical of these schemes and needs to be addressed. This is quite incredible when a 4.5m by 4.0m culvert is to be provided on the site of the existing river to allow bats to fly through it ! (8.7.2.2) Was the bridge taken out to pay for the bat culvert? Is it likely that bats will fly under rather than over the new road? Where is the logic that makes huge provision for bats to fly under a road, and at the same time puts in a culvert which will destroy fishery interests?

9.94.10.1 The proposed structure will be approximately 8m wide and 6m high. This will provide natural light ingress for spawning habitats and fish movements along the watercourse, and will also enable bat passage through the structure. The height of the structure is almost double what would be required solely for water flows. As part of the design proposals, fish resting pools will be provided at either end of the culvert, and the gradient, bed profile and treatment of the culvert will be designed to provide as natural an environment as possible for fish. The inclusion of an oversized culvert to allow bat passage on new river crossing has a beneficial effect on fish as it will increase natural light ingress, benefitting spawning habitats and fish movements along the watercourse.

9.94.11 **Environmental Statement, Chapter 8 : Nature Conservation:**
Section 8.4.2.2: Field Survey – Fisheries.

The value of “one-of” fishery surveys is questionable. It is apparent that decisions on works should not be based solely on these field surveys, but need to take account of wider data sources and often the potential of sites which may be depleted for a variety of reasons e.g. pollution etc. The

surveys were carried out in July which means that a year class of fish was missed as the smolts had gone by the end of May.

9.94.11.1 The Department have undertaken surveys to record the existing conditions on the various watercourses. In addition the Department have consulted with NIEA, DCAL and Rivers Agency during the development of the scheme to understand the wider issues there are relevant to particular watercourses.

9.94.12 **Environmental Statement, Chapter 8 : Nature Conservation:
Section 8.8.2: Habitats.**

For the Ballynure Water, the scheme “would result in a permanent major adverse impact on river and riparian habitats”. This is not acceptable - the scheme needs to be revised to eliminate this problem. See also clause 12.11.5.

9.94.12.1 The Department acknowledge that the proposal will result in a loss of habitat, and therefore the proposed scheme includes planting and mitigation measures in the new channel to accommodate fish and provide appropriate habitats. Minimising impact to the ecology of the Ballynure Water is important. A number of features will be incorporated into the design of the culvert structure to provide a more natural environment for fish, and other wildlife, and to mitigate adverse impacts. For example, the size of the culvert will be larger than what is required for the water flows. This will not only increase natural light ingress, benefitting spawning habitats and fish movements along the watercourse, but it will also enable bat passage through the structure. In line with best practice, fish resting pools will be provided at either end of the culvert, and the gradient, bed profile and treatment of the culvert will be designed to provide as natural an environment as possible for fish. The culvert would be constructed off-line, away from the existing watercourse, to minimise the risk of pollution and sediment entering the watercourse during the construction phase.

9.94.13 **Environmental Statement, Chapter 12: Road Drainage and the Water Environment:**

Section 12.5: Limitations and Assumptions.

The text states: “It has been assumed that routine road runoff does not discharge to groundwater through the proposed attenuation ponds as an impermeable lining will be included in the design”. In the NTS, under “Road Drainage and the Water Environment” it refers to “attenuation ponds and a wetland treatment area at outfalls”. However there is no mention of wetland treatment areas in the main body of the ES - it seems to have been conveniently forgotten. There seems to be no mention of the SUDS/soakaway type approach to avoid pollution of local streams, which are very small in relation to the size of the road. This is a significant failing. The scheme should be changed to replace outfalls to streams with a SUDS/soakaway type approach.

9.94.13.1 As outlined above SUDS, and specifically a soak away system, have been considered as part of the design process. However, ground conditions along the A8, which include a relatively high water table, are not appropriate. Reference to wetland treatment areas is outlined in Chapter 18 of the Environmental Statement. A wetland treatment area is recommended to be included within the attenuation pond during the

detailed design stage. The purpose of the wetland treatment area at this particular attenuation pond and outfall is to reduce dissolved Copper in surface water.

9.94.14 Environmental Statement, Chapter 12: Road Drainage and the Water Environment.

Section 12.7: Environmental Design.

Table 65 refers to “Existing bed material will be translocated to the new channel...” This is not acceptable on it’s own as there may be insufficient material, some may be lost, etc.

9.94.14.1 Where insufficient material is not present then a size class distribution / shape analysis / geological analysis would be undertaken of the existing bed sediments so that appropriate top-up material could be sourced locally. This would be undertaken at detailed design.

9.94.15 There is a lack of adequate reference design standards for works to the bed and soil of watercourses. As the document is presently constituted, there is no commitment of any kind to provide good fish habitat in new watercourses when diversion takes place, and insufficient commitment to provide good standards in works associated with culverts. These need to include adequate provisions upstream and downstream of the culvert in addition to the culvert itself. Much more work is needed to create good fish habitat than the simple dumping of some existing bed material into the bottom of the new channel. Good guidance on this is available from DCAL etc. and needs to be incorporated. The present provisions are cheap and nasty.

9.94.15.1 The scheme design has followed the design guidance outlined in DMRB Volume 10 Environmental Design and Management, Guidance set out in Bickmore Associates, 2003. *Review of Work Carried Out on the Trunk Road Network in Wales for Bats*. Transport Directorate, Welsh Assembly Government and Environment Agency’s Culver Design Guidance Note. Consultant has been ongoing with DCAL Inland Fisheries to develop the scheme design. The design has incorporated guidance from DCAL.

9.94.16 The proposal to use of fixed logs in stream bed work is unacceptable as these will rot and disappear.

9.94.16.1 This will occur as with all wooden elements of river systems, however it is thought that once this happens then the river morphology can adapt naturally in the area of the logs in order to create new dynamic river features.

9.94.17 General Comments:

There is no schedule of culverts giving locations, sizes, lengths etc. This is a significant failing. There is a need to critically examine the need for culverting and diversion of watercourses to ensure they are kept to an absolute minimum.

9.94.17.1 Details of the propose watercourse structures are provided within the appendices to the Road Drainage and the Water Environment chapter. The Cross Drainage Constrictions Report provided more detail on the proposed crossings. The details of the proposed culverts will be subject to the relevant approvals during the detailed design of the scheme.

9.94.18 There is a lack of reference to published guidance of river crossings which needs to be made good - to include the Scottish “Construction of River Crossings” Good Practice Guide, the Scottish SEPA Position Statement on “Culverting of Water Courses” , and the Scottish Executive “River Crossings and Migratory Fish: Design Guidance” (2000)

9.94.18.1 There is a lack of adequate reference to the provision at design stage of adequate land for settlement ponds to prevent runoff pollution. This was one of the main reasons why the recent Ballygawley scheme was such an environmental disaster.

The scheme design has followed the design guidance outlined in DMRB Volume 10 Environmental Design and Management, Guidance set out in Bickmore Associates, 2003. Review of Work Carried Out on the Trunk Road Network in Wales for Bats. Transport Directorate, Welsh Assembly Government and Environment Agency’s Culver Design Guidance Note. Consultant has been ongoing with DCAL Inland Fisheries to develop the scheme design. The design has incorporated guidance from DCAL

Consultation has also been undertaken and is ongoing with NIEA Water Management Unit with regards to measures to prevent runoff pollution. A Construction Code of Practice is provided in section 5 of the Environmental Statement Volume I, which sets out measures to be address pollution. This is recommended to be further developed by the contractor. In addition, as outlined above the proposed land requirements for the scheme included areas for temporary settlement and attenuation ponds during the works.

9.94.19 Lighting of watercourses has been identified as a risk to fish migration; it is not known if this is a real risk at any of the lit sites, but would be worth examination.

9.94.19.1 The Environmental Statement outlines that the major junctions will be lit and this has been considered in the visual impact assessment. Street lighting is proposed at the grade separated junctions to improve road safety at the key conflict points within the junctions. The proximity of these to watercourse is limited, however the lighting design will ensure that direct light from road lighting impacts on the local watercourses is minimised, and that any change in light conditions is graded rather than sharp.

The previous proposal for a combined structure carrying the dual carriageway across the Church Road and Ballynure Water, potentially required lighting in the structure for the road, which would have impacted on the watercourse.

9.94.20 There is a lack of any mention in the ES of any consideration of the effect of the timing of works on fish - this is an important concept which needs to be made good.

9.94.20.1 The Code of Construction Practice (CoCP), outlined in section 5 of the Environmental Statement Volume I outlines a number of measures to mitigate the impact of construction on fish populations during the construction phase. It also states that a method statement would be prepared and agreed with DCAL for works to realign any watercourse within the scheme assessment area. In relations to timing of works, the CoCP states that works in relation to fisheries, be carried out at the driest time of the year (usually April to July) and should not be carried out during the autumn or winter months. This would minimise any possible impact on fish spawning activities.

9.94.21 Environmental Bond:

Where works are being carried out which have an effect on the environment, there is often a requirement for a sum of money to be allocated by the contractor as a contractual requirement, to pay for any works need to make good unforeseen problems which arise after completion, often known as a Bond. This arrangement is used for instance to pay for unforeseen road works needed after the installation of utilities. The DCAL have agreed with this in principle for some in river works approved by them and have stated that “DCAL would wish to see a contingency for any development to deal with unforeseen problems. This will be included in the consultation exercise when the Fisheries Act is being amended.” We therefore propose that an “Environmental Bond” be required for road schemes to equal a percentage of the development capital cost to meet the commitment to protect the environment from unforeseen degradation caused by the works.

9.94.21.1 As outlined above consultation has been ongoing with DCAL Inland Fisheries to develop the scheme design. In addition, an Integrated Delivery Team, consisting of the client, designer and contractor, has been formed to deliver this project. This has enabled early, detailed consideration over how the scheme will be constructed which has informed the design of the scheme and land requirements. This has included the identical of land required for temporary settlement and attenuation ponds during the works. The Department continue to consult with DCAL and other interested parties and give consideration to any comments and requests received.

A delegation representing those with an interest in fishing made an input to the Inquiry on the afternoon of Thursday 16th June.

Mr R Marshall began by reading a prepared statement which is reproduced in full below.

‘I will start and give you some background information and some other information to do with the local club. There are a number of points need to be understood here, in that the local angling club have worked extremely hard for many years to conserve, protect and enhance not only the fishery and the rivers, but the entire river environment to the benefit of local people and, more increasingly, visitors. Countless voluntary man hours, and hundreds of thousands of pounds, have been spent to improve the river. The local club continues to provide a self financing and voluntary community based effort to look after the river. A huge effort is now underway to protect and conserve game fish. A DCAL study highlighted the impressive record of angling in promoting a healthy outdoor activity with an almost unmatched record in eliminating sectarian influences. Angling Associations are now responsible for selling numbers of days tickets to visiting anglers and are generating considerable interest in Northern Ireland among anglers from outside the area. It is therefore important that a proposal which may jeopardise this community activity should be subject to reasonable assessment.

The proposed road scheme.

What is most disappointing about this proposed road scheme is that two days prior to the public meeting, in this very building, to discuss the plans, that the single span bridge planned for the Ballynure Water was amended to a culvert. The Ulster Angling Federation does not expect to sit here this afternoon with a view to having the road stopped. However, we would like to see the environment reasonably protected, and the natural river corridor preserved. In the last state of the environment report the

conclusions reached were that the quality of our bio-diversity is under increasing pressure.

Loss of natural habitats is affecting our wildlife and landscape, and the condition of our built heritage where known, continues to suffer from neglect. These road works are a case in point, and if not properly executed will result in a further loss of our environment. The culverting of 60 metres of a natural spawning stream is unacceptable, and with the result of the loss of habitat which the natural river trout use to reproduce. The area in question is actually treated by the club as a natural sanctuary area, and not fished at all and, indeed, the club apply catch and release to the whole system, throughout the system. I note the environment engineers employed by the Road Service will argue differently, and whilst we do not have time to fully debate the issue here today, we would disagree with many aspects of their report and the methodology used. Arup, when asked by the Federation if they are aware of any other culverts of this length which were worked, were unable to provide us with any information. We can therefore only presume and feel the culvert won't work as we have no information to back this up. PPS15 states quite clearly that culverting may be unavoidable. However, it goes on to say, in the latter circumstances permission will only be granted to culvert where it is demonstrated that alternative measures such as open span bridges cannot be employed. In this case open span bridges were to be employed, and can be employed. Therefore, we would request that no culverting should be permitted.

Mr J Haughey, Chairman of the Ulster Angling Federation said that that he would like to add a few particular points and as this was again a prepared statement it is reproduced below.

'The general feeling in the brief discussions we've had very, very recently with the developers is that they're proposing something for which the designs are really very incomplete, and one of our difficulties at the minute is we don't actually know what we're being asked to approve. We have a sketch which shows a box section underneath the road, to take a diverted the river, and there's a size on it. However, we're told that the shape of it isn't finalised, it might be enlarged, it might be a box. I don't know whether the size of it is finalised or not, but everything seems to be very much up in the air. Both the Environment Agency and the anglers, at one of our discussions on the 1st of June asked the designers to consider a natural bed, rather than a concrete bed for the structure that they're proposing. When we raised this, however, it was clear that people on the opposite side of the table hadn't really considered this previously. We felt that this concept was being used on other road schemes in Northern Ireland, and we thought that that perhaps showed a little bit of inexperience of the concept that they were proposing. The concept that is being proposed has a concrete bed, with some material on top of it, and we raised the possibility of that being swept away in a flood and, again, that didn't appear to be something that had been adequately considered. There were some suggestions put forward by the designers to address that question, but it was done on a very ad hoc way, and a very last minute, and it was obvious to us that was something was being proposed here without due forethought.

On the issues of compensatory habitat improvement, which is to improve other bits of river, to compensate for the loss of what they're proposing to put under the road, there was quite some discussion on that. It was suggested by the designers that that would be left, perhaps, to the Angling Club to look after and they would issue a cheque to the Angling Club, and the Angling Club could take care of that. Well we don't really want the designers and developers to do that, to issue a cheque, and then walk away to leave all the problems for the anglers to sort out; which is what normally happens.

There was a fishery survey done and it was the subject of quite some discussion. We emphasized that the results of a one, or perhaps two day survey, was maybe not the best indication to carry out an entire proposal on. There is a number of years of experience of the river, and what happens on that section of the river, and the people who know the river well do not concur with the conclusions of the fishery report contained in the Environmental Statement.

One of the questions that was discussed for the culverting proposal was maintenance. We asked if debris gathered, how would it be removed from the inside? Bear in mind this thing is meant to be 60 metres long, so you could be going in 30 metres and, of course, the only way that you can get in there is to drive a digger in, and if you drive a digger in amongst all the very lovely work, and the sensitive environmental work is going to disappear beneath the tractor tyres of the digger, and then when the stuff is dragged out again, that just comes out with the rest. That does not appear to have been considered. The view was expressed by the developers - 'Oh well, there wouldn't be much debris gathered in there'. Well in the river, an hour ago, there's a large section of tree trunk and other debris sitting in the river, so we think that debris in the river is an important consideration. There's 14 another consideration which we've since thought of, and I know there are now health and safety rules about getting into spaces which are difficult to access, and I think maybe that hasn't been considered by the developers also. Again, the overall feeling that we got from the meeting was that it was all a bit airy-fairy, it hadn't been thought through, somebody drew a rectangle on a page and said: 'Ah well, sure we'll put that through, and that will do the job' - and it hadn't really been thought through.

We then received on Saturday morning just past, in mid morning we received another Fishery Report. It had arrived in my e-mail box, and I was away for a few days, and I didn't get distributing it until Monday of this week, and we're very unhappy about this report. We feel it's very contentious. We disagree entirely with its conclusions. To give you a flavour of the thing, when we referred to the bottomless approach for the culvert, at the meeting on the 1st of June, there were blank stares all round, it was obvious that nobody had thought of it. But miraculously in this Fisheries Report issued ten days later it's now a recommended solution. So in the space of ten days it's gone from: 'What are you talking about?' To: 'This is our recommended solution'. And again it just highlights what we think is the very ad hoc and off-the-cuff approach to this thing.

We're very concerned about a series of phrases in that second Fishery Report such as, and I quote, 'we will carry out improvement works as far as site access allows'. And this is a very common approach in these type of developments, not just roads, but other developments, that in the post works, the post the main construction works, when the environmental tidying-up is being done (if you like) it's very common for the developers to say - 'Oh we can't get access in there now, we can't do that work'.

That's a very common approach, and we're very concerned about that. Mr Inspector, we have been down this road before with DRD Road Service, and we're very concerned that at this stage of the development it's very common for the developer to tell us what we want to hear - and yes we'll do this, and yes we'll do that - our experience is that it can be different in the actuality.

(At this point a reference was made to the alleged actions of the Contractor involved on another scheme. This was subsequently withdrawn).

We believe that the original proposal of a bridge is the best one. We feel that that's the line that we would like to go down. We understand that there are now two, or perhaps three, of these large culverts proposed. I think there was meant to be three, but I think that that culvert is now the main culvert, that was meant to be provided for passing, so it's now withdrawn, so there are now two. We are worried that we originally had a bridge and that's now been taken away. There were originally three large culverts, and

now there's two. We're very worried that as time goes on these things will just be diminished.

We have just been handed today at the Inquiry a letter from NIEA to the DRD Road Service, and NIEA are expressing their delight with this second Fisheries Report. It's rather surprising, in that NIEA have no competence to comment on the Fisheries Report, so we don't quite know how they can accept that report as being acceptable? We will be making sure that we speak to NIEA on that in the near future, and we would anticipate that NIEA would seek Fisheries advice on that report.

Inspector to finish, we feel that the environmental protection in the scheme has been rather ad hoc and last minute. We feel it's not adequate at the moment and we do feel that if the current proposal in lieu of the bridge was to go ahead, that it would be reasonable to ask for approval and satisfaction of someone like the Agri Food & Sciences Institute be made a condition of the works that are proposed. They are an independent scientific body here in Northern Ireland and we would feel confident that somebody like that would have the competence and be able to make a reasonable assessment of what is reasonable and what is not reasonable. We would prefer the bridge solution. If the other solution is going ahead, we think that it should be to the satisfaction and approval of AFSI.'

Making the initial response on behalf of RS to the two statements set out above, Mr Hall said that he attended the meeting on the 1st of June with some of the representatives who were at the table opposite, but it must have been a different meeting, in that he thought it had been quite positive.

RS had been liaising with NIEA and believed that there was a misunderstanding about the size of the culvert, which would be 6 metres wide by 4 metres high. Mr Haughey intervened to correct the figures to 8 metres wide by 6 metres high. He added that this illustrated precisely the difficulty! Mr Hall apologised for the mistake, saying that he had mislaid his notes.

He went on to say that we were not dealing with a small pipe or culvert and when the NIEA were shown the image, they completely changed their view on the RS proposal. The oversized structure would be a combined watercourse for Ballynure Water, an access culvert relating to the attenuation pond, with additional height to cater for flooding and the passage of bats.

Mr Marshall came back to say that he did not understand why we were talking about culverts here, 'where open span bridges can be used, they should be used'. Mr Hall believed that was the point he was making; by referring to the proposed structures as 'a culvert', RS had undersold the proposal as it was much more akin to an open span structure. Mr Marshall did not accept that what was being suggested was an open span structure and he believed the original bridge proposal had been withdrawn for monetary reasons.

Mr Hutchinson added that the original large proposal for a bridge spanning the road and river was no longer required with the intended closure of Church Road. The box culvert (but not as people perceive a culvert) would be well oversized for hydraulic reasons and RS were open to using an arch structure, an open span, with a natural bed. He believed that all the mitigation measures that had been listed would go through as RS did not want to harm the fish population along the route. They wanted to enhance it if anything. NIEA had not expressed a strong preference for either a false, or man made bed.

At this point Mr Hall introduced Dr William O'Connor as a renowned Fisheries Expert in Northern Ireland. Dr O'Connor introduced himself as follows.

'My name is William O'Connor and my qualifications and experience are I have a PhD in Zoology, I have an MSc in Applied Aquatic Biology. I am a Chartered Member of the Institute of Ecology and Environmental Management, a Chartered Member of the Institute of Fisheries Management and a Chartered Member of the Institute of Biology. I have just under twenty years experience in Fisheries and Aquatic Ecology, seven years of which was working with the Electricity Supply Board as Senior Fisheries Biologist in the Republic, and since that time, since 1999 I have been running my own consultancy business and I am the Senior Fisheries and Aquatic Ecologist in that business'.

Dr O'Connor then made an input to the Inquiry and a slightly condensed version of his comments is as follows:

His involvement in the scheme started at the end of summer 2009, when he did a fishery survey of the watercourses which would be affected by the scheme and in particular, the Ballynure Water. The surveys used the standard methodologies for assessing streams like this, and they follow the standard DCAL assessment methods and were carried out over two years.

When assessing juvenile and salmon populations in the river, the fish are in the same place for two years and you can go there for one hour, on one day and say exactly what is there. There was no need to do a longer term survey than that. Based on the structure of the fish populations that are present, it was possible to say for example, when salmon last spawned in the river, going back two years.

Ballynure Water was not seen not a pristine watercourse, it is a moderately polluted river, because of pollution from various sources and salmon are basically on the way out. One juvenile salmon was found and no fish had spawned there in 2009/2010. It was not a pristine highly productive salmonic river. It was a 'nice' river which had potential and it has to be protected and that was quite feasible.

The assessment that was contained in the EIS was essentially a description of the various quite feasible checks and mitigation that would need to be followed to ensure that no significant impacts took place on the river. In particular, five prescribed method statements needed to be prepared at the detailed design stage, in consultation with DCAL, NIEA and the local angling groups. The method statements would be approved in advance by DCAL and NIEA and written permission based on the five design statements sought and obtained from them both before any work could be done

The method statements would be as follows:

1. A specific method statement to cover the exact details of culvert and structure design and in relation to fisheries considerations.
2. A specific method statement on how water quality can be protected.
3. A specific method statement of design of the new channel and how the diversion of the river will take place.
4. A specific method statement and design for in-stream repairing and the enhancement features, which are deliverable and have the potential to improve the river in that location.
5. A prescription for pre, and post works monitoring.

Also proposed was the establishment of an environmental liaison group comprising DCAL, NIEA and the local angling group and any other interested stakeholders. This would remain operational for the duration of the construction phase.

This would safeguard and protect the river throughout the construction of the road and through to post works monitoring.

NIEA had accepted and welcomed the commitment within the report that the contract documents will place an obligation on the nominated contractor to meet the environmental requirements and the mitigation measures set out in the report. Furthermore they now had no objection basically to the scheme, conditional upon the environmental measures outlined in the report being implemented.

RS have committed to this and NIEA have accepted that this is enough of a safeguard to protect what is a moderately impacted river. It's not a particularly spectacular or pristine river. In fact, if all the measures were implemented the conclusion was that the river could be made better than it is.

In terms of access and improving the river, there is sufficient area within the land take of the scheme and within the area diverted, to put in the recommended key enhancement features. The main conclusion was that the fish in the stream had nowhere to spawn, as all the gravels are compacted. That was the key limiting factor in this stream after water quality and there was more than enough space to create a spawning area, within the diverted stretch, either immediately upstream or downstream. So essentially access was not needed during the works, but if it was available elsewhere, through liaison with the angling club, more work could be done. There was enough to provide a proportional mitigation response, in terms of repairing and enhancement within the immediate area of the scheme.

Mr Haughey responded that they had only received this secondary report earlier in the week and there had been very little time to examine it. Initial feedback from the Agri Food and Bio-Sciences Institute (AFSI), an alternative and highly respected fish source did not support Dr O'Connor's contentions.

Mr McGuinness replied that any evidence that the Fisheries Report was incorrect should be made available. Simply saying that preliminary advice from a third party was that it was not right was not acceptable. Furthermore AFSI was under the umbrella of DCAL. DCAL had not objected to the scheme and would be involved in the ongoing process.

Mr McGuinness added that whilst there had been discussions about the Angling Club having an input with the contractor, there had never been a suggestion that the Anglers would be given a cheque and the contractor would 'wash their hands of it'. He also confirmed that consultations had taken place with DCAL since January 2011 concerning the proposed change from a bridge to a culvert at Church Road.

Mr Haughey said that one of the points they had raised at the meeting on the 1st June, was that the best solution to the whole problem would be one 'decent bridge' rather than culverts for the river, agricultural access and bats. If the scheme was to go ahead on the basis of a bridge, that would address a large part of their concerns.

He also expressed concern that there could be health and safety issues for people working in the confined spaces under the road for maintenance purposes.

Mr Hutchinson replied that a risk assessment would be carried out before anyone accessed the river and RS Staff were well aware of the processes and safety issues, as they already look after a large stock of bridges.

Concluding the discussion at the Inquiry, Mr Hutchinson said that to avoid ambiguity, a single span arch with a natural bed (off line - diverting the river) was the proposal and Mr Marshall confirmed that what they were looking for was a single span bridge so that the river was not impacted in any way. He also asked for further details of what was being proposed.

A letter dated 6th July addressed to the Lead Inspector was received from Mr Jim Haughey following the Inquiry. The contents of this letter are shown below in bold text below, together with the RS responses received by the Inspectors on the 29th July

Thank you for the opportunity to make a presentation at the enquiry on Wednesday 15 June. Our session seemed to end in some confusion as the Developer team apparently gave ground towards our view, but the simple reality is that there *still* is not a firm proposal available for us to consider. For example, no-one knows if the bat underpass is still in the scheme or not. The Developer team seems to be asking that we concede to vague principles which may or may not be fully implemented at a later date.

The Ulster Angling Federation was represented at the Public Inquiry on Day 2 (Thursday 16th June). During the proceedings, the Department made a firm commitment that the proposed crossing of the Ballynure Water would comprise a single-span arched structure with a natural bed. This point was clarified on page 164 of the PI transcript.

The single-span arched structure will be 12m wide (at its widest point), and 6m tall. The structure has purposely been over-sized such that it can also provide for long-term bat passage. The requirement for a separate bat underpass is therefore not considered to be necessary, but will however be subject to confirmation at detailed design stage.

The miraculous conversion whereby the design team had never heard of “bottomless construction” at our original meeting, and then stated it as a recommended solution within a matter of days (by sheer coincidence, a matter of hours before appearing at the Public Enquiry) is a further cause for concern.

This matter was discussed at the Inquiry. On pages 153 and 154 of the PI transcript, Mr C Hutchinson provided an explanation that the Department had previously consulted with the NIEA at length over the proposed structure and that no preference over a concrete box culvert structure or an open-span arch was made. If the NIEA had given a preference to an arched structure, the proposals would have been amended at the time. However, the Department are willing to alter the design to a single-span arched structure.

We have spoken to a number of fishery experts, and the criticism of the Hayes and Kennedy paper by Mr O’Connor is unprecedented and is a further cause for concern.

Doctor William O’Connor is one of Ireland’s most respected fisheries expert. The Department have every confidence in the evidence provided by Dr O’Connor (pages 155 to 158).

Please note that the letter from NIEA to the Divisional Roads Manager dated 10-6-11 reference DO1-10-1499 is being challenged by this Federation, as the individual and body concerned have no fishery competence and are therefore in no position to change policy on the basis of a supplementary fishery report. We are seeking to have the letter withdrawn. We understand NIEA have written to the developer stating that the proposal is in breach of PPS 15.

The NIEA are the statutory body which takes the lead in advising on, and in implementing, the Government’s environmental policy and strategy in Northern Ireland. The NIEA are also the custodians of the Water Framework Directive and take the lead in the implementation of this policy working with the other relevant departments, namely the Department of the Environment, Department of Agricultural and Rural Development’s, Rivers Agency and the Department of Culture, Arts and Leisure. The NIEA have in turn consulted with the Department of Culture, Arts and Leisure, Inland Fisheries division. The Department have consulted fully with the NIEA and

consequently the NIEA have provided support for the scheme as evidenced by their letter dated 10th June 2011. The NIEA do not consider the proposals are in breach of PPS 15.

Accordingly we set out below our views which we feel are reasonable and seek to achieve a way forward.

Design Principles

1 The present culvert proposal is in breach of PPS 15 Planning and Flood Risk; Policy FLD 4 Flooding and Land Drainage;

The Department will only permit the culverting or canalisation of a watercourse in exceptional circumstances.

The Department disagree strongly with the statement that the proposal is in breach of PPS 15. The proposed structure is designed to be massively over-sized. Detailed flood modelling has been undertaken which has indicated that this structure is not predicted to increase flood risk and its size will be more than appropriate for any extreme flood events.

2 The views set out in our paper of 1-3-11 remain largely unaddressed by the Design Team.

The paper referred to is assumed to be the formal objection to the scheme as submitted by the UAF. The Department has formally responded to the views set out in this objection in its formal written response. Further to this response, a meeting was undertaken by the Design Team with Ulster Angling Federation members in relation to their concerns and views set out by the Federation. In addition, the UAF made representation at the Public Inquiry. The issues raised by the UAF have been debated on a number of occasions and the Department consider adequate answers have been provided.

3 A clear span bridge to be provided over the existing river, as set out in the plans presented at the exhibition of 25 January 2011. Bridge supports to be well back from the river, as being provided for other road schemes in NI.

This was covered at the Public Inquiry by Mr C Hutchinson (page 152 of the transcript). The original proposal for a clear span bridge over the existing river was the proposal when Church Road also passed under the new dual carriageway. When the road design was altered to close Church Road under the dual carriageway, the bridge crossing no longer needed to be as large, and was only required for the watercourse.

Adequate space to be provided at the side of the river, under the bridge, to permit digger access for maintenance without driving through the river.

The Department do not consider that there is a need for digger access through the structure. There is access to the watercourse from either side of the structure from Church Road which would adequately provide for maintenance purposes. However, the Department will continue to liaise with the Ulster Angling Federation over the precise details of the structure.

4 Compensatory enhancement of the river to be provided upstream and downstream to make up for the loss of habitat due to the road works. Such works to be subject to the approval at design stage by DCALNI who will act as an independent arbiter, and carried out to the satisfaction of DCALNI.

This was discussed at the Inquiry. In his submission to the Inquiry (pages 155 to 158) Dr O'Connor summarised a series of enhancement proposal measures the Department are proposing to include as part of the scheme. The primary enhancement measure was to enhance the spawning grounds along the river, as the gravel is very

compacted and the fish currently have nowhere to spawn. Dr O'Connor identified areas both up and downstream of the crossing which could be enhanced.

5 Developer to confirm that the Confined Spaces Regulations will not apply to the resulting space under the bridge, and that access for anglers will be freely available.

The Department can confirm that the area under the open-span arched structure will not be a confined space, and the Confined Space Regulations will not apply. Access under the bridge for anglers will be freely available.

Inspectors' Comments

The initial written objections received by RS from the Ulster Angling Federation Limited were extremely detailed and comprehensive and clearly formulated by an organisation with sincere concerns for both the overall environment and the fish populations in particular.

Each of the points raised in this initial reaction to the A8 proposals by the Federation and the subsequent Departmental responses have been reviewed and no further comment will be made here on the majority of the issues which were raised.

Details of the discussions which took place at the Inquiry and the points raised and answered in the subsequent written exchange are set out above.

It became very apparent during the Inquiry at Corr's Corner Hotel, that the most significant area of concern for this interest group was the elimination of the proposed open span bridge over the Ballynure Water and the substitution of a 'culvert' to channel this river under the proposed dual carriageway at Church Road.

The closure of Church Road would be a further consequence arising from the decision by RS to eliminate the bridge from the scheme proposals and this also drew objections from a number of concerned people in the area.

The intention to remove this bridge has a number of quite diverse implications and consequences and therefore it has been decided to consider these separately in Section 11 of this Report. The conclusion reached is that on balance an open span bridge over both Church Road and Ballynure Water, would be preferable and this will be found as a recommendation in Section 12.

See Ballynure Angling Club Member's Standard Letter (OBJ_20 onwards).

See also Section 11 and Section 12 - Proposed Closure of Church Road.

Inspectors' Recommendations (Ulster Angling Federation)

- RS to have consultations with the Officers of the Ulster Angling Federation Limited, the Ballynure Angling Club and the Six Mile Water Trust at the detailed design stage concerning the proposals at Church Road.

9.95

Elaine Doherty

Reference Number

OBJ_095

Date of Objector's Correspondence

2nd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.95.1 The blocking of direct southbound access to my school via Church Road creates a dead-end road with no consideration of peak traffic congestion at drop-off and pick-up times at the school.

9.95.1.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

A bridge was preliminarily indicated for Church Road in August 2009 at the Preferred Route Announcement. As a result of further scheme development, the current scheme proposes to stop-up Church Road, and provide a link road from a point to the west of the proposed A8 dual carriageway, to the Templepatrick Road. Some of the influencing factors for this decision include: the relatively low volume of traffic using Church Road, the proportion of this traffic destined for Ballynure, the limited diversion that would result from a closure of the road and the significant capital cost of providing a bridge. On this basis the Department believes that, on balance, the decision to stop-up Church Road is correct.

The Department acknowledge that the closure of Church Road would result in a 1km diversion for all travellers undertaking a journey along the proposed link road from the west of the proposed scheme to the centre of Ballynure. However, journeys between Ballynure and Ballyclare, and between Ballyclare and Larne (via the Templepatrick Road) will be unaffected by the scheme proposals. In addition, those vehicles on the west of the proposed scheme that currently use Church Road to access the A8 will have an easier and more direct access via the A57 Templepatrick Road junction. As a result of the proposals, the level of traffic along Church Road will significantly reduce. This will result in an improved environment for residents in that area. It is acknowledged, however, that the closure of Church Road will result in a diversion for the small number of pedestrians.

9.95.2 There is no provision for vehicles turning or parking on Church Road adjacent to the school. It would not appear that you were aware that the school has an entrance/exit Gate on Church Road.

9.95.2.1 Currently there is no turning or parking provision adjacent to the school entrance/exit on Church Road. Whilst the Department do not propose to provide turning or parking provision at that point, a turning facility is to be provided further along on Church Road approximately 540m northwest of

the school, to enable vehicles to turn safely. The Department is aware that there is a pedestrian-only access from the rear of the school onto Church Road. This access is not affected by the scheme.

9.95.3 The blocking off Church Road will increase the volume of through traffic on Lismenary Road, having significant impact on the school community as this is another drop-off/pick-up point. At school peak times Lismenary Road will come to a standstill.

9.95.3.1 The Department acknowledges that the closure of Church Road will result in a small increase in traffic volume on Lismenary Road. On balance, and as outlined above, the closure of Church Road and the resulting small increase in traffic volume on Lismenary Road is considered acceptable and will have minimal impact on congestion on Lismenary Road.

9.95.4 The straightening of the Lismenary Road will increase the speed of traffic approaching the school and increase the volume of through traffic.

9.95.4.1 The Lismenary Road has a designated maximum speed limit of 30mph in front of the school. This 30mph zone begins approximately 100m south of the school at the junction with the existing A8 and extends approximately 450m north of the school. Furthermore, existing warning signs are positioned either side of the school to highlight the school's location. At its closest, the portion of the Lismenary Road being realigned is approximately 550m north of the school, some 100m further north of the 30mph zone.

The Department considers that the portion of the Lismenary Road being realigned is sufficiently far away from the approach to the school and that the works will not alter any factors sufficiently that it will result in increase in traffic speeds. It should also be noted the existing 30mph speed limit zone and warning signs will remain in operation.

9.95.5 Lismenary Road and Church Road are not on the DRD Roads Service gritting schedule.

9.95.5.1 Roads Service policy for the inclusion of roads on the gritting schedule is based on maintaining the links between key settlements; unfortunately it is not possible to grit every road and resources are targeted on busier routes carrying most traffic. The decision to grit a road is based on traffic flows (typically greater than 1,500 vehicles per day), site specific issues, bus services and key links to settlements. The changes to traffic flows on Lismenary Road as a result of the proposed scheme may increase the flows above the threshold for gritting, the Department will therefore monitor flows and I appropriate give consideration to including Lismenary Road on the gritting schedule.

9.95.6 It is likely that parents will chose Lismenary Road as their preferred drop-off/pick-up point and with this in mind there is not additional provision for lay-by or turning circles for this traffic.

9.95.6.1 The Church Road will be closed at one end approximately 540m northwest of the school. However, access to the rear entrance to the school on Church road will remain open and, as stated above, a turning facility is to be provided. Therefore, the option to pick-up/drop-off on Church Road remains. Furthermore, there are 2 no. existing parking lay-bys adjacent to the entrance/exit to the school on opposite sides of the Lismenary Road and there is the ability to turn safely using the existing side roads. The

Department considers that the existing parking and turning facilities on Lismenary Road, combined with the additional turning facility to be provided on Church Road, are sufficient.

9.95.7 All these points suggest to me a significant increase in road safety issues for the school community and the safety of the children must always be paramount. I would welcome a meeting to discuss my concerns.

9.95.7.1 The Department intend to arrange a meeting to discuss these concerns prior to the Public Inquiries.

Inspectors' Comments (Elaine Doherty)

The concerns of the Objector and the RS responses set out above have been noted. See Section 11 and Section 12 - Proposed Closure of Church Road.

9.96 J.A. McClelland & Sons (Aucs) Ltd, on behalf of various landowners

Reference Number	OBJ_096
Date of Objector's Correspondence	2 nd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.96.1 There is no economic, traffic or highway justification for constructing the proposed highway as currently designed.

9.96.1.1 The Regional Development Strategy: Shaping Our Future (RDS) places an emphasis on the development of a modern integrated transport system. Its stated longer-term vision for transportation is "to have a modern, sustainable, safe transportation system which benefits society, the economy, and the environment and which actively contributes to social inclusion and everybody's quality of life". The RDS also defines five key transport corridors, including the Eastern Seaboard Key Transport Corridor, which includes this section of the A8. The RDS is currently undergoing a ten year review; the revised strategy document supports similar principles and identifies the Eastern Seaboard as one of the four economic corridors.

At its meeting on 17th July 2007, the North South Ministerial Council noted the Irish Government's intention to make available a contribution of £400m to help fund the major roads programme within Northern Ireland. This included the A5 Western Transport Corridor and the A8 between Belfast and Larne. The Northern Ireland Executive confirmed its acceptance, in principle, to take forward these two major road projects. The dualling of the A8 is identified within the Investment Strategy for Northern Ireland (2008-2018) as a key milestone. The Investment Strategy also recognises that delivering better infrastructure is vital in helping to achieve the priorities for the economy, society and environment. The Budget 2010 outlines the Northern Ireland Executive's spending priorities. This has identified the A8

dualling as one of several road projects to be taken forward during this period and has allocated the required funds.

The existing road carries between 11,500 and 17,000 vehicles per day, which comprises of both local and strategic traffic. By the opening year (2016), the existing road is likely to suffer from operational problems such as inconsistent flow conditions and unreliable journey times, especially during peak periods. The provision of a dual carriageway along this section will alleviate this problem and provide ample capacity both at design year (2031) and well beyond.

The existing road forms junctions with a high number of side roads and private accesses. It has a high proportion of fatal accidents compared with other roads of a similar standard. With traffic levels continuing to grow and anticipated expansion of local industry, traffic congestion will increase and road safety is likely to deteriorate. The proposals to dual the A8 would remove the issues associated with platooning of traffic, thus reducing driver frustration and improving journey time reliability and the safety performance of the route for all road users. The scheme seeks to improve journey times for this 14km stretch of road. The traffic model indicates journey time savings of approximately 35% (up to 5 minutes) during peak hours, and approximately 25% savings (up to 3 minutes) during off peak times. The scheme provides value for money with a benefit to cost ratio of approximately 1.8.

9.96.2 As the proposed scheme connects two stretches of existing dual carriageway, there is no justification for constructing the proposed highways to a standard that will be similar standard to that of a national motorway and will be inconsistent with the existing dual carriageways. Amongst other things this will have adverse safety consequences.

9.96.2.1 The proposed scheme is of dual carriageway standard, as detailed with the Design Manual for Roads and Bridges (DMRB). DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. The carriageway will typically consist of two 3.65m lanes, with a 1m hard strip along the verge and central reserve, in each direction. This is the lowest standard of dual carriageway outlined within the U.K. This is the same cross section and design criteria used for the section of dual carriageway south of Coleman's Corner roundabout. The section north of the Ballyrickard Road junction has similar lane widths.

The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. The section of the A8 immediately south of Coleman's Corner roundabout has a similar rationalised number of junctions, although uses an all movement at-grade junction at one location. The section of dual carriageway north of the Ballyrickard Road, is of an

older standard, has a number of side road and private accesses junctions and becomes a semi-urban dual carriageway.

The proposed dual carriageway has been designed to current standards and best practice, which are continually updated to ensure the latest principles on road safety are incorporated. This is broadly similar to the existing section south of Coleman's Corner, but the proposed scheme incorporates an enhanced level of junction provision. The section of existing dual carriageway to the north of the Ballyrickard Road is of a lower standard, not included in current standards, both in terms of cross section and form of junction. Based on advice within DMRB a roundabout has been included at the northern end of the scheme to emphasise the change in road standard to drivers.

9.96.3 The existing highway already contains sufficient grass verges to accommodate a dual carriageway without the need for such an expensive and extensive highway scheme.

9.96.3.1 The width of the proposed dual carriageway is greater than the width of the existing highway boundary. The proposed dual carriageway has a minimum width of 26m, including verges but excluding earthworks. In some locations the carriageway may be wider to meet visibility requirements and accommodate footway/cycleways and/or bridge piers. In addition the proposed scheme also includes attenuation ponds, drainage ditches, access laneways and junctions along the scheme. The width of the proposed dual carriageway and other associated works means it is not possible to accommodate a dual carriageway within the footprint of the existing road.

9.96.4 The proposed scheme involves the construction of flyovers and slip roads to serve minor roads, which are features that do not appear on any other stretch of the existing dual carriageways. In particular, the two existing stretches of recently constructed dual carriageway use roundabouts to accommodate junctions which would be an appropriate design solution when used with other highways safety measures (in the event that such a junction is considered to be necessary).

9.96.4.1 As outlined above, the proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements.

The use of roundabouts at the most trafficked junctions serving the adjacent strategic road network was considered for all the main junctions along the route. Consequently, roundabouts were incorporated into the design for the Hillhead Road junction, and the Shane's Hill Road/Ballyrickard Road. A roundabout was, however, discounted in favour of a grade separated junction for the Templepatrick Road junction because it performed better in terms of safety and economy. Roundabouts for the remaining junctions were rejected because of the increased delay that successive roundabouts would impose on the mainline traffic. This would have reduced the journey time saving benefits of the scheme by imposing journey time penalties at each roundabout as vehicles would need to slow down or stop to negotiate them. In addition, the DMRB advises that the frequent occurrence of roundabouts should be avoided on rural roads.

- 9.96.5 The design of the proposed road junctions is excessive both in their overall land take and design.**
- 9.96.5.1 The proposed road junctions have been designed to the relevant published standards for the design of junctions, as contained within the DMRB. The land take identified in proximity to the junctions is required for a number of reasons, including: visibility requirements, drainage features, landscaping measures, access laneways and temporary constructions areas. The Department therefore considered the land take is reasonable and not excessive.
- 9.96.6 The construction of such major junctions will have adverse environmental consequences in the form of:**
- 9.96.6.1 It is acknowledged that the proposed compact grade separated junctions will have an environmental impact, predominately related to the landscape and visual intrusion associated with the bridges and embankments. However, compact grade separated junctions, on balance, were considered appropriate for this scheme based on environmental, safety and economic performance. The provision of bridges also has the additional benefit of allowing non-motorised users to cross the scheme safely.
- 9.96.7 Increased and high speed traffic generation**
- 9.96.7.1 The environmental consequences of increased and high speed traffic are associated with noise, air quality and visual intrusion as discussed in the points below.
- 9.96.8 Visual intrusion caused by the highway engineering works for the slip roads and high level flyover.**
- 9.96.8.1 The environmental assessment acknowledges that the construction of the proposed junctions will have a visual impact on properties within the immediate vicinity of the junction. The design of the proposed scheme has therefore included substantial planting around junctions and on the embankment slopes to mitigate the impact as much as possible. Where possible, the junctions have been positioned to maximise the distance between the junction and any residential properties. In addition, some junctions are in cutting to reduce any visual impacts.
- 9.96.9 Light and increased air pollution.**
- 9.96.9.1 The landscape and visual impact assessment has considered the impact of the proposed lighting at the junctions. Street lighting is provided at junctions to reduce the risk of accidents. The lighting design will be finalised during the detailed design phase which will seek to minimise the extent of street lighting required. Street lighting will be designed to minimise both the light pollution into the sky and spill outside of the footprint of the proposed road.
- The environmental impact assessment considered air quality and determined that the scheme would not exceed any of the statutory air quality objectives. The assessment identified the greatest changes in air quality were on the sections which realigned from the existing road. The decision to provide compact grade separated junctions has a minimal impact on traffic volumes using the side roads and therefore the air quality impact of the junctions is considered to be minimal.
- 9.96.10 Noise pollution.**

- 9.96.10.1 The noise assessment has considered the impact of the scheme on noise levels. The major factor in the noise assessment is the mainline traffic volumes. In comparison, the forecast traffic volumes for the junctions and side roads are small, and as such the additional noise impact from the junctions is considered to be minimal.
- 9.96.11 **Highways surface water runoff pollution affecting the existing watercourse.**
- 9.96.11.1 The design of the proposed carriageway and land drainage has been developed in consultation with Northern Ireland Environment Agency's Water Management Unit and Rivers Agency. The operation of the scheme will require the discharge of carriageway run-off into existing watercourses. The scheme design includes petrol interceptors and attenuation ponds to minimise the risk of pollution and flooding associated with the highway drainage.
- 9.96.12 **An overall adverse effect on the rural nature of the surrounding area**
- 9.96.12.1 The landscape assessment completed as part of the environmental impact assessment considered the impact of the proposed junction arrangements. The assessment concluded there would be substantial effects in the vicinity of the junctions. The design of the proposed scheme has therefore included planting around junctions, and on the associated embankment slopes, to mitigate the impact as much as possible. It is, however, acknowledged that the proposed junctions cannot be fully integrated into the existing environment. Regardless, as outlined above, on balance, they are considered appropriate for this scheme based on their good safety and economic performance.
- 9.96.13 **The proposed landscaping measures and noise mitigation measures for the surrounding properties are wholly inadequate for the impact that proposed scheme will have for the Owner's land and surrounding area.**
- 9.96.13.1 As outlined above the design of the proposed scheme has included planting around junctions and on their embankment slopes to mitigate the impact as much as possible. Where possible the junctions have been positioned to maximise the distance between the junction and any residential properties. In addition, some junctions are in cutting to reduce the visual impacts. The proposed mitigation is considered appropriate, and any further mitigation in the form of earth mounds would require significant additional land from residential properties. Noise barriers were considered but are not typically employed for isolated properties due to the cost, visual impact and restrictions on how close the barrier can be to a property.
- The noise impact from the junction and side road is considered to be minimal and therefore mitigation has not been provided. Noise mitigation for the scheme as a whole has been considered and low noise surfacing has been proposed along certain sections of mainline. This is addressed further in the response to your penultimate point.
- 9.96.14 **In the event that the CPO should be confirmed, our clients would be prepared to grant land use rights to accommodate the works. Accordingly, the extent of the proposed land take is not justified in the public interest.**
- 9.96.14.1 As clarified it is understood this point relates to the lands identified for temporary use. The Department's intention for temporary land would be to agree a short term access agreement with landowners where it is legally possible. The Department will provide additional details on the licence

agreement and the condition that the lands will be left at the end of the licence period. Where it is possible to agree a licence agreement with an individual landowner the land will be removed from the Vesting Order.

9.96.15 There are several flaws within the Environmental Statement issued by Arup in relation to the scheme.

9.96.15.1 Part V of The Roads (Northern Ireland) Order 1993 sets out the statutory requirements for the assessment of the environmental impacts of road schemes. This requires the Department to determine using the Annexes to 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 97/11/EC and Directive No. 2003/35/EC of the European Parliament and Council, whether or not a relevant project should be subject to an Environmental Impact Assessment.

The Department determined that the Project fell within Annex I of the Directive and that an Environmental Statement should be prepared. The Environmental Impact Assessment was carried out, and an Environmental Statement (ES) prepared, in accordance with Article 67 of the Roads (Northern Ireland) Order 1993 and the published guidance outlined with the DMRB.

9.96.16 Noise readings have not been taken at times of rush hour and immediately outside resident's properties, therefore not giving a true reflection of reality.

9.96.16.1 The noise assessment has been undertaken in accordance with the guidance provided within DMRB and the Noise Insulation Regulations (Northern Ireland) 1995. Both documents state noise levels should be calculated using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise (CRTN) 1988'. CRTN has been used for this scheme to determine the existing and forecast noise levels. Noise levels vary based on a number of conditions including the direction and strength of wind, whether it is wet or dry and the time of day. Therefore the published process uses modelled levels to provide a common basis for assessment.

Baseline noise surveys were undertaken at a number of locations along the existing A8 to determine the ambient noise levels in that location. These surveys were undertaken to understand the existing noise climate and are only used to supplement the modelled method of determining noise changes and are not a calibration tool for the model. It is therefore not a requirement to take noise readings at every property. There are stringent conditions outlined within CRTN for which the noise surveys must satisfy with regards to the environmental parameters and time of day.

9.96.17 A survey does not appear to have been carried out by the Royal Society for the Protection of Birds. There are a number of protected Sparrow Hawks in the surrounding area of the Ballygowan Road.

9.96.17.1 As part of the environmental impact assessment, ornithological and habitat surveys were undertaken by qualified and competent ecologists using published methodologies. The results from the surveys have been considered in the impact assessment. There is no requirement for the Royal Society for the Protection of Birds to undertake surveys.

In addition, a Construction Code of Practice has been developed for the construction phase of the project. In terms of birds, trees would not be cleared during the bird-breeding season. If works are required during the nesting season, a survey would be undertaken to identify active nests and a buffer zone would be put in place around an occupied nest.

9.96.18 It recognises that due to the loss of various habitats, etc, injury and death among breeding birds, otters, badgers and bats will be significant. However, very little thought has been given to sympathetic planning and screening in order to mitigate same.

9.96.18.1 The design of the proposed scheme includes a number of standard design features to cater for animals along the scheme. These include;

- Replacement badger setts, and underpasses and fencing to ensure safe foraging on both sides of the road for badgers,
- Otter ledges at watercourse crossings used by otters and fencing at appropriate locations along the scheme,
- Hedgerow and hop over planting to facilitate bats crossing the scheme, and
- Replacement hedgerows and other planting to provide habitat for birds and other animals.

The environmental assessment has used standard guidance to determine the significance of the effects of the scheme due to construction and operation. The assessment considers the design features outlined above and the different animals individually. The effect for birds, otters, badgers and bats during construction is considered to be moderate adverse in the short-term. This is due to the potential loss of habitat, injury and death, although measures will be implemented during the construction phase to minimise the impact on wildlife. During the operation these effects reduce to minor adverse.

9.96.19 Insufficient detail has been illustrated with regards to the lighting schedule for the various junctions up and down the scheme.

9.96.19.1 The Environmental Statement outlines that the major junctions will be lit and this has been considered in the visual impact assessment. Street lighting is only proposed at the grade separated junctions and roundabouts to improve road safety at the key conflict points within the junctions. The lighting design will be finalised during the detailed design phase which will seek to minimise the extent of street lighting required. Street lighting will be designed to minimise both the light pollution into the sky and spill outside of the footprint of the proposed road.

9.96.20 We have been informed that it is written in the Highways Agency Design Manual for Roads and Bridges that noise mitigation measures include landscaping and the creation of earth mounds. ‘Noise and Visual intrusion are adverse effects which can be properly mitigated by earth mounds, barriers and planting’. From the Environmental Statement issued by Arup, the amount of planting, earth mounds, berms and noise barriers being created does not appear to be detailed. The Environmental Statement also stated that it would be the year 2031 before adverse effects would be sufficiently reduced.

9.96.20.1 The DMRB extract outlined above refers to mitigation measures for both noise and visual intrusion.

The DMRB outlines a number of design and mitigation techniques to address noise and vibration impacts. These include: the design of the horizontal and vertical alignment, environmental barriers (fence or earth mound), low noise surfacing, or speed and volume restriction of traffic. The DMRB states '*The use of shrubs or trees as a noise barrier has been shown to be effective only if the foliage is at least 10m deep, dense and consistent for the full height of the vegetation*'. It is, however, accepted that landscaping in the form of planting provides limited noise mitigation properties.

The environmental impact assessment considered the environmental impact of the scheme and identified appropriate mitigation. In terms of the noise, low noise surfacing has been included to mitigate the impact of noise along the scheme. Noise barriers were considered but are not typically employed for isolated properties due to the cost, visual impact and restrictions on how close the barrier can be to a property. Earth mounds require additional land which would have increased the land requirements from residential properties that are typically close to the scheme. The landscape and visual assessment identified mitigation in the terms of replacement hedgerows, blocks of dense planting and profiling of artificial slopes. DMRB acknowledges that the planting and landscaping will take time to establish, but highlights large plants may be harder to establish and may be unsuccessful in providing the mitigation expected. DMRB outlines typically bare-root transplants, 450-900 mm high, for shrubs and trees are the recommended size and specification.

The assessment process considers the impact while planting establishes by undertaking an assessment on completion of the scheme (2016) as well as once the planting has established at 15 years after completion of the scheme (2031).

9.96.21 **Our clients would request that a public inquiry should be held in order to ascertain whether there is in fact a compelling case in the public interest for the proposed highway scheme.**

9.96.21.1 The Department has considered the comments and objections received during the consultation period and the decision has been taken to hold a Public Inquiry, as announced on the 12th April 2011.

Mr Shaun Irvine made his initial contributions to the Inquiry on the afternoon of Wednesday 15th June.

He began by introducing himself as a member of the Institution of Chartered Surveyors and Managing Director of J A McClelland & Sons, a firm of rural Land Agents. He was attending the Inquiry, not as an expert in road design but to present the submissions of his Clients in connection with the proposed scheme.

Insufficient Time for Preparation and Communications

Mr Irvine had not been aware that much of the evidence that the Department had presented on the first morning of the Inquiry was already available until written notification was received on the 9th of June, just 6 days before the Inquiry. The time that had been given to prepare for the Inquiry was unacceptable

In addition, even though all his Clients objections had been lodged by the 4th March and written responses subsequently received from RS (some only very recently), meetings to discuss those objections did not begin until 17th May and some Clients have as yet to receive a visit.

The issue was that in some instances objectors had been given insufficient time to consider both the responses by RS to some of their concerns and where applicable the proposed mitigation measures.

Responding, Mr Hutchinson confirmed that certainly 99% of what was contained in the Proofs of Evidence was contained in previously published documentation and there had not been any intention to surprise anyone with new information.

Mr Robb suggested that there was perhaps a lesson for the future here, in that people should be made aware at an earlier stage of the process about the availability of information in the public domain.

Mr Hutchinson said that emphasis had been placed on the need for communication, consultation and meetings with land owners. Hundreds of meetings had taken place with landowners and Agents in the weeks before the Inquiry and this process would continue. Further discussions had been arranged with Mr Irvine for later the same afternoon.

Scheme had been Over Engineered

Having restated what he saw as the key objectives for the scheme, Mr Irvine suggested that they had been over provided for and that a lesser scheme would require less investment and have a reduced impact on the community.

A majority (75% according to RS) of those who responded agreed that the A8 required improvement, but the Department had not provided evidence of public support for the preferred route, or the level of improvement proposed. Did such consultations take place?

Responding, Mr Hutchinson made reference to the stages of the scheme development process saying that people were consulted at Stages 1 and 2. The views of people were sought following the announcement of the Preferred Route, though at that stage opinions were only invited on the peripheral issues. He believed that having followed the process RS had arrived at the right solution.

Mr Irvine suggested that there was no justification in the RS intention to construct the new road to the high standard proposed. It would be inconsistent with the adjoining sections of dual carriageway and the construction of grade separated junctions would require excessive land take and result in greater financial and environmental costs than roundabouts. (*This issue had been raised and responded to earlier in the day*).

Mr Hutchinson responded that the reason behind the use of grade separated junctions was the avoidance of strategic traffic being penalised with stops and starts every 2.5km. This would have a negative impact on the economics of the scheme.

Having been asked to comment, Mr Hall began by saying that 'do-nothing' was not a option.

The next improvement option considered was a wide, single, two carriageway road which would require taking third party land. The right turning safety issue would not be resolved and capacity problems would not be addressed.

A further possibility assessed was a wide single-two-plus-one scenario which would alternate between half of the road being a dual carriageway and the other side a single carriageway. This would require virtually the same amount of land as a dual carriageway but would not deliver the capacity improvements or the safety and economic benefits of a full dual carriageway.

Mr Irvine responded that local residents did not agree with RS that the existing road suffers from delays, driver frustration, congestion, etc. and furthermore, the projected savings in overall journey times would only be 3 to 5 minutes. The road was running at only 63% of congestion reference flow and a dual carriageway was unnecessary. A wide two lane road would suffice up to 2031.

Mr Hall said there were safety issues associated with the provision of a wide single two carriageway beyond 2km as defined in the DMRB. This was therefore not an option for a road of this length.

Referring to the use of roundabouts, Mr Furneaux reaffirmed that they create delays on roads that carry a high proportion of through traffic. DMRB also advises that to avoid driver confusion, there should be a consistent form of junction along the scheme. In addition, DMRB advises that frequency of occurrence of roundabouts should be avoided on rural roads.

Responding to the point made by Mr Irvine that there were roundabouts elsewhere on the A8, Mr Furneaux said that they had a role to play in defining the change from one type of carriageway to another. In terms of economics they would be cheaper but the overall economic performance would be significantly less than a scheme that had compact grade separated junctions.

Other Costs

Mr Irvine moved on to ask for clarification on what was contained within the £45m attributable to 'other costs'.

Mr Hutchinson explained that as set out on page 16 of the Stage assessment Report, scheme costs include earth works, structures, accommodation and other costs. Other costs include everything which is not included in the above such as street lighting, drainage etc.

Safety and Accidents

Mr Irvine suggested that whilst one of the aims of the scheme was to improve safety, the statement by RS that the existing road had a relatively high proportion of fatal accidents was a statistical misnomer. The total number of accidents was said to be approximately one third of what would be expected for this type of road, whilst the number of fatalities was at expected levels. As discussed earlier in the day, the important factor was the number of people in the car at the time the fatalities occurred.

The high speed road as designed would not lead to an improvement in safety, because as the advertising says, 'speed kills'. The use of roundabouts instead of grade separated junctions would control speed and reduce land take and since only a third of the accidents that would be expected on a road of this type have occurred, he did not believe that closing 14 minor road junctions would lead to any significant improvement in safety.

Mr Hutchinson referred back to his introductory input made earlier in the day relating to the priorities of the Executive, the Regional Development Strategy, etc., which made it clear that building the infrastructure (including improving the A8) was going to help the Province build its economy. A side affect of constructing a dual carriageway would be accident savings. Improving safety was not a stand-alone outcome and if even one life was to be saved by the scheme, that in itself would be a great achievement.

At present there are two lanes (one in each direction) and slow moving traffic such as tractors cause all the vehicles travelling behind to be held up. Two lanes in each direction would alleviate the problem of having few overtaking opportunities.

Mr Irvine also made the point that agricultural vehicles quite often carry dirt onto roads and this would be even more dangerous on a high speed road.

Mr Hutchinson replied saying that existing legislation required drivers to ensure that they do not contaminate roads. RS monitor this and take enforcement measures to ensure that dirt is cleared up.

Returning to the safety issue later Mr Henderson said that there was no such thing as a safe road, rather some roads were safer than others. A road where 6 people have been killed is not a safe road and anything which can be done to reduce this level of fatalities would be worthwhile. Though vehicle accidents had been similar to predictions for this type of road, fatal accidents are assessed at a much higher monetary rate, so from an economic standpoint their reduction gives a much greater benefit.

Mr Irvine said he would welcome any improvement in road safety and that no one wanted to see anyone killed on a road. He believed that inconvenience, disturbance and visual intrusion was out of balance with the need for greater safety.

In clarifying the accident assessment, Mr Henderson confirmed that it was anticipated that the proposed scheme would save 15 fatal accidents and 57 serious accidents over the sixty year period in comparison with the 'do-nothing' scenario.

Mr Samuel Marks intervened to make the point that there had been no discussion on the cause of the accidents. He suggested 4 were drunk drivers and 2 Polish nationals driving on the wrong side of the road. How would improving the A8 reduce the number of accidents in these situations?

Mr Henderson confirmed that Government statistics do not take account of drunk drivers. A dual carriageway is simply safer than a single carriageway.

Mrs Lorraine Robinson also intervened to confirm the points made by Mr Marks.

Mr Hutchinson said that accident statistics were provided to the Department by the PSNI. The cause of accidents was included. Reducing accidents was a benefit of the scheme and not the primary reason for promoting a dual carriageway.

Access to Minor Roads

Mr Irvine expressed concern about the impact that the proposed dual carriageway would have on adjacent minor roads. Serious traffic disruption would occur and local residents would be inconvenienced in a number of ways, including attending their places of worship. Quoting the RS Policy and Procedures Guide, a round trip of 5km would be acceptable. He quoted instances where the closure of private accesses would result in diversions greater than 5km over poor standard roads incapable of taking additional traffic, especially heavy agricultural machinery.

Mr Hutchinson replied that the spacing between the proposed all movement junctions was about 2.5km. The wider the spacing, the better the economic return, because you have fewer junctions. There would also be fewer accidents because of the conflict which occurs at junctions. 8km was also considered, as that figure was proposed by the County Surveyor's Society in England. There was no 'right' figure.

He accepted that any diversion had a detrimental affect, but added that he had been told by many people at the exhibitions that they often had to wait at junctions and 'take their lives in their hands' to access the main road. The proposed road layouts would improve safety and in addition, accessing the main line without having to wait could reduce the journey times associated with the longer diversions. A dual carriageway would also remove conflict with traffic travelling in the other direction.

Mr Furneaux added that DMRB provided advice on how to deal with various alternatives. This included the number of junctions, the closing up of accesses, the provision of link roads etc. The aim was to provide a safer carriageway with less junctions. The impact on side roads was considered as part of the development of the scheme. Vehicle numbers on the side roads and diversion lengths were also taken into

account. The impact on the usage of the road had to be rationalised with junction and safety issues.

Environmental Issues

Ponds

Mr Irvine was concerned that whilst 15 attenuation ponds were being proposed, only 8 may be required. These ponds and associated access roads would result in a substantial loss of land and inconvenience to landowners. If these ponds are not required they should be removed from the notice of intention to vest immediately.

In reply, Mr Hutchinson explained that RS had only an outline design at present. Should the scheme move forward to the next stage, then the more detailed work which would be done at that time would clarify whether a particular pond was required or not. If a pond was no longer considered necessary, then RS would endeavour to hand the land back. Whether this could be done before a Vesting Order was made was unclear at this stage. They could not be removed at present because discharge consents have not been received by RS from NIEA and the Rivers Agency. Therefore, all the ponds are in the scheme as potential essential mitigation measures at this time.

Mr Power summarised the process that is in the ES, which assesses the quantity of pollutants that would come off the finished carriageway, together with the amount of rain which would run off into the receiving ditches. That leads to conclusions relating to water quality and attenuation.

The second area for consideration was the construction phase, where areas of land would be required to create ponds to enable the contractor to meet the required standards of pollution prevention whilst the road was being built.

Mr Hutchinson gave Mr Irvine an assurance that RS will bring forward the necessary work relating to the eight ponds in liaison with NIEA, with the aim of reaching a decision on whether some, or indeed all of the eight ponds can be removed from the proposals without compromising the scheme. Mr Irvine welcomed Mr Robb's request to RS for this work to be made a priority, as removing as much doubt and uncertainty as possible would lead to a better situation for everyone.

Field Drains

Mr Irvine said that the scheme would disrupt many field drains and he knew that the contractor had a responsibility to ensure that they were adequately picked up. There was no onus on the Department to address drainage matters after 12 months. This was considered to be totally inadequate. As drainage issues may not arise until a number of years later.

Mr Hutchinson pointed out that it was construction industry practice to have a twelve month maintenance period and he was confident that it would be adequate. In addition a Liaison Officer would be appointed to identify and agree what needed to be done or not and all works would be formally signed off through a certification system, to an agreed specification defined within the contract. From past experience very few issues with regard to land drainage had been encountered.

Mr Mc Guinness returned to this issue at the end of day one and explained that the one year workmanship guarantee was between the contractor and RS. The contractor would be obliged to address any problems with workmanship which arose within that period.

The situation between a land owner and either RS or the Contractor was different. If flooding or some other nuisance arose on his land, then the normal time limit for an owner to take action would be six years from the time work was done. If a latent defect occurred, meaning that it only became apparent after seven years, there would be a further three years to take action against RS and/or the contractor. The first step in the

process would be an approach made to bring the issue to the attention of RS and hopefully legal action would not be necessary.

Mr Irvine found this additional information very helpful.

Fencing

Mr Irvine pointed out that until two weeks before the Inquiry confusing messages were being given out by Arup concerning the type and location of fencing which would be installed by RS along both sides of the scheme.

Mr Hutchinson acknowledged that he had recently been made aware of this issue and apologised for the error. RS would replace (where this was possible) like with like as part of the accommodation works.

The current policy on the standard fence detail for agricultural land was timber posts and a stock proof wire fence, located on the land take line. A hedge would be planted on the owner's side of the land take line and a temporary fence erected, again on the owner's side to protect this hedge whilst it was becoming established. (A period of 2 to 3 years). There would be a cost associated with erection of the second protective fence and consideration was being given by RS to changing the policy to enable the hedge to be planted on the RS side of the land take line. This process was not going to be completed by the end of the Inquiry and no guarantee was given that the present policy would be changed. Whatever the outcome there would be a uniform approach to this issue along the full length of the scheme.

Mr Irvine expressed his dissatisfaction with the uncertainty that this was producing for his clients in that hedges and fences on their side of the boundary increased the land take for the proposed new road.

Diversion of Major Water and Gas Pipes

Mr Irvine expressed concern that there was no information on the route of the proposed diversions, or how land owners were going to be affected. His client would lose a considerable amount of land due to vesting should the scheme go ahead and further inconvenience could be caused by the diversion of the pipeline.

Responding, Mr Hutchinson explained that RS did not have powers under the Roads Order to vest land for the movement of utilities like BGE. Discussions had already taken place with them on what RS is proposing to do, together with timings and he thought that it was unlikely that BGE could be accommodated within the existing wayleave. RS could not give BGE an order to make the necessary changes until an announcement had been made by the Minister that the scheme was going forward.

Mr Hutchinson offered to have further discussions with BGE within the next few weeks or months to agree what the revised line would be. This would enable BGE to start discussions with land owners on the revised alignment and timings, without any financial commitments being given at that stage. He anticipated that the necessary work would be carried out just before the start of the main civil work across the scheme though exactly when that would be was very uncertain at this time.

Land Required for Temporary Use

Large areas of land have been identified within the proposed Vesting Order for temporary use. This is a contentious issue with the farming community as they anticipate discussions about vesting ground and then eventually selling it back. There had also been indications that RS would consider entering into short term lease agreements for land required for temporary purposes.

Information was required as early as possible on how long the land would be required, what it would be used for and in what condition would it be returned to the owner.

Mr Hutchinson was confident that it should be possible to enter into lease agreements with landowners but there were further details to be worked out. This was why no formal approaches had as yet been made. Should this way forward be adopted then the District Valuer would be involved from the outset and agreement reached 'up-front' on the area to be taken, how much would be given back, in what state the land would be returned and the financial figures payable. In terms of timing, the land would most likely be returned within a number of months of completing the works. In some circumstances land could be returned earlier.

RS was attempting to reach an agreement in principle at this stage if people were prepared to go down that route. He said that the land would be left back in a very similar state as it was before and this would be the subject of more detailed discussions.

Agricultural Impact Assessments

Mr Irvine raised a number of points in relation to AIAs but since Dr McIlmoyle was not present on the first day of the Inquiry it was agreed that these would be deferred until later in the week.

Area of Land Required for the Scheme

Mr Furneaux clarified that the total land required for the scheme was 175 hectares of which 130 hectares would be taken from agricultural land.

Farm Severance

Quoting the Minister for Agriculture in March 2011, Mr Irvine said that her main concern in the process was that the impact on individual farms is minimised where possible and properly compensated for when it cannot be mitigated against.

In two particular cases large farms would be severed without any provision for access across the road. No mitigation measures had been proposed and Mr Irvine considered this to be a disgrace.

Mr Hutchinson replied that RS did not have any statutory obligation to provide accommodation works, though it does try to make them available where it can. Where an underpass or bridge was not provided this would be reflected in a higher amount of compensation being paid. Compensation would be reduced where this type of facility was constructed as part of the scheme. Should the cost of compensation that would be payable be enough to construct an underpass or bridge then RS would do that. A bridge was being proposed in one location across the new road which would be used by 3 landowners. The fact that three owners would use the one structure made a positive financial case. This was not so in the other two situations referred to by Mr Irvine.

Though he understood the basis for the argument being made by Mr Hutchinson, Mr Irvine was not satisfied with the reply.

Mr Hutchinson commented that whilst the structure being proposed at Church Road would be able to be used by a land owner, its primary function would be to facilitate access by Departmental staff. Whilst RS could give an indication of the costs of providing a structure in certain locations, they could not disclose the District Valuer's estimates as this could have an influence on future negotiations on compensation. However, this information could be made available to the Inquiry Inspector for information purposes.

Mr Irvine found this difficult to accept as disclosure of costs relating to bridges etc. would be helpful in considering options where roads were to be stopped up. The two farmers in question were the two largest on the scheme and they would both be seriously affected. Having access to the figures would be helpful in understanding how RS reached decisions. Bridges and underpasses had been provided on other schemes

where farmers were much less affected. In one of the two cases, the costs of running the farm were going to be higher than the income from it and he was going to be forced to sell out.

Mr Hutchinson responded that he fully understood the impact that the road would have on the two farms and he sympathised with the owners. RS had looked at the situations in great detail and revisited the estimates with the District Valuer to see if the respective figures could even come close. This was not the case.

Severance of Church Road

Mr Irvine commented that the appointment of a contractor had led to some late changes to the scheme, for example the rerouting of Church Road at Ballynure.

RS had stated that the cost of diverting Church Road would be less than the cost of constructing a larger bridge than the one which was being proposed. Could the costs on which this decision was based be made available? Mr Hutchinson confirmed that this information was available. Mr Irvine said he expected this to be the case yet he could not be provided with cost information on a possible bridge for a farmer.

Diverting Church Road onto the Templepatrick Road junction would add severance and this decision had come at a very late stage in spite of all the years of discussion at Corr's Corner. The public had not been given sufficient time to fully appreciate the significance of this change and the reason for the low level of objections was because people did not know about this late alteration.

Mr Hall replied that throughout Stage 3 RS had sought to review the design, seeking improvements, efficiencies and considering land owner issues. A contractor was appointed at the start of Stage 3 to help with buildability, engineering and efficiencies within the design. He acknowledged that at a late stage the contractor identified opportunities at Church Road for further investigation. The provision of a Church Road bypass and downgrading the former big bridge structure showed financial benefits.

In addition, Church Road had the low traffic volume of a little over 1,000 vehicles per day and a significant number go through Ballynure to access the A8. Providing the link onto the A57 junction provides better access and improves the severance issue in Ballynure.

Furthermore, vehicles associated with the industrial units west of Ballynure would no longer have to go through the village to access the A8. The Church Road bypass would move traffic away from the more severely affected properties on the western side of the village.

Mr Hutchinson added that in an ideal world the information would have been out in the public domain much earlier. The whole process was ongoing and the only time under statute when RS is required to consult is when the Draft Orders are published. However, a great deal of consultation had taken place throughout the job and probably more than any other scheme had seen in recent years. The decision was made around Christmas and RS did not want to put anybody under more stress than needed prior to the holidays. As the publication date was the 17th January, it was decided to put the revised plan across at the same time, though the people affected were informed a few days beforehand.

Mr Irvine pointed out that his clients (John and Maree Kirk) had been assured at meetings long before Christmas that no changes would be made. The day before the Vesting Order was published they received a telephone call to say that there had been a change, in that Church Road was to be stopped up and diverted through their land.

This issue was revisited when the Kirk's objection was considered later in the Inquiry.

Noise

Mr Irvine began this section by saying that he had found the whole process regarding noise confusing and hoped that clarification could be provided.

The scheme was going to result in a substantial increase in noise for those dwellings in close proximity to it. He understood that a large number of homes would experience an increase over 3db but no individual noise readings had been taken. The only measure being proposed to reduce future noise levels at properties was the provision of low noise surfacing on the carriageways. Eleven properties would require mitigation measures but no details had been given by the Department as to what these measures would be or which properties were affected. He understood that RS would not address noise issues until the scheme was up and running and this was a matter of extreme concern for a number of his clients.

Mr Power replied that there were two different processes. Firstly, there was a noise assessment to inform the EIA, involving the calculation of road traffic noise. This was done by building a computerised model of the route.

RS was required to identify the likely number of properties that 'may' receive noise insulation under the noise insulation regulations. In Northern Ireland the definitive assessment of the need for noise insulation in particular buildings does not take place until the scheme is open, when an assessment is made of the noise they are actually receiving as opposed to what was predicted.

However, in terms of the vesting process, RS needed to identify any land and any mitigation required for noise insulation. This was why an EIA was done.

The entire noise assessment was based upon a computer generated noise assessment, which included traffic data. That produced an estimate of what the noise is currently, noise in the year of opening and noise in 2031, the design year. The noise measurements taken by RS were intended to validate the base line current situation predicted by the modelling, which in the case of the A8 was the existing road itself.

Mr Power understood the concerns of people who would experience an increase in noise levels. However, it might not be an increase which would take them over the noise insulation regulations threshold of 68dB. They might move (say) from 35dB to 45dB but not above 68dB, meaning that they would not qualify for noise mitigation measures.

Mitigation measure options were assessed, including low noise surfacing (a reduction of between 3 and 5dB), bunding or barriers. The potential effectiveness of any mitigation was assessed against its anticipated cost as part of the scheme design process.

Replying to Mr Irvine's point that there was no need to model noise levels when actual noise readings could be taken at individual properties, Mr Power explained that computer models were used as the designers needed to predict noise increases at an almost infinite number of places. It was necessary to assess changes in noise over a wide area including all facades of a property, in the garden, in all traffic, atmospheric and weather conditions. A huge number of point measurements would be required to provide all the necessary information in the absence of the industry standard, tried and tested modelling process. The outcomes had been verified on a number of schemes and it was the only way to feasibly predict the noise at all locations necessary on a scheme of this size and scale, up to a kilometre or more each side of the carriageways.

Mr Irvine asked for confirmation of his understanding that a total of eleven properties would require individual mitigation measures.

Replying, Mr McGuinness said he believed that this number would potentially qualify for mitigation under the regulations. This would require an assessment twelve months after the scheme had been brought into operation. The regulations did not come into

play until then and he believed that every five years there could be a further review of the situation.

The information on the eleven individual properties was available and would be provided to Mr Irvine for any of the relevant properties which were occupied by his clients.

To clarify the situation, Mr Power added that there was a difference between noise insulation provision and mitigation. Insulation was a series of options such as triple glazing etc. which could be applied directly to a dwelling. Mitigation on the other hand referred to wider measures taken along the scheme in the form of barriers etc.

Also, the actual traffic volumes in the year of opening may be higher or lower than was predicted at the design stage. That would directly affect the traffic noise that people receive in that year. So, more individuals might qualify for noise insulation or less and that could depend on the actual volumes. Eleven properties was therefore not a definite number. The final figure could be adjusted either up or down.

Mr Irvine wanted to know where mitigation in terms of barriers or bunding would actually be carried out on the scheme, or was it simply that none had been planned.

Mr Power said that the most effective action was to mitigate at source (at the road itself). Noise reducing surfacing would therefore be applied and this would mitigate in all directions, for all members of the community. The conclusion had been reached by RS that on this scheme barriers or bunds could not be justified in any location in either acoustic or economic terms. It had to be remembered that the horizontal and vertical alignments of the scheme were key mitigation measures and around Ballynure in particular putting the scheme in cutting would be part of that mitigation.

Mr James Montgomery wanted to know what the process was following the twelve month period. Did RS return and do this, or was it up to the individual to submit a claim? Mr Hutchinson said that after the twelve months the assessment would be carried out and then published. Qualifying individuals would receive a copy and it would then be up to them to take the matter forward. Mr Hutchinson was unsure of the exact procedure but this could be clarified.

Mr Geoffrey McConnell asked if actual decibel readings were taken after the year as this would be a more satisfactory approach. Mr Hutchinson responded that individual readings would not be taken at any time. An assessment would be made by rerunning the model.

Mr McGuinness replied that the approach taken was a matter of regulation, and therefore not within the remit of the Inquiry. If an individual wanted the process changed, then local Political Representatives should be approached. Mr Power then restated the points he had made earlier concerning the large number of measurements and variables that would have to be taken into account to produce meaningful results, if the individual spot measurement approach was adopted.

Mr Irvine restated his concerns relating to the use of a model rather than taking individual readings at properties. He also found it difficult to accept that the only noise mitigation measure which was being proposed by RS was the installation of a low noise surface. He did not have specific recommendations to make concerning possible additional mitigation measures but thought that each individual case should be looked at. The use of a model was not going to allay the fears of his clients concerning increased noise from the road.

Mr Power offered to show some examples of the model output at anonymous properties. Graphics were available which might provide reassurance about the model.

At the beginning of Day 2, Mr McGuinness advised the Inquiry that a decision had been taken by RS to apply low noise road surfacing throughout the scheme on the

main line. Some 5km of road would not have had this treatment in the original proposals and this had now been changed. One or two of the noise assessments could now be inaccurate in that the situation would have improved.

Mr Irvine confirmed that this would be of considerable help to a number of Objectors.

Inspectors' Comments (Generic Objections - Mr Irvine)

The concerns of the Objectors and the RS responses set out above have been noted.

Details of the generic objections made by Mr Irvine, the RS responses and the subsequent exchanges at the Inquiry are set out above, without further comment here. Many of these were referred to again in the evidence presented by individuals later in the Inquiry and the overarching recommendations arising from Mr Irvine's input are listed below.

See Section 11 and Section 12 - Proposed Closure of Church Road.

Inspectors' Recommendations (Generic Objections – Mr Irvine)

- Members of the public should be made aware at an earlier stage of the process about the availability of information in the public domain. (Mostly a learning point for future schemes).
- RS to bring forward and prioritise the necessary work relating to the proposed eight ponds in liaison with NIEA, with the aim of reaching a decision on whether some, or all of the ponds can be removed from the proposals without compromising the scheme.
- RS to clarify to landowners if and when the policy should change to enable the boundary hedges to be planted on the RS side of the land take line along the full length of the scheme.
- RS to bring forward discussions to enable BGE to begin dialogue with land owners on the realignment of their high pressure supply pipe and the associated construction timings.
- Once further details have been worked through, RS to enter into discussions with land owners concerning possible licence agreements for ground required on a temporary basis.
- Land to be transferred back to land owners in a similar condition as it was before the scheme commenced and this to be the subject of more detailed discussions with the individuals concerned.

9.97

John Jackson

Reference Number

OBJ_097

Date of Objector's Correspondence

2nd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.97.1 The new proposed road infrastructure will have a serious impact on our clients' and other businesses in the village of Ballynure.

Despite its semi rural location, Jackson's Butchers has recently been awarded 'Butcher of the Year,' and as a result, many people travelling to and from Belfast/Larne (and surrounding areas) make a point of stopping off in the village to visit the shop as it is in an extremely convenient location and has an exceptional reputation.

Our client would like for us to take this opportunity to express on his behalf his belief that the preferred route of the proposed road is the erroneous choice, and that road would be more economically favourable to all businesses had it gone through Ballynure, as people would still be able to visit the village without causing any unnecessary inconvenience.

9.97.1.1 The Government's White paper "A New Deal for Transport: Better for Everyone" published in 1998 introduced the New Approach to Transport Appraisal (NATA) as the standard appraisal process for all transport schemes in the U.K. The process and criteria outlined in NATA are based around the Government's five over-arching objectives for transport of environment, safety, economy, accessibility and integration. Additional detailed guidance on the appraisal of transport projects is provided within the Web-based Transport Analysis Guidance (WebTAG) which is published by the Department for Transport (DfT). Additional supporting analyses of practicality, affordability and acceptability have also been used in the appraisal process for the A8 Dualling. WebTAG outlines that for highway schemes, the Design Manual for Roads and Bridges (DMRB) shall be used to provide the necessary information for a NATA appraisal. DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of roads within the U.K. The DMRB defines a three stage scheme assessment process, providing a clear structure for the development and staged reporting of road schemes. NATA provides a multi-criteria appraisal methodology which enables options to be appraised within the scheme assessment process, and to be summarised and reported in an Appraisal Summary Table (AST).

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the DMRB and WebTAG. Each stage of the assessment process has used this methodology and an AST has been produced. The selection of the preferred route has strictly adhered to this process. The preferred route was the most favourable in terms of the balance across the Government's five key objectives for transport, and thus the Department is satisfied that the correct route has been selected.

9.97.2 As it stands, the preferred route will deter people from visiting the village as a special effort would need to be made to leave and rejoin the dual carriageway in order to go into Ballynure, resulting in even more travelling time for customers and inconvenience. This ultimately could mean loss of business for our client and other business in the area.

9.97.2.1 The economic assessment for the scheme has been undertaken in accordance with the published best practice and guidance provided in the DMRB and WebTAG. This assessment considered the financial benefits, through journey time savings and accident savings, against the costs of providing the new dual carriageway, which included land and compensation costs. The eligibility of individuals to compensation is

outlined in legislation. This assessment has shown a positive economic return set against the capital investment in the scheme. However, as with any large infrastructure project of this type, there is the potential for impact to individual businesses or at a community level.

The scheme assessment process considered both online and off-line options for the dual carriageway at Ballynure. An online option would require an all-movement junction with Lismenary Road and Riverside. However, the provision of additional junctions or gaps in the central reserve represent safety concerns and therefore the remaining accesses would be either closed or restricted to left-in left-out. This would impose diversions on those wishing to use the local businesses, especially those along the existing A8. The off-line option provides the opportunity to retain the existing all-movement accesses within Ballynure for local residents and businesses. The proposed junction strategy includes vehicular access from the improved A8 at either end of the village: from the A57 (Templepatrick Road) junction and the Ballybracken Road junction. In addition, public transport links will be maintained within the village for those wishing to use local services, local residents and landowners. During detailed design, the Department will seek to provide relevant signage along the A8 for local services and facilities.

In addition, the community and private assets element of the Environmental Statement considers the existing land use pattern, provides an assessment of the areas of land lost to the scheme and assesses the impact on land use and the community. The key community facilities considered, based on the DMRB guidance, include: doctors, hospitals, age person homes, schools, shops, post office, churches and recreational areas. This assessment highlights the potential for impact upon the businesses varies from improved links to the A8 for business along Church Road to adverse impacts associated with the reduction in passing trade for business along the existing A8. It is acknowledged that traffic through Ballynure will be significantly reduced; however, the Department considers this will have benefits to the local community that are associated with improved access to facilities within the settlement which may lead to increase usage.

9.97.3 The closure and realignment of the Church Road is extremely impractical and unnecessary. Its closure will result in a lot of people being cut off from Ballynure village, and being subject to increased travel time and inconvenience, again resulting in the loss of business for our client. This will only serve to divide and fragment a rural community.

9.97.3.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

A bridge was preliminarily indicated for Church Road in August 2009 at the Preferred Route Announcement. As a result of further scheme development, the current scheme proposes to stop-up Church Road providing a connection from Church Road to the west of the proposed A8 to the Templepatrick Road. Some of the influencing factors for this decision include: the low volume of traffic using Church Road, the proportion of this traffic destined for Ballynure, the limited diversion that would result from a closure of the road and the significant capital cost of providing a bridge.

The Department acknowledges that the closure of Church Road would result in a 1km diversion for travellers undertaking a journey along the proposed link road from the west of the proposed scheme to the centre of Ballynure. However, journeys between Ballynure and Ballyclare, and between Ballyclare and Larne (via the Templepatrick Road) are unaffected by the scheme proposals. In addition, those vehicles on the west of the proposed scheme that current use Church Road to access the A8 will have easier and more direct access via the A57 Templepatrick Road junction. The level of traffic along Church Road will significantly reduce, resulting in an improved environment for residents in that area. On balance, taking all the factors into account, the Department consider its decision to stop-up Church Road is acceptable.

Inspectors' Comments (John Jackson)

The concerns of the Objector and the RS responses set out above have been noted. See Section 11 and Section 12 – The Proposed Preferred Route, Proposed Closure of Church Road.

See also Mr Graham Johnston (OBJ_179).

9.98 John English

Reference Number	OBJ_098
Date of Objector's Correspondence	2nd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.98.1 The new proposed A8 abolishes the direct access currently enjoyed by the client, replacing it at the rear of the property. This is totally unacceptable and will cause great inconvenience to our client. It will also result in a considerable reduction in the value of his property, as the new access is significantly less attractive than the former and will be shared with both residential and commercial traffic.

9.98.1.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB)

provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. For safety reasons, the proposed A8 dual carriageway has purposely been designed to not permit at grade traffic to turn right across the carriageway. All right-turning manoeuvres will be undertaken at the main junctions along the route. The DMRB contains the design standards for the provision of private access onto all purpose trunk roads. These design standards restrict the provision and spacing of accesses. TD 41/95: Vehicular Access to All Purpose Trunk Roads states *'There is a potential saving in accidents where there is a reduction in the number of lightly trafficked direct accesses and minor junctions made directly on to each trunk road'*.

To provide access at every property would lead to increased safety issues with vehicles potentially blocking the visibility of other vehicles. DMRB TD41/95 states *'New direct accesses shall only be sited where they do not encroach on the visibility requirements of adjoining direct accesses or junctions in regular use. This determines the minimum spacing of new accesses'*. The Department is therefore satisfied that the proposed shared access is on balance the most appropriate arrangement in this instance.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

Any matters relating to land/property values are considered by LPS during their assessment of compensation claims.

- 9.98.2 **Insufficient thought has been given to the logistics of the new access laneway. A sufficient passing space needs to be constructed at the end of the laneway to avoid potential road blocks. This will also accommodate those people trying to turn into the lane from the main road should there be another vehicle trying to join the carriageway.**

9.98.2.1 The proposed access onto the dual carriageway has been designed to standards and guidance within the Design Manual for Roads and Bridges (DMRB). The width of the access is sufficient to accommodate a vehicle leaving the dual carriageway while another is waiting to join. The shared laneway width has been designed in accordance with 'Creating Places: Achieving Quality in Residential Developments', published in May 2000, as a shared driveway. It is therefore of sufficient width to accommodate two cars passing. The connection is relatively short and only serves two properties and therefore additional passing places are not considered necessary.

The Department has considered an alternative option to the proposed access arrangements and the entrance into the property to reduce the impact on the frontage of the property. The Department will seek to meet with the landowner to establish if this option may be acceptable.

9.98.3 **Replacing the access at the rear of the property increases the risk of intruders, as they will be able to enter the property unnoticed and undisturbed, whereas now, visitors to the property can be openly seen from the main road. Our client requests that a security gate be put at the end of the laneway to prevent uninvited persons accessing their property when both occupied and unoccupied.**

9.98.3.1 The Department will seek to agree a schedule of accommodation works with landowners prior to the commencement of the scheme. Accommodation works are works that are undertaken by the Department on private land to assist with the continued use of the land and reduce the injurious affection and/or disturbance. Where these can be agreed with a landowner and the costs fall within the District Valuer's estimate of compensation, that would otherwise be payable, the works will be undertaken as part of the scheme. As outlined above, any matters relating to land/property values are considered by LPS during their assessment of compensation claims. There is no legal obligation on the Department to provide

9.98.4 **Due to the proposed access, our clients' garden will require a substantial amount of re-landscaping. Our client is extremely happy with the appearance and setting of his property and does not welcome unjustifiable changes.**

9.98.4.1 As detailed above, an alternative access arrangement has been developed and the Department await confirmation from the landowner that this is acceptable.

It is acknowledged the proposed access laneway will require some reconfiguration of the residential property to accommodate the new access point. The Department will seek to agree a schedule of accommodation works, on a like-for-like basis, with landowners prior to the commencement of the scheme. Accommodation works are works that are undertaken by the Department on private land to assist with the continued use of the land and reduce the injurious affection and/or disturbance. Where these can be agreed with a landowner and the costs fall within the District Valuer's estimate of compensation, that would otherwise be payable, the works will be undertaken as part of the scheme. As outlined above, any matters relating to land/property values are considered by LPS during their assessment of compensation claims.

- 9.98.5 The proposed position of the access laneway is also unsuitable and impractical and will most likely require the demolition and reconstruction of our client's garage as it will now be extremely difficult to access.**
- 9.98.5.1 As detailed above, an alternative access arrangement has been developed and the Department await confirmation from the landowner that this is acceptable.
- 9.98.6 Our client will be subject to additional travelling time whilst travelling to and from their property.**
- 9.98.6.1 As outlined above the junction strategy for the proposed scheme has rationalised the number of junctions on safety ground. The Design Manual for Roads and Bridges restricts, in all but exceptional circumstances, the provision of gaps in the central reserve for private accesses on dual carriageways. Therefore the scheme aims to divert all existing accesses to side roads or collect them together into a single shared left-in left-out access. The Department acknowledges that this will result in diversions for individuals, however considers the safety benefits outweigh the additional journey time. The additional travel time has been kept to a minimum through the provision of compact grade separated junctions that provide a safe and efficient means of exiting and joining the dual carriageway.

Mr Irvine made an input on behalf of Mr English at the Stopping-Up Inquiry on the morning of the 23rd June.

The proposed stopping-up of the existing direct access to the A8 had resulted in the proposal to construct a new access leading to the rear of Mr English's property. Subsequent discussions with his neighbour, Mr Ward, had led to a revised plan to create a new private road along the front to serve both dwellings.

Mr Irvine said that Mr English was not happy with either suggestion and most of his concerns had been set out in the original letter of objection. The revised plan to bring the private access along the front would mean that at one point it would be only 5.4m from the front wall.

Mr and Mrs English were elderly and it was never their intention to sell. All the talk about the road issue had caused them considerable stress and they had made up their minds that they did not want to stay in their present home. They wanted to put their property on the market but Mr Irvine was unable to advise anybody as to what the proposed new access arrangements would be and RS needed to decide what they were going to do. The choice was difficult and Mr Irvine was unable to say which of the two unacceptable options would be preferable.

The drawings showing the existing accesses which would be stopped-up as part of the A8 scheme were projected on the screens and discussed.

Mr McGuinness and Mr Hutchinson made some further points concerning the abandonment or stopping-up of roads and the provision of new accesses.

When RS stopped-up an area between two defined points and the A8, that area would be no longer maintained by the Department and any public right of way removed.

Where a shared access was provided, the shared, or public portion would remain in RS ownership to the point where it was no longer shared. RS would be responsible for the maintenance of the public part of the new access, to the point where it became a private access. Beyond that point, the responsibility for maintenance would pass to the relevant land owner.

If a landowner did not want to accept ownership of a new private access, then the ownership and the maintenance responsibility would be retained by RS. In these circumstances it would remain a public road and the landowner would not be able to control who used that stretch of laneway by the erection of gates etc.

With regard to the new access being proposed for Mr Ward and Mr English, the point where the public section would end would be a matter for further discussions and agreement between the two land owners and RS.

Inspectors' Comments (John English)

The objections expressed by Mr English through Mr Irvine both before and during the Inquiry are very clear and it is unfortunate that neither the original proposals nor the amended suggestions have been sufficient to dispel the concerns which have arisen as a result of the RS intentions for the A8.

Inspectors' Recommendations (John English)

- Discussions involving RS, Mr Irvine and Mr English to continue in order to determine the most acceptable way forward.

9.99 Wallace Crawford and Patricia Mann

Reference Number OBJ_099
(Objection withdrawn during the Inquiry)

9.100 Margaret Boyd

Reference Number OBJ_100
Date of Objector's Correspondence 22nd February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.100.1 It is unknown as to whether or not Plot 10.49 may be needed on a temporary basis. A large stone drain has recently been constructed and runs down the full length of said field from North to South, and has a number of smaller drains connected to same. The entire field has also recently been re-seeded and has only come back into agricultural productivity this past season. Disturbing these efforts for such a small land take / use would not be economically worthwhile. Also the proposed works would leave the field in an odd shape as far as fencing arrangements would be concerned.

9.100.1.1 The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. Plot 10.49 has been identified within the draft Vesting Order and the land may be required on a temporary basis during construction works for the realignment of the Ballyrickard Road or as part the permanent carriageway

alignment. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

Any works to the field as a result of the scheme would be required to leave the field in the same condition as before the works. Therefore, any drainage removed as part of the scheme would be replaced. This would constitute accommodation works for the scheme. Dialogue with the landowners along the scheme has helped the Department to develop a draft schedule of accommodation works which the Department will seek to agree with the landowners. Where practicable the Department will look to take on board landowners' views and requirements.

The Department has reviewed the possible fencing arrangements for this plot and would disagree that the field shape would be left in an odd shape.

9.100.2 The proposed works also require a section of hedge to be removed. This land is used to graze livestock and is on the main Larne to Ballymena Road. Our client requires a higher stock proof fence to be erected, as this will now be the sole measure of containing livestock until the replacement hedge is sufficiently established.

9.100.2.1 As discussed previously, the Department will seek to agree accommodation works with the landowner.

9.100.3 There will be two access gates lost during the works. It is imperative that these are replaced in their original positions to ensure traffic safety during agricultural works.

9.100.3.1 The Department does not propose any movement of the existing gates to a new location, and is prepared to meet with the landowner to discuss this issue as part of the accommodation works discussions.

Inspectors' Comments (Margaret Boyd)

The concerns of the Objector and the RS responses set out above have been noted.

Inspectors' Recommendations (Margaret Boyd)

- RS to have discussions with the landowner concerning the possibility of erecting a higher stock proof fence to contain livestock until the replacement hedge is established.

9.101 Jonathan and Samuel Rea

Reference Number

OBJ_101

Date of Objector's Correspondence

16th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.101.1 Plot 10.14 is to be vested to provide a laneway for Jonathan Rea to access neighbouring lands. This is entirely unnecessary as all lands are in joint ownership and are currently farmed as so. Altering the existing laneway would be extremely unproductive and inefficient.

9.101.1.1 The proposed access arrangements were based on the information provided from Land registry which shows different names on each of the separate folios. The Department has now clarified the ownership with the landowners and is content to remove the laneway shown. The Department will seek to meet with the landowner to see if these alternative proposals are now acceptable.

9.101.2 Proposed access arrangements to Plot 10.13 are unsuitable. It would be more practical and efficient to construct an access laneway immediately off the proposed carriage way at Mr Robert Wilsons Property (91 Belfast Road); this will allow both Mr Wilson to access his property directly, and our client's to access their lands, thus removing the need to vest Plot 10.19 and purchase unnecessary lands.

9.101.2.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. For safety reasons, the proposed A8 dual carriageway has purposely been designed to not permit at grade traffic to turn right across the carriageway. All right-turning manoeuvres will be undertaken at the main junctions along the route. The Design Manual for Roads and Bridges (DMRB) contains the design standards for the provision of private access onto all purpose trunk roads. These design standards restrict the provision and spacing of accesses. TD 41/95: Vehicular Access to All Purpose Trunk Roads states '*There is a potential saving in accidents where there is a reduction in the number of lightly trafficked direct accesses and minor junctions made directly on to each trunk road*'.

To provide access at every field would lead to increased safety issues with vehicles potentially blocking the visibility of other vehicles. DMRB TD41/95 states '*New direct accesses shall only be sited where they do not encroach on the visibility requirements of adjoining direct accesses or junctions in regular use. This determines the minimum spacing of new accesses*'.

The Department does not propose to give the landowner access off the laneway for 91 Belfast Road but proposes that the landowner uses the Shane's Hill Road. The Department will seek to agree a schedule of accommodation works with landowners prior to the commencement of the scheme. Accommodation works are works that are undertaken by the Department on private land to assist with the continued use of the land and

reduce the injurious affection and/or disturbance. They can include additional measures to provide appropriate access laneways or gates where accesses have been closed or vested. Where these can be agreed with a landowner and the costs fall within the District Valuer's estimate of compensation, that would otherwise be payable, the works will be undertaken as part of the scheme.

9.101.3 Access will also be required by the Northern Ireland Environment Agency (NIEA) to maintain the Historic Monument 'Lowtown Moat.' If the proposed arrangement by ARUP proceeds, our client's are not willing to permit NIEA an alternative access to the monument as they would seriously disturb any growing crops whilst travelling down their field. Currently this is not an issue as the monument can easily be accessed with minimal disturbance. However, the above proposed solution would also alleviate this problem.

9.101.3.1 NIEA have the right to access any statutorily protected building or structure. However, The Department will seek to meet with the landowner to discuss the access arrangements further.

9.101.4 Our clients will be subject to additional travelling time whilst travelling to and from Larne.

9.101.4.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Department accepts that there will be some additional delay when travelling to Larne from the address at 96 Belfast Road which is a diversion of approximately 3.8km. However, there is no significant diversion from Larne to 96 Belfast Road.

9.101.5 The proposed road will be closer to our client's property than the current road, increasing the level of noise pollution. At present, no assurances have been made that this will be mitigated.

Our client's request that noise readings are taken at the property both prior and post construction to determine same. We also request that the department pay to have a full structural survey carried on the property before works commence, as our client is concerned that the works and subsequent use will cause structural damage.

9.101.5.1 The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise (CRTN) 1988' as required by Design Manual for Roads and Bridges. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 74dB occurs on the north-western facade of the dwelling.

- In the future year (2031) with the scheme and proposed low noise surfacing on the dual carriageway, the highest noise level of 73dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the north-eastern facade. A reduction of 1dB is predicted on this facade.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

The requirement for structural surveys will be established prior to construction of the works. During the works the Contractor will have to ensure that no damage is caused to property and lands are appropriately reinstated.

9.101.6 There is also an area of land vested for drainage improvement works adjacent no. 91 Belfast Road. After the scheme has concluded our clients request that this area is returned.

9.101.6.1 The area of land vested adjacent to the property has been identified for a permanent attenuation pond. The drainage design for the proposed scheme has been developed in consultation with Rivers Agency. The design includes a number of attenuation ponds to manage the discharge of water from the proposed road into existing watercourses to prevent the possibility of additional flooding problems downstream of the discharge point. They also act as settlement ponds to minimise the possibility of pollutants entering existing watercourses. The pond is therefore an essential part of the scheme and the location has been determined based on the level and alignment of the road and the proposed discharge points.

The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

Mr Irvine made an input at the Inquiry on behalf of Mr James and Mr John Rea, on the afternoon of Thursday 23rd June.

He explained that Arup had originally proposed to provide a left-in/left-out field access directly on to the western side of the proposed dual carriageway close to the south-western corner of the Reas' farm holding. He said that this would cause major difficulties in reaching the land further along in a north-easterly direction, due to the location of existing field boundaries and hedges and he was asking for the proposed

field access to be moved further along to the area occupied by an ancient rath. The frequency of use of the gate would be very low and relocation of the gate would have the added benefit of providing easier access to the historical feature.

Responding Mr Furneaux said that RS had avoided as much as possible the creation of left-in/left-out accesses onto the dual carriageway. Having listened to the case concerning this particular property, the decision had been taken to provide this type of access arrangement to minimise the impact on the farm. Moving it to the suggested location further to the north-east would bring it much closer to another left-in/left-out junction and that would introduce safety issues and require a departure from standards

Mr Power said that the NIEA Built Heritage Team had been involved in the Liaison Group Meetings and there was no official public access to the rath which was a scheduled monument. Though they were the custodians of the asset, they did not actively manage it and had not indicated any intention to seek better access at any time during the consultation process.

A discussion then took place between Mr Irvine and Mr McGuinness concerning access to the rath and responding to the suggestion that relocating the gate would make inspection etc. easier Mr McGuinness pointed out that whilst no right of way existed here, NIEA had their own statutory powers to allow them to enter land. In addition the scheduling itself brought significant protection and NIEA had not indicated that they had any difficulty with the RS intentions.

Mr Irvine wanted to know whether a hard lane would be provided across the land by RS to enable the farmers to access the field remote from the proposed gateway on the main line and he confirmed that this was required.

In reply, Mr Hutchinson pointed out they had already been advised by NIEA that the road would be coming as close to the rath as they wanted it to be. The construction of the laneway might therefore not be acceptable to the Environment Agency.

Summarising, Mr Hutchinson said that the Department's stance was that they were offering a left-in/left-out to the fields which was probably further than they should have gone. RS would not be happy to promote a departure from standards and the Technical Approval Authority would not be happy to accept one. Whilst a laneway to access the field was not being ruled out, the sensitivity surrounding the issue of the rath would need to be taken into account.

Inspectors' Comments (Jonathan and Samuel Rea)

The concerns of the Objector and the RS responses set out above have been noted.

It is also noted that RS is prepared to offer a left-in/left-out connection to the main line which would enable the land owners to access their fields in this area. It accepted that moving the gate to a position closer to the rath would entail a departure from standards which RS would not be prepared to promote.

Though the rath is a scheduled monument, it is one of many throughout Northern Ireland where there is no official public access, nor is it actively managed by the NIEA. This therefore weakens the case for the field gate to be moved to facilitate easy access to this ancient feature.

The provision of a 'hard laneway' across the land to facilitate internal movement seems to be a reasonable request, provided that the ground surrounding the rath is not disturbed in the process.

Inspectors' Recommendations (Jonathan and Samuel Rea)

- Subject to further discussions with the land owners and their Agent, RS to provide a hard laneway to facilitate internal movement across the fields.
-

9.102 Joseph Victor and Robert Blair Moore

Reference Number	OBJ_102
Date of Objector's Correspondence	17th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.102.1 The area of land being taken appears to be much greater than required to widen the road.

9.102.1.1 The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

9.102.2 The proposed new access arrangements at Junction Lane are unsatisfactory – our client's currently have a direct access off the A8 and it is proposed that this will be changed to a shared entrance. Improvements will need to be made to allow sufficient turning and passing width for vehicles on the lane.

Our clients live at the Browndod Road and the dualling of the A8 will mean that they will have to travel to the Ballybracken Road before they can cross the carriageway to come back to their land. This will add significant time and expense to cutting silage on these lands.

9.102.2.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. The proposed access arrangements to your property are as a direct result of this strategy.

The proposed access onto the dual carriageway has been designed to standards and guidance within the DMRB. The width of the access is sufficient to accommodate a vehicle leaving the dual carriageway while another is waiting to join.

The Department acknowledge that this property will be subject to diversions for some journeys However, on balance the Department consider these diversions to be acceptable.

Inspectors' Comments (Joseph Victor and Robert Blair Moore)

The concerns of the Objectors and the RS responses set out above have been noted.

9.103 Yvonne Harson

Reference Number

OBJ_103

Date of Objector's Correspondence

17th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.103.1 Our clients' property is now to be surrounded by road infrastructure. This will no doubt have a severe impact on the value of same.

9.103.1.1 Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

9.103.2 This will also significantly increase the level of noise that our client must endure. At present no assurances have been made that this will be mitigated. We request that noise readings are taken at the property both prior and post construction to determine same and submitted to our client.

9.103.2.1 The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise (CRTN) 1988' as required by Design Manual for Roads and Bridges. The Design Manual for Roads and Bridges (DMRB) provides a set of official

standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 69dB occurs on the eastern facade of the dwelling.
- In the future year (2031) with the scheme, the highest noise level of 66dB occurs on the southern facade.

Between the opening year and future year, the highest noise change is predicted to occur on the western facade. An increase of 12dB, to a level of 65dB is predicted on this facade.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

9.103.3 Our client is to lose a corner off the rear of her garden. Although this is not a large portion of said garden, it is the most attractive area as it is densely populated by indigenous trees (oak, larch, silver birch and scotch pine) which were planted in accordance with planning regulations approximately 13 years ago. There is also a Monkey Puzzle tree in close proximity which is more than likely to be affected.

9.103.3.1 The land identified through the vesting schedule is required for the construction of a cutting for the A8 mainline and one of the link roads associated with the new Templepatrick junction. The Department have reviewed the cutting in this location and believe there might exist the opportunity to amend the design to reduce the impact, or even remove the need to vest this land. The Department will liaise further with the landowner regarding this matter.

The location of the monkey puzzle tree is in an area outside the draft vesting order and therefore not likely to be affected during the works.

9.103.4 Said area of garden has been used as a burial ground for several of our clients beloved pets that have died over the years. Our client is an environmentalist and an animal lover, and finds the proposal of removing this area of garden extremely distressing.

9.103.4.1 As discussed above, the Department will review the need to vest this plot of land.

9.103.5 Our client is also displeased with the loss of agricultural land surrounding her property to which she has access, as it is the home of both many wildlife and plant species.

9.103.5.1 From the early stages of development the Department has sought to reduce as far as possible the land required for the scheme and the impact on agricultural land. To this end, the strategy taken forward is a predominately online scheme which makes the best use of the existing road infrastructure. 60% of the scheme is online and the only locations where the proposed scheme leaves the existing road corridor is at the two settlements of Bruslee and Ballynure, where bypasses were shown to perform better in terms of the Government's five key objectives for transport. This strategy has resulted in existing road forming approximately 22% of the total land requirements for the scheme. However, as with any large infrastructure project of this type there will always be an impact on land outside of the highway boundary. To minimise the impacts associated with rural land acquisition for this scheme, the Department have endeavoured, where practicable, to preserve farm assets and provide accommodation works to mitigate impacts. The impact upon individual farms has been assessed as varying from negligible to significant adverse impact, however the overall impact upon agricultural in Northern Ireland has been assessed as negligible.

9.103.6 **Although our client welcomes the introduction of an individual access to her property off the Templepatrick Road, she is not satisfied that enough thought has been given with regards to accessing her garden and the logistics of providing access to vehicles such as a fuel lorry, and would welcome further discussions. It should also be noted that said proposed access will more than likely impact on our clients septic tank and soak away.**

9.103.6.1 Dialogue with landowners has helped the Department to develop a draft schedule of accommodation works which the Department will seek to agree with the landowner. Where practicable, the Department will look to take on board landowner's views and requirements in finalising the schedule of accommodation works. This includes the location and layout and access arrangements of the laneway and location of the septic tank within the landowner's boundary.

Inspectors' Comments (Yvonne Harson)

The concerns of the Objector and the RS responses set out above have been noted.

Inspectors' Recommendations (Yvonne Harson)

- RS to liaise with the landowner in order to pursue the possibility of amending the design of the scheme to either reduce the impact or remove the need to vest the corner from the rear of the garden.
- RS to have discussions with the landowner concerning the location, layout and access arrangements relating to the laneway and the location of the septic tank within the property boundary.

9.104 Ernest Wilson Logan and Sharon Louise Logan

Reference Number

OBJ_104

The Department has considered the correspondence referred to above and responds as follows:

9.104.1 The construction of the new Calhame to Legaloy Link Road will result in increased travel time for our client. It will also result in the road being raised and mature trees and a section of a well established hedge to be removed at our client's property, concluding in a severe lack of privacy and the loss of a sound barrier.

9.104.1.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

As a result of the revised junction arrangements for the scheme, vehicles travelling to and from this property will be subject to some additional journey lengths. For vehicles travelling along the A8 to the property from the south (Belfast), the additional journey length would be approximately 1.3km. All other journeys to and from the property will be subject to much smaller diversion lengths. The Department consider this to be an acceptable level of diversion.

The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise (CRTN) 1988' as required by DMRB. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 55dB occurs on the south-western facade of the dwelling.
- In the future year (2031) with the scheme, the highest noise level of 56dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the south-western facade. An increase of 1dB is predicted on this facade. DMRB outlines that in the long term a 3dB change is the smallest that is considered perceptible, the impact is therefore considered to be small.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to

the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

The Department refutes the claim that the loss of planting equates to the loss of noise mitigation. The Design Manual for Roads and Bridges HD 213/11: Noise and Vibration, Clause 4.4 outlines that all but the most dense vegetation has a limited effect as a noise barrier, stating '*The use of shrubs or trees as a noise barrier has been shown to be effective only if the foliage is at least 10m deep, dense and consistent for the full height of the vegetation*', although it obviously plays an important role in visual screening.

9.104.2 Construction of the Rushvale to Calhame Link Road and associated road improvements will desecrate a large area of farmland and urbanise what is an attractive rural area. The preferred option would be to create a flyover and link onto the A8 at the Rushvale Road.

9.104.2.1 A range of options was considered for the Rushvale Road, Calhame Road, Green Road, Legaloy Road and Drumadowney Road junctions. The side roads exist in close proximity to one another and this meant some degree of rationalisation was necessary. One of the options considered was to provide a bridge at Rushvale Road. However, this was discounted in favour of the proposed link road between Rushvale and Calhame Road on economic and visual impact grounds.

9.104.3 No assurances have been given with regards the volume of surface water that will run off the new link road, where will this water go to? If it is to drain into existing field drains this will mean they would be at full capacity, therefore causing damage and potential flooding to our client's property as said field drains also service No.11 Calhame Road.

9.104.3.1 The preliminary drainage design for the proposed scheme has been developed in consultation with Rivers Agency. The drainage proposals aim to ensure that the additional run off for the new carriageway is fully catered for and where possible existing issues are incorporated into the new design. The drainage design will be further developed at detailed design stage.

The preliminary design includes a number of attenuation ponds. These manage the discharge of water from the proposed road into existing watercourses. This minimises the risk of additional flooding problems downstream of the discharge point as a result of the scheme. The ponds also to act as settlement ponds which will minimise the possibility of pollutants, or suspended solids, from entering existing watercourses.

Inspectors' Comments (Ernest and Sharon Logan)

The concerns of the Objector and the RS responses set out above have been noted.

See Mr Wilson Logan's input to the Inquiry under OBJ_159, Calhame Residents Association.

See also Sections 10 and 11 – Proposed Rushvale Road – Calhame Road Link.

9.105 Maureen Campbell

Reference Number OBJ_105
(Objection withdrawn during the Inquiry)

9.106 Matthew Gingles

Reference Number OBJ_106
Date of Objector's Correspondence 18th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.106.1 Our client is extremely concerned at the amount of land being taken for the scheme. The land affected is one of the driest fields that our client owns and is extremely important to his farming business. The land-take includes an area to provide an access to a pond which our client feels is totally unnecessary or should at least be sited on the opposite side of the A8 where the land is of poorer quality.

9.106.1.1 The drainage design for the proposed scheme has been developed in consultation with Rivers Agency. The design includes a number of attenuation ponds. These manage the discharge of water from the proposed road into existing watercourses. This minimises the risk of additional flooding problems downstream of the discharge point as a result of the scheme. They also act as settlement ponds to minimise the possibility of pollutants or suspended solids entering existing watercourses. This pond is therefore an essential part of the scheme and the location has been determined based on the level and alignment of the road and the proposed discharge points.

The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

9.106.2 The proposed scheme includes the proposal of a portion of wall bounding land owned by our client at the Deerpark Road. This wall must be replaced.

9.106.2.1 Dialogue with landowners has helped the Department to develop a draft schedule of accommodation works which the Department will seek to agree with the landowner. Where practicable, the Department will look to take on board landowner's views and requirements in finalising the schedule of accommodation works.

9.106.3 Finally our client questions the need for the road to be constructed at all. The current economic climate would suggest that the money should be spent on more worthwhile causes particularly when the amount of traffic on the road has reduced as the number of ferries using Larne harbour has reduced.

9.106.3.1 The Regional Development Strategy: Shaping Our Future (RDS) places an emphasis on the development of a modern integrated transport system. Its stated longer-term vision for transportation is “to have a modern, sustainable, safe transportation system which benefits society, the economy, and the environment and which actively contributes to social inclusion and everybody’s quality of life”. The RDS also defines five key transport corridors, including the Eastern Seaboard Key Transport Corridor, which includes this section of the A8. The RDS is currently undergoing a ten year review; the revised strategy document supports similar principles and identifies the Eastern Seaboard as one of the four economic corridors.

At its meeting on 17th July 2007, the North South Ministerial Council noted the Irish Government’s intention to make available a contribution of £400m to help fund the major roads programme within Northern Ireland. This included the A5 Western Transport Corridor and the A8 between Belfast and Larne. The Northern Ireland Executive confirmed its acceptance, in principle, to take forward these two major road projects. The dualling of the A8 is identified within the Investment Strategy for Northern Ireland (2008-2018) as a key milestone. The Investment Strategy also recognises that delivering better infrastructure is vital in helping to achieve the priorities for the economy, society and environment. The Budget 2011-15 outlines the Executive’s agreed spending priorities. This has identified the A8 dualling as one of several road projects to be taken forward and has allocated the required funds.

The consultation period for the Draft Budget 2011-2015 was held between the 15th December 2010 and the 16th February 2011. Following that consultation period the Executive considered the responses and the revised Budget 2011-15 was announced and passed by the Assembly in March 2011. This Budget sets out the Northern Ireland Executive’s spending plans for the four year period from April 2011 to March 2015.

The Regional Development Strategy for Northern Ireland 2025, Shaping our Future (RDS) places great importance on the regional gateways, which includes the Port of Larne, as suitable locations for major economic development. The strategy states “Gateways are important interchange points and the quality of connection from the ports and airports to the internal transport network is crucial for economic competitiveness and the convenience of the travelling public”. The RDS outlines an aim to continue to develop the Port of Larne which is the second largest Northern Ireland port. The recently published Draft Revised RDS also outlines that the region has a number of important gateways, including the Port of Larne, through which both people and goods will continue to travel.

The Port of Larne is therefore considered a key element of the Regional Development Strategy and has an important role to play in supporting economic development. The Port of Larne provides the shortest distance between Ireland and Great Britain. In 2009 and 2010 it was the largest port in Northern Ireland in terms of roll-on roll-off traffic, and was the 4th largest

in the UK based on the number of freight vehicles. Competition between the two largest ports in Northern Ireland plays a vital role in ensuring that the public, road hauliers and ferry operators have a choice, thus ensuring a competitive and efficient economy.

Whilst it is acknowledged that there has been a short-term reduction in freight movement over the last few years, the port continues to play a significant role. The long-term predictions are that the usage of Northern Ireland ports, including the Port of Larne, will grow as the economy of the province grows. On this basis, and as acknowledged by the recent review of the RDS, the Port of Larne will continue to play an important role in Northern Ireland.

Inspectors' Comment (Matthew Gingles)

The concerns of the Objector and the RS responses set out above have been noted. For Mr Irvine's input at the Inquiry and the Inspectors' Recommendations, see Mr Raymond and Mrs Violet Gingles. (OBJ_129).

9.107 John William Wilson

Reference Number	OBJ_107
Date of Objector's Correspondence	2nd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.107.1 Our Client currently enjoys a direct access onto the A8 at his farm premises. The proposal is that a new access will be created at Junction Lane. This access is totally unacceptable, as it will be shared with a number of other landowners, it is much longer than the current access, and would be unsuitable for farm machinery serving his buildings. It will also greatly affect the value of his approved building site, which is located adjacent to his farm buildings.

9.107.1.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. The proposed access arrangement for this property is as a result of this strategy.

The access provision for your property is a shared left in left out access off the main A8 carriageway. The Department accept that the access is longer than the current arrangement, but the proposed arrangement has been developed based upon design standards and safety.

The Department have reviewed the design of the access and consider it to be of an acceptable standard to cater for farm vehicles and machinery. However, the Department are happy to enter into discussions with the landowner to discuss accommodation works and, where possible, will consider landowners specific requests and requirements.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

9.107.2 The holding affected is an out farm for our client, which he travels to every day. Silage is cut on his other lands and ensiled at this location and all the slurry is carted away from this farm. The proposal to erect a permanent barrier along the route will have a serious impact on the travelling time and inconvenience to this holding, resulting in additional costs in excess of £60,000 until our client reaches retiring age.

9.107.2.1 As outlined above the proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. For safety reasons, the proposed A8 dual carriageway has purposely been designed to not permit at grade traffic to turn right across the carriageway. All right-turning manoeuvres will be undertaken at the main junctions along the route.

The Department accepts that there will be diversions of approximately 1.7km when travelling from the Larne direction to the property and when travelling south to Belfast from the property a diversion of approximately 4.3km will be incurred.

As mentioned above, the eligibility for financial compensation will be determined by the Department of Finance & Personnel's Land and Property Services (LPS).

9.107.3 Our client has recently received a copy of his Agricultural Impact Assessment 'Issue 1'. He is extremely dissatisfied with said document and

feels that is totally inaccurate as it refers to the impact of the new road on his farm business as 'Slight'. From the issues outlined above, it can clearly be deduced that this is not the case.

9.107.3.1 McIlmoyle and Associates are professional qualified Agricultural Consultants employed by Roads Service on the A8 dualling scheme to provide expert advice in terms of agricultural issues. McIlmoyle and Associates are very experienced and Dr McIlmoyle is a Fellow of the British Institute of Agricultural Consultants. They have completed Agricultural Impact Assessments for numerous other road schemes, and provided consultancy services on a wide range of agricultural issues across Europe.

The agricultural impact assessment for this scheme has been completed in two parts. Firstly McIlmoyle and Associates produced baseline reports for all the agricultural businesses along this section of the A8. In doing this, they sought to hold discussions with the respective landowners and obtained copies of the relevant Department for Agricultural and Rural Development (DARD) farm maps. The landowners were then sent their baseline report and invited to comment on its accuracy. McIlmoyle and Associates updated these reports where comments were received. An agricultural impact assessment was then undertaken to determine the impact of the proposed scheme relative to the baseline information previously gathered. McIlmoyle and Associates used their professional judgement to assess the impact using a set of defined impact ratings (as outlined in the individual reports). The findings were written into individual agricultural impact assessment reports which were then issued to the respective landowners.

The Department maintains that the process adopted for the assessment of agricultural impact is robust and is satisfied the impacts have been correctly assessed.

Inspectors' Comments (John William Wilson)

The concerns of the Objector and the RS responses set out above have been noted.

9.108 David Graham

Reference Number	OBJ_108
Date of Objector's Correspondence	2nd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.108.1 Calculation of road traffic noise procedures are flawed from the offset. They assume typical noise propagation scenarios which are considered with moderately adverse winds in all directions when this is not the case. The Noise Survey was conducted between the 11th and 13th of May by Andy Carter of ARUP.

At Clements Wood on the Ballygowan Road at a point off from the A8, readings were taken between 2.01pm- 2.16 pm, 2.51pm- 3.06 pm and 3.43pm- 4.04 pm. The wind speed was 0.7 to 0.9 m/s. Decibel (db) levels are tabled

in the Appendix but our client struggled to find an explanation to the readings. It would appear that the lowest level was average at approximately 52 db and the maximum was 67.8 db.

At a lay-by on the A8 parallel with the Ballygowan Road (assumed said lay-by is on the Moss Road) readings were taken between 2.32pm-2.48pm, 3.16pm - 3.31pm and 4.12pm- 4.22pm. The wind speed was similar to that detailed above.

Decibel levels appear to be on average approximately 80db with a 90.5db maximum. All other readings in other areas were taken between 10am and 5pm.

There are a number of issues with how the results were reached:

- The readings above were taken when traffic levels were at a minimum, thus not giving a true reflection of the noise levels. At rush hour, between 7am- 9am and 5pm- 6.30pm, truly reflective noise levels would have been obtained.
- Wind speed was minimal. On a windier day, particularly to the east of the A8, noise is increased severely and for a greater distance.
- The readings above were taken when it appears there was no rain (roads appear dry in supplied photographs). The decibel readings would have been much greater if they had been taken in wet weather, as tyres on a wet surface generate a much louder noise.
- The survey was conducted in mid May when vegetation and foliage provided a greater dampener to the sound. It should also have been conducted during one of the winter months to offer a comparison.
- The readings above appear to have been taken when ferry traffic was at a minimum, therefore less Heavy Goods Vehicles, (which create the greatest decibels) were on the road at that time.
- A higher speed limit will most certainly increase noise.

At the Public Consultation at Corr's, our client was particularly surprised with the replies to a number of questions he had, detailed below:

1. Would Low Noise surfacing be used along the route?

It was deemed necessary only in a couple of sections.

We are at a loss as to how this conclusion could be reached apart from cost cutting. In both France and Germany this is the norm. Our client has been informed that since 1999, the Highways Agency uses low noise surfacing for all new roads, and with this road being used heavily for Heavy Goods Vehicles, surely low noise surfacing should have been deemed essential.

Our client feels that the noise survey is seriously flawed, and therefore so too is the conclusion to use low noise surfacing on only a couple of sections.

2. Will a number of embankments be built and substantial planting be carried out to reduce the noise levels?

Surveys have shown trees etc do not make a difference to noise levels.

That was a reply our client most definitely did not understand. We have been informed that it is written in the Highways Agency Design

Manual for Roads and Bridges that noise mitigation measures include landscaping and the creation of earth mounds.

"Noise and Visual intrusion are adverse effects which can be properly mitigated by earth mounds, barriers and planting."

From the Environmental Statement issued by ARUP, the amount of planting, earth mounds, berms and noise barriers being created does not appear to be detailed, but the above reply would indicate why this is so, and these would be minimal. The statement also states that it would be the year 2031 before adverse effects would be sufficiently reduced.

9.108.1.1

The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise (CRTN) 1988' as required by Design Manual for Roads and Bridges. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 53dB occurs on the north-western facade of the dwelling.
- In the future year (2031) with the scheme, the highest noise level of 55dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the north-eastern facade. An increase of 3dB, to a level of 54dB, is predicted on this facade. DMRB outlines that in the long term a 3dB change is the smallest that is considered perceptible, the impact is therefore considered to be small.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

Noise levels vary based on a number of conditions including the direction and strength of wind, whether it is wet or dry and the time of day. Therefore the published process uses modelled levels to provide a common basis for assessment. Baseline noise surveys were undertaken at a number of locations along the existing A8 to determine the ambient noise levels in that location. These surveys were undertaken to understand the existing noise climate and are only used to supplement the modelled method of determining noise changes and are not a calibration tool for the model. It

is therefore not a requirement to take noise readings at every property. There are stringent conditions outlined within CRTN for which the noise surveys must satisfy with regards to the environmental parameters and time of day.

The DMRB extract outlined above refers to mitigation measures for both noise and visual intrusion. DMRB outlines a number of design and mitigation techniques to address noise and vibration impacts. These include: the design of the horizontal and vertical alignment, environmental barriers (fence or earth mound), low noise surfacing, or speed and volume restriction of traffic. The DMRB states '*The use of shrubs or trees as a noise barrier has been shown to be effective only if the foliage is at least 10m deep, dense and consistent for the full height of the vegetation*'. It is, however, accepted that landscaping in the form of planting provides limited noise mitigation properties.

The environmental impact assessment considered the environmental impact of the scheme and identified appropriate mitigation. In terms of the noise, low noise surfacing has been included to mitigate the impact of noise along the scheme. Noise barriers were considered but are not typically employed for isolated properties due to the cost, visual impact and restrictions on how close the barrier can be to a property. Earth mounds require additional land which would have increased the land requirements from residential properties that are typically close to the scheme. The landscape and visual assessment identified mitigation in the terms of replacement hedgerows, blocks of dense planting and profiling of artificial slopes. DMRB acknowledges that the planting and landscaping will take time to establish, but highlights large plants may be harder to establish and may be unsuccessful in providing the mitigation expected. DMRB outlines typically bare-root transplants, 450-900 mm high, for shrubs and trees are the recommended size and specification.

The assessment process considers the impact while planting establishes by undertaking an assessment on completion of the scheme (2016) as well as once the planting has established at 15 years after completion of the scheme (2031).

The Department are satisfied that the noise assessment undertaken as part of the environmental impact assessment for the scheme, and presented in the Environmental Statement, is compliant with the latest guidance for noise assessment.

9.108.2 In relation to visual screening etc. the Environmental Statement mentions that at junctions there would be adverse visual effects, this would be for example at the Moss Road junction.

However, there does not appear to be any proposed profiling of embankments, cutting slopes or lowering of the road to reduce these adverse effects. Our client does not understand why every effort would not be made to mitigate the potential impact and would welcome further discussions on the matter.

9.108.2.1 The landscape and visual assessment completed as part of the Environmental Impact Assessment identified that after completion of the scheme, would be views towards the proposed dual carriageway and the new slip roads at the Moss Road junction. The landscape design for this location includes replacement planting along the new highway boundary,

and visual screen planting to the slip road side slopes and the land within the junction. The visual impact assessment considers the scale of change, the contrast to the existing, whether the change is permanent and the angle and distance of the proposed scheme. The assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established.

The visual impact for this property has been assessed to be moderate adverse in 2016, remaining as moderate adverse in the winter of 2031, reducing to slight adverse in the summer once the vegetation has established. This means the assessment has concluded the impact of the scheme would cause a noticeable deterioration in the existing view.

In addition to the specific landscaping measures outlined above, the proposed scheme also includes the following measures to mitigate the visual impact and integrate the scheme into the landscape.

- The crest and the toe of embankments and cutting slopes have been designed to be sympathetically profiled to create a gradual transition and reflect the drumlin landscape.
- Screening where appropriate to reduce the adverse visual effects
- Woodland planting to integrate the alignment and reflect the existing landscape character.
- Replacement hedgerows and walls
- New hedgerow planting in accordance with the DARD Countryside Management Scheme (2007-2013) information booklet.
- Attenuation ponds will be sympathetically designed to integrate the pond into the landscape to reflect the contours of the adjoining topography.
- Exposed rock cutting will be designed to add visual interest, provide a sense of place and act as a landmark.
- Areas of dense planting are proposed to develop a strong landscape statement, screen views and integrate the full grade and compact grade separated junctions into the surrounding landscape.

9.108.3 A survey does not appear to have been carried out by the Royal Society for the Protection of Birds. There are a number of protected Sparrow hawks in the surrounding area of the Ballygowan Road; however there is no mention of this.

9.108.3.1 Part V of The Roads (Northern Ireland) Order 1993 sets out the statutory requirements for the assessment of the environmental impacts of road schemes. This requires the Department to determine using the Annexes to 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 97/11/EC and Directive No. 2003/35/EC of the European Parliament and Council, whether or not a relevant project should be subject to an Environmental Impact Assessment.

For the A8 dualling scheme, the Department determined that the project met the requirements of Annex I of the Directive and that an Environmental

Statement should be prepared. The Environmental Impact Assessment was carried out, and an Environmental Statement prepared in accordance with Article 67 of the Roads (Northern Ireland) Order 1993 and the published guidance outlined in DMRB. DMRB provides guidance which reflects both legislative and best practice requirements, and outlines a clear process which is designed to ensure an objective assessment. The Department is satisfied that the relevant legislation has been complied with and that the impact of the scheme has been correctly assessed based on that published guidance.

As part of the Environmental Impact Assessment, ornithological and habitat surveys were undertaken by qualified and competent ecologists using published methodologies. The results from the surveys have been considered in the impact assessment. There is no requirement for the Royal Society for the Protection of Birds to undertake surveys.

In addition, a Construction Code of Practice has been developed for the construction phase of the project. In terms of birds, trees would not be cleared during the bird-breeding season. If works are required during the nesting season, a survey would be undertaken to identify active nests and a buffer zone would be put in place around an occupied nest.

9.108.4 It is also extremely distressing that the Environmental Statement also recognises that due to the loss of various habitats, injury and death among breeding birds, otters, badger and bats will be significant.

9.108.4.1 The protection of animals is an important aspect of the scheme and every effort has been made to minimise impact upon them. The design of the proposed scheme includes a number of standard design features to cater for animals. These include:

- Replacement badger setts, underpasses and fencing to ensure safe foraging on both sides of the road for badgers,
- Otter ledges at watercourse crossings that have been identified as potentially being used by otters, and otter fencing at appropriate locations along the scheme,
- Hedgerow and hop-over planting to facilitate bats crossing the scheme, and
- Replacement hedgerows and other planting to provide habitat for birds and other animals.

The environmental assessment has used standard guidance to determine the significance of the effects of the scheme due to construction and operation. The assessment considers the design features outlined above and the different animals individually. The potential effects on otters, badgers, bats and birds during construction is considered to be minor adverse and not significant. The effects would be short-term in nature and include potential loss of habitat and disturbance due to the presence of human activity and machinery. The risk of injury and death to animals is considered unlikely to occur but would be significant if such an effect was to transpire. Measures detailed within the Construction Code of Practice will be implemented during the construction phase to minimise the impact on wildlife. During the operation effects on otters, badgers, bats and birds would be negligible to minor adverse due to the implementation of appropriate environmental design detailed above.

9.108.5 Our client feels that keeping the proposed carriageway online was a good decision, however combating the environmental impact should be of the foremost importance and that the survey and resulting proposed measures are totally inadequate.

Unless these are significantly improved, our client strongly objects to this scheme that apparently only reduces travelling time to Belfast by 3 minutes, at the expense of the loss of lands, the habitat and destroying the environment.

9.108.5.1 As stated above, the environmental assessment and reporting of findings has been undertaken in full accordance with the requirement of the DMRB. The Department is satisfied that the relevant legislation has been complied with and that the impact of the scheme has been correctly assessed based on that published guidance.

Mr Irvine made an input at the Inquiry on behalf of Mr Graham on the morning of Thursday 23rd June. This took the form of a statement which had been prepared and submitted at short notice by Mr Graham and it is reproduced below in full.

'Noise Pollution is estimated to cause €12 billion of losses per year in the EU and exposure to environmental noise is thought to reduce the quality of life of more than 25% of the population.

To address this, the EU Environmental Noise Directive (online via: <http://ec.europa.eu/environment/noise/directive.htm>) requires member states to reduce maps of noise levels on roads and requires the production of action plans to manage noise issues and disseminate information to the public.

The second phase of the directive requires greater scope of noise mapping and action planning by July 2012.

I submit no decision has been made until this has been carried through.

Furthermore, I submit that a report should have been commissioned into the health problems that will be caused by this significant increase in noise pollution.

Dr Matt Sorensen, senior researcher at the Institute of Cancer Epidemiology, states that as a result of his study, for every 10 decibels increased in the noise the risk of having a stroke increases by 14% and 27% for those over 65. There is also and together an increase in blood pressure, heart rate and stress hormones.

In addition for Environmental Noise, weather plays an important role. The greater the separation distance the greater the influence of the weather conditions. So from day to day a dual carriageway could be very loud or inaudible. This very large variation in daily noise levels means that it is not unusual for residents not to notice the effects of noise control programmes that are now being used.

The Calculation of Road Traffic Noise places limits on wind strength and thus is flawed and ignores the above problem. The new Dual Carriageways Noise Control would therefore have little or no impact on many in its present form.

Further, WG-AEN recommended a 10 year record of weather conditions should be factored in.

The model used I believe is generally insufficient. By properly mapping the whole road a true flow would be reached and a proper action plan could be drawn up.

Strict interpretations of the European Noise Directive would mean the present system is flawed and should be reviewed.'

Mr Power responded that RS stood by its principle response in that they were very confident about their Noise Model as they had used the key tool defined within the DMRB. The DMRB was updated fairly frequently, particularly in this area, to reflect the changes in noise guidance and best practice coming from Europe and elsewhere. The methodology which had been used (CTRN) was the methodology required under the Noise Insulation Regulations. so that was the tool which had to be used.

The EU Environmental Noise Directive placed duties on Member States to map noise and then to implement programmes to reduce noise over time. Local implementation was a matter for the Northern Ireland Executive and Mr Power was not qualified to comment on how it would be applied locally. He did not consider it to be an issue which impacted on the scheme.

Inspectors' Comments (David Graham)

The concerns of the Objector and the RS responses have been noted together with the exchanges which took place during the Inquiry.

See Sections 10 and 11 – The need for the Proposed Road Improvements.

9.109 R J Semple

Reference Number	OBJ_109
Date of Objector's Correspondence	2nd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.109.1 Our client will lose a substantial amount of land – in total approx. 13.5 acres which will greatly affect the efficiency of farming the land remaining in this holding.

9.109.1.1 Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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9.109.2 An area of land is identified as being required for temporary use – our client would consider letting this on a short term assignment however much will depend as to what purpose the land will be used for and how it will be reinstated.

9.109.2.1 The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.

Mr Irvine made an input at the Inquiry during the afternoon of Thursday 23rd June. He began by explaining that Mr Semple was now in full time care and his nephew who was looking after his affairs now had a serious health issue.

The issue raised by Mr Irvine was access to an area of land required for temporary use. Though not certain because of the present family situation Mr Irvine believed that the owner would want the land returned in due course.

Hutchinson responded that sometimes in attempting to accommodate all the landowners someone was overlooked. However, once it had been established that the owner did want it back then RS would make sure that access was provided. That could lead to a slightly increased land take from F P McCann and they would need to be involved in the discussion of possibilities.

Inspectors' Comments (R J Semple)

The concerns of the Objector and the RS responses have been noted together with the exchanges which took place during the Inquiry.

9.110 Stephen McNeilly

Reference Number

OBJ_110

Date of Objector's Correspondence

2nd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.110.1 Plot 2.17 is being taken as an area for temporary use. It is essential that our client is fully informed with regards to its intended use, as no guarantee has been made by Arup with regards to the condition in which it will be offered back to our client. This will play a large part in our client's decision making as to whether or not they will agree to lease the land or continue to have it vested.

9.110.1.1 The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.

- 9.110.2 **Plot 2.15 is being taken to provide access for a neighbouring landowner to access their lands. Our client strongly objects to this as said landowner already has their own independent access onto the current A8. Vesting said and other surrounding land also leaves a section of our client's current laneway landlocked and totally useless.**
- 9.110.2.1 The Department is actively seeking and an alternative access arrangement from that published during the Draft Orders and intends to meet with landowners affected to reach agreement on possible new arrangements.
- 9.110.3 **At present, our client has their own independent access to their lands off the A8 and they wish for this to be retained. Proposed access arrangements are totally unsuitable as they are to be shared with both residential and commercial traffic.**
- 9.110.3.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

Inspectors' Comments (Stephen McNeilly)

The concerns of the Objector and the RS responses have been noted.

See also Mr and Mrs Samuel McNeilly (OBJ_156) for Mr Irvine's input and the RS responses at the Inquiry.

9.111 John White

Reference Number	OBJ_111
Date of Objector's Correspondence	2nd March 2011

The Department has considered the correspondence referred to above and responds as follows:

- 9.111.1 **Our client will lose his current access directly onto the A8 as the proposal is to divert him to a new road at the Deerpark Rd. Junction. This has serious implications for the value of his property as the new entrance will be shared with neighbouring owners.**
- 9.111.1.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB)

provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. For safety reasons, the proposed A8 dual carriageway has purposely been designed to not permit at grade traffic to turn right across the carriageway. All right-turning manoeuvres will be undertaken at the main junctions along the route. The Design Manual for Roads and Bridges (DMRB) contains the design standards for the provision of private access onto all purpose trunk roads. These design standards restrict the provision and spacing of accesses. TD 41/95: Vehicular Access to All Purpose Trunk Roads states '*There is a potential saving in accidents where there is a reduction in the number of lightly trafficked direct accesses and minor junctions made directly on to each trunk road*'.

To provide access at every field would lead to increased safety issues with vehicles potentially blocking the visibility of other vehicles. DMRB TD41/95 states '*New direct accesses shall only be sited where they do not encroach on the visibility requirements of adjoining direct accesses or junctions in regular use. This determines the minimum spacing of new accesses*'. The access to your property and land is as a result of this strategy.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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Belfast
BT1 6FD

9.111.2 The area of land being vested in Plot 9.01 is of excellent quality and essential to a client's farming business. The area would also appear to be excessive and our client would ask that all land taken should be the absolute minimum. This portion of land will now be extremely difficult to access as our client will have to go around the Deerpark junction rather than simply cross the road as he does at present. This land has regularly

been cropped in the past and it is essential that any new access is of sufficient width to allow for large agricultural vehicles.

9.111.2.1 The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

The Department can confirm that a width of 4m is proposed for the access, which is considered appropriate for an agricultural vehicle. However, the Department are willing to enter into dialogue with the landowner and will give consideration to any specific requests the landowner may have with regards to accommodations works.

9.111.3 **Plot 8.37 is a portion of land being taken at our clients Deerpark Rd. Farm. The land being taken will impact on the cattle shed at this farm and the proposed access to these lands will be over a new laneway which will be shared with adjoining owners. This laneway is also at the end of Deerpark Rd. Which is to be 'stopped up' and our client is very concerned that it will be subject to rubbish dumping etc.**

9.111.3.1 The scheme proposes to stop up the old Deerpark Road at its current junction with the A8. The stopped-up road will provide access to the land and properties along this section of road. The road will remain as public road with maintenance responsibilities remaining with the Department. This form of road access is not uncommon given the number of properties which will use this road for access. On balance, the proposed arrangement is considered appropriate. However, if the land and property owners jointly wish to restrict access to this section of road, the Department would give consideration to any joint request for the transfer of ownership of the appropriate part of the road.

Inspectors' Comments (John White)

The concerns of the Objector and the RS responses set out above have been noted.

Inspectors' Recommendations (John White)

- RS to have discussions with the land owner concerning the width of 4m proposed by RS for the access. This is considered by Mr White to be inappropriate for agricultural vehicles.
- RS to give consideration to any joint request for the transfer of ownership of the appropriate part of the road, if the land and property owners jointly wish to restrict access to the laneway at the end of Deerpark Road.

9.112 **Victor Keys**

Reference Number

OBJ_112

Date of Objector's Correspondence

14th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.112.1 Our client is extremely distressed at the loss of a substantial portion of his land at Bruslee. This block of land contains approximately 14 acres and the proposed scheme will mean the loss of approximately half the holding. Furthermore the remaining lands are divided into three small portions, two of which are accessed from the A8 and one from the proposed new road. The added inconvenience of travelling to and from these lands will make it virtually impossible to farm them in an economical way, and our client will be faced with having to substantially reduce his sheep flock with a resultant loss in income.

9.112.1.1 The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

Mcllmoyle and Associates are professional qualified Agricultural Consultants employed by Roads Service on the A8 dualling scheme to provide expert advice in terms of agricultural issues. Mcllmoyle and Associates are very experienced and Dr Mcllmoyle is a Fellow of the British Institute of Agricultural Consultants. They have completed Agricultural Impact Assessments for numerous other road schemes, and provided consultancy services on a wide range of agricultural issues across Europe.

The agricultural impact assessment for this scheme has been completed in two parts. Firstly Mcllmoyle and Associates produced baseline reports for all the agricultural businesses along this section of the A8. In doing this, they sought to hold discussions with the respective landowners and obtained copies of the relevant Department for Agricultural and Rural Development (DARD) farm maps. The landowners were then sent their baseline report and invited to comment on its accuracy. Mcllmoyle and Associates updated these reports where comments were received. An agricultural impact assessment was then undertaken to determine the impact of the proposed scheme relative to the baseline information previously gathered. Mcllmoyle and Associates used their professional judgement to assess the impact using a set of defined impact ratings (as outlined in the individual reports). The findings were written into individual agricultural impact assessment reports which were then issued to the respective landowners.

The Department maintains that the process adopted for the assessment of agricultural impact is robust and is satisfied the impacts have been correctly assessed. The findings of the agricultural impact assessments will influence compensation payments for any land lost.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services

(LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

Mr Irvine made an input to the Inquiry on the morning of Wednesday 22nd June on behalf of Mr Keys.

He began by explaining that Mr Keys had been physically disabled for a number of years and he wanted to confirm a number of points which had been the subject of discussions.

The total land holding was approximately 14 acres and about 6.5 acres or around 50% would be acquired as part of the RS scheme. There would be significant severance and Mr Irvine saw the impact as being significantly adverse.

RS were attempting to reduce the land take and Mr Irvine wanted these investigations to continue. There were also issues with fields being left in unworkable shapes and it was unclear whether the Department of Agriculture would permit the removal of hedges to resolve the problem.

Clarifying the reasons for the proposed vesting, Mr Hall explained that land was required for an attenuation pond, a temporary settlement pond and the diversion of two streams. The amount of land required would be reviewed at the detailed design stage and what was not needed would be handed back to the land owner.

Mr Irvine restated his concerns about the condition that land required for temporary purposes would be in when handed back to the owner.

Inspectors' Comments (Victor Keys)

The concerns of the Objector and the RS responses have been noted together with the exchanges which took place during the Inquiry.

Inspectors' Recommendations (Victor Keys)

- RS to review the amount of land needed at the detailed design stage and any not required to be handed back to the land owner.
- RS to enter into discussions with Mr Keys and Mr Irvine concerning the condition that the land required for temporary purposes would be in when handed back to the owner.

9.113 **Patrick Joseph Maybin**

Reference Number OBJ_113
Date of Objector's Correspondence 14th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.113.1 **At present, traffic numbers on the A8 are decreasing. This is primarily due to Stena Line moving their 3 boat Larne to Fleetwood service to Belfast, therefore considerably fewer commercial traffic are utilising the A8 to access the Port. Also, the current economic situation and increasing fuel prices have resulted in many people being simply unable to fund running their vehicles and have taken them off the road.**

Taking both of these points into consideration, providing a high class dual carriageway is an extremely wasteful use of public funds and completely unnecessary, the current A8 is more than adequate.

9.113.1.1 The Regional Development Strategy for Northern Ireland 2025, Shaping our Future (RDS) places great importance on the regional gateways, which includes the Port of Larne, as suitable locations for major economic development. The strategy states "Gateways are important interchange points and the quality of connection from the ports and airports to the internal transport network is crucial for economic competitiveness and the convenience of the travelling public". The RDS outlines an aim to continue to develop the Port of Larne which is the second largest Northern Ireland port. The recently published Draft Revised RDS also outlines that the region has a number of important gateways, including the Port of Larne, through which both people and goods will continue to travel.

The Port of Larne is therefore considered a key element of the Regional Development Strategy and has an important role to play in supporting economic development. The Port of Larne provides the shortest distance between Ireland and Great Britain. In 2009 and 2010 it was the largest port in Northern Ireland in terms of roll-on roll-off traffic, and was the 4th largest in the UK based on the number of freight vehicles. Competition between the two largest ports in Northern Ireland plays a vital role in ensuring that the public, road hauliers and ferry operators have a choice, thus ensuring a competitive and efficient economy.

Whilst it is acknowledged that there has been a short-term reduction in freight movement over the last few years, the port continues to play a significant role. The long-term predictions are that the usage of Northern Ireland ports, including the Port of Larne, will grow as the economy of the province grows. On this basis, and as acknowledged by the recent review of the RDS, the Port of Larne will continue to play an important role in Northern Ireland.

The Department acknowledges that traffic flows and vehicle usage are influenced by the economic climate, including the slowdown of the UK's economy. However, economic downturns are considered to be anomalies and the overall trend, over a number of years, is for traffic volumes to increase. Forecast growth in traffic for this scheme has been based on planning data produced by the Northern Ireland Statistics and Research

Agency which predicts increases in population and the number of households.

The Regional Development Strategy: Shaping Our Future (RDS) places an emphasis on the development of a modern integrated transport system. Its stated longer-term vision for transportation is “to have a modern, sustainable, safe transportation system which benefits society, the economy, and the environment and which actively contributes to social inclusion and everybody’s quality of life”. The RDS also defines five key transport corridors, including the Eastern Seaboard Key Transport Corridor, which includes this section of the A8. The RDS is currently undergoing a ten year review; the revised strategy document supports similar principles and identifies the Eastern Seaboard as one of the four economic corridors.

At its meeting on 17th July 2007, the North South Ministerial Council noted the Irish Government’s intention to make available a contribution of £400m to help fund the major roads programme within Northern Ireland. This included the A5 Western Transport Corridor and the A8 between Belfast and Larne. The Northern Ireland Executive confirmed its acceptance, in principle, to take forward these two major road projects. The dualling of the A8 is identified within the Investment Strategy for Northern Ireland (2008-2018) as a key milestone. The Investment Strategy also recognises that delivering better infrastructure is vital in helping to achieve the priorities for the economy, society and environment. The Budget 2011-15 outlines the Executive’s agreed spending priorities. This has identified the A8 dualling as one of several road projects to be taken forward and has allocated the required funds.

The consultation period for the Draft Budget 2011-2015 was held between the 15th December 2010 and the 16th February 2011. Following that consultation period the Executive considered the responses and the revised Budget 2011-15 was announced and passed by the Assembly in March 2011. This Budget sets out the Northern Ireland Executive’s spending plans for the four year period from April 2011 to March 2015.

9.113.2 The proposed A8 is situated to the west side of the current A8, rather than to the east side. If the road was positioned on the east side, there are fewer properties to disturb, thus resulting in a smaller number of displeased landowners, and decreasing the amount of compensation to be paid.

9.113.2.1 The Governments White paper “A New Deal for Transport: Better for Everyone” published in 1998 introduced the New Approach to Transport Appraisal (NATA) as the standard appraisal process for all transport schemes in the U.K. The process and criteria outlined in NATA are based around the Government’s five over-arching objectives for transport of environment, safety, economy, accessibility and integration. Additional detailed guidance on the appraisal of transport projects is provided within the Web-based Transport Analysis Guidance (WebTAG) which is published by the Department for Transport (DfT). Additional supporting analyses of practicality, affordability and acceptability have also been used in the appraisal process for the A8 Dualling. WebTAG outlines that for highway schemes, the Design Manual for Roads and Bridges (DMRB) shall be used to provide the necessary information for a NATA appraisal. DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the

U.K. The DMRB defines a three stage scheme assessment process, providing a clear structure for the development and staged reporting of road schemes. NATA provides a multi-criteria appraisal methodology which enables options to be appraised within the scheme assessment process, and to be summarised and reported in an Appraisal Summary Table (AST).

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the DMRB and WebTAG. Each stage of the assessment process has used this methodology and an AST has been produced. The selection of the preferred route has strictly adhered to this process. The preferred route was the most favourable in terms of the balance across the Government's five key objectives for transport, and thus the Department is satisfied that the correct route has been selected.

The Stage 1 assessments considered corridor options including a bypass to either side of the village, and options were also examined to consider improving the road through the middle of Ballynure. This latter option was rejected at Stage 1. The Stage 2 assessment considered the eastern and western bypass options in greater detail. All options, at both stages, were assessed against the Government's five key objectives for transport and, on balance, the best overall performing option was taken forward at each stage.

- 9.113.3 Plot 8.25 includes part of the lands planned for a temporary pond. A significant amount of reinstatement work would need to be carried out to return said land to its current state, and no assurances have been made by ARUP to carry out same.**
- 9.113.3.1 The area within Plot 8.25 has been identified as a temporary area for the construction works. The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.
- 9.113.4 Plot 8.24 has been vested as an area for a retention pond. This is a good piece of land and is essential to our clients farming operations. For a number of years an area of land on the Belfast side of this plot has not been managed or used and ownership is unknown. It would be most sensible to move the retention pond to this area, to reduce disturbance to agricultural operations to a minimum.**
- 9.113.4.1 The drainage design for the proposed scheme has been developed in consultation with Rivers Agency. The design includes a number of attenuation ponds to restrict the discharge of water from the proposed road into existing watercourses to prevent the possibility of additional flooding problems downstream of the discharge point. They also act as settlement ponds to minimise the possibility of pollutants entering existing watercourses. The pond is therefore an essential part of the scheme and the location has been determined based on the level and alignment of the road and the proposed discharge points.
- 9.113.5 The total land take must be reduced to a minimum. At Plot 8.29 a significantly greater area of land is vested than required, resulting in the loss of mature trees and the road being 20 meters closer to the property than the current A8.**

This will no doubt have a serious impact on the value of this property, and as it is residential, every effort should be made to mitigate the potential impact on same.

- 9.113.5.1 The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.
- 9.113.6 **Proposed access arrangements to our client's property are totally unsuitable. The access laneway must be of a sufficient standard to accommodate heavy and wide vehicles of up to 50 feet in length, as our client's run a transport business and deliveries are extremely frequent. Therefore the route of the proposed laneway must be as straight as possible, provide immediate road side access to the dual carriageway to ensure optimum flow of traffic and reduce the number of potential accidents, and serve only our clients and their customers.**
- 9.113.6.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. The access arrangements for this property are as a result of this junction strategy.
- The alignment of the laneway has been modelled and the Department consider that suitable provision has been included for vehicles up to 50 feet in length.
- 9.113.7 **A sufficient passing space also needs to be constructed at the end of the laneway to avoid potential road blocks. This will also accommodate those people trying to turn onto the lane from the main road should there be another vehicle trying to join the carriageway. If not, this could have a detrimental effect on their business. Retaining the existing laneway is therefore the only option.**
- 9.113.7.1 The proposed access onto the dual carriageway has been designed to standards and guidance within the DMRB. The width of the access is sufficient to accommodate a vehicle leaving the dual carriageway while another is waiting to join. Passing bays will be provided along the access laneway at suitable locations to allow adequate passing opportunities.
- 9.113.8 **Due to the proposed arrangements our clients will be subject to increased travelling time to access their lands across the road (now a 4 mile return trip) and their Chapel (now a 6 mile round trip, at present this is a 1 mile trip). Emergency Services will also endure the same problem if required to come to the dwelling. However the above mentioned solution with regards to access will help alleviate these problems.**

9.113.8.1

As outlined above the proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Department accepts that there will be a diversion for the landowner of 3.2km to access land to the west with a return journey of approximately 1.6km. The total diversion to access lands across the road is therefore estimated to be equivalent to 3 miles. The Department therefore, on balance, considered the proposed layout is acceptable.

Mr Irvine made an input at the Inquiry on behalf of Mr Maybin on the morning of Thursday 23rd June and he began by explaining that Mr Maybin was concerned that he would lose a very substantial amount of land as a result of the proposed scheme.

Mr Maybin operated a haulage business from his property and this involved the movement of around twelve small and large lorries up to 40-50 feet long per day. At present he had direct access to the A8 and under the current RS proposals this would be closed off and a new access road constructed, which would connect left-in/left-out to the northbound side of the dual carriageway much further away in a south westerly direction. This access road would be shared with other residential users in the area of the connection to the main line and the diversions involved would be both time consuming and much less convenient than the present arrangement.

There were also concerns about how the long access road would be designed, in that it would have to be constructed in a way which would enable it to be used by large commercial vehicles.

The proposed connection point to the main line was at present a residential access and it was not understood why the existing commercial access at Mr Maybin's home could not be used instead. In discussions with RS it had emerged that the existing access would be too close to a new lay-by on the main carriageway.

Mr Furneaux said that he had been involved in a number of conversations with Mr Irvine on this issue over the previous few days with the objective of seeing what could be done. He confirmed that the problem was that a lay-by would indeed be located further along the A8 and the design standards required a separation between an access and a lay-by of 450m. Were the existing access to be retained, the separation would reduce to 200m - 250m.

This was required to avoid driver confusion as there would be a sign indicating that there was the lay-by ahead. Enough separation was required to make it clear to a driver that the access was not the lay-by. If the sign was moved closer to the lay-by, then people might not have the necessary distance and time to make safe turning off movements.

Mr Irvine's said that there was an existing lay-by further along the A8 located at a point where the proposed road would go offline to the right. This would leave room for it to be located there. Responding Mr Furneaux explained that if the lay-by was to be moved further along, it would create another separation issue because it would be at the Deerpark Road junction.

Mr Irvine wanted to know if the lay-by would be used; was it in a scenic location? Mr Furneaux replied that within the DMRB and RS guidance, there was a requirement for lay-bys at around 7km intervals to give people an opportunity to pull over, rest, make a telephone call, etc. Their position on the new dual carriageway had been chosen to minimise the impact on accesses though he took the point that there was an issue in this case. Initial conversations had taken place with the overseeing authorities about a

departure from standards and whilst concerns had been expressed, a conclusion had not as yet been reached.

On the subject of the design of the proposed new access to Mr Maybin's property, Mr Furneaux confirmed that an 'auto-track' study had been carried out and this had shown that 40 foot vehicles would be able to get in. In reply to Mr Irvine's request for passing places to be provided, that could be looked at again with a view to including them in the scheme as appropriate.

A short discussion then took place on the proposal to vest land from Mr Maybin for the creation of a pond. Mr Furneaux confirmed that the need for this pond was under review and it may not be required for attenuation purposes.

Mr Maybin was a regular attender at his place of worship at the end of the Ballygowan Road and Mr Irvine described the much longer journey he would have with the scheme in place, which he estimated this to be in the order of five to six miles. He asked RS to reconsider the intended closure of the Ballygowan Road. He also commented on the standard of this road which he claimed was not very good, as it was undulating and had drainage issues.

Whilst Mr Furneaux agreed with the diversion distance which had been quoted to the Chapel, he pointed out that the daily trip to and from the property heading north or south on the A8 would be in the region of 2km - 3km, depending on the journey.

The decision to close the Ballygowan Road had taken into account the small number of vehicles using the road. Traffic counts had shown that 20 vehicles came in and out heading towards Larne. 1 or 2 crossed to Deerpark Road and 10 - 15 vehicles turned left towards Belfast.

A journey of just over 5km would become necessary in order for Mr Maybin to access retained lands on the other side of the A8. Mr Hutchinson commented that 5km was not a design limit as such but rather a target, or 'acceptable' (not his word) distance when diversions were being considered. Whilst RS endeavoured to keep well below this figure, there were cases where this was impossible to achieve.

Inspectors' Comments (Patrick Joseph Maybin)

The concerns of the Objector and the RS responses set out above have been noted, together with the exchanges which took place during the Inquiry.

Inspectors' Recommendations (Patrick Joseph Maybin)

- RS to review whether or not the proposed pond would be required.
- RS to have discussions with Mr Maybin and Mr Irvine concerning the condition of the land required for temporary purposes when returned to the land owner following completion of the scheme.
- RS to have discussions with Mr Maybin and Mr Irvine concerning the need for passing places on the proposed new access to the Maybin property.

9.114

Mabel Blair

Reference Number

OBJ_114

Date of Objector's Correspondence

14th February 2011

The Department has considered the correspondence referred to above and responds as follows:

- 9.114.1 Plot 9.55 is proposed to be vested to provide a sight line and a working width. It is unknown whether or not this area will actually need to be taken, and as our client's overall holding is fairly small, all unnecessary land take must be reduced to an absolute minimum.**
- 9.114.1.1** The preliminary design, which has been developed at this stage, has identified the land required for the construction of the works. The area identified within the Vesting Order is necessary for the realignment of the Deerpark Road and to accommodate the new Deerpark Road Junction.
- 9.114.2 Plot 9.15 is taken to provide sight lines. Our client breeds and trains / races greyhounds at the above mentioned property and plot 9.15 is a section of their race track. Due to the specific curvature required on the race track, it is not just a matter of extending the width of the track on the affected side onto new land; the entire corner of the track would need to be restructured and a new surface laid to ensure the dogs can race at their optimum speed. It is also important that our client has constant access to said track, and a solution must be implemented before plot 9.15 is taken.**
- Plot 9.15 also requires a mature hedge to be removed, which currently acts as both the boundary for the property and said race track. There are also a number of mature trees within this hedge and it would be preferred if these could remain. It is important that an appropriate boundary fence is replaced so that the dogs are not distracted/frightened by passing traffic. Therefore the standard fencing arrangements offered are not suitable and the dogs would be more than capable of jumping the proposed height of the fence. In order to solve both of these problems, a close boarded 6 foot fence would need to be installed, in lieu of the proposed arrangement.**
- Our client feels that sufficient thought and due consideration had not been given to the above mentioned problems by ARUP and Road Service before producing a Notice of Intention to Make a Vesting Order, and that further discussions are necessary to solve same.**
- 9.114.2.1** The Department notes the landowners concerns over the potential impact on the race track. Early dialogue with landowners has helped the Department to develop a draft schedule of accommodation works which the Department will seek to agree with the Landowner.
- The fencing proposed, which is standard post and wire mesh, is of similar provision to that which currently exists. The embankment for the Deerpark Road junction is also proposed to be planted with trees and shrubs.

Inspectors' Comments (Mabel Blair)

The concerns of the Objector and the RS responses set out above have been noted.

Inspectors' Recommendations (Mabel Blair)

- RS to have discussions with Ms Blair concerning the need for a fence of a higher standard than was originally proposed.

9.115 Nelson Rea

Reference Number

OBJ_115

Date of Objector's Correspondence

28th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.115.1 Plot 10.50 appears to be well outside the line of proposed road. Our client can see no justification in this land being acquired and said action will extinguish access to adjoining lands. If this land is to be acquired for temporary use, our client is concerned as to what condition it will be offered back to him in as there is an existing road side access, and would welcome a discussion prior agreeing to a leases arrangement.

9.115.1.1 The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. The land identified within Plot 10.50 is required for two purposes: some of the land is required as essential for the construction of the road and the other land is to facilitate the diversion of a stream across the A8 Dual Carriageway. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.

9.115.2 Plot 9.36 has been included in our client's 'Notice of Intention to Make a Vesting Order.' Its requirement had never been suggested prior to this. An immediate explanation for this additional land take is required as our client owns a fairly small agricultural holding and all land is essential.

9.115.2.1 As described above for Plot 10.50, some of the area of land take identified within Plot 9.36 is required for the diversion and associated works to the Larne River. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

9.115.3 At Plot 9.38 & 10.06 our client is currently able to walk livestock across the road. This will no longer be a possibility due to the permanent barrier down the centre of the carriageway. Therefore our client will have to transport all of his livestock in a trailer, resulting in increased demands on his time due to travelling diversions.

Our client will be subject to an additional 4.5 miles in travelling to gain access to his lands across the road from his dwelling. At present, his vehicle is currently taxed on 'Limited Use,' permitting him to travel in a radius of 1.5 kilometres from his dwelling. As a result of the imposed

diversions our client will now be subject to increased road tax charges on his vehicle.

9.115.3.1

The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. For safety reasons, the proposed A8 dual carriageway has purposely been designed to not permit at grade traffic to turn right across the carriageway. All right-turning manoeuvres will be undertaken at the main junctions along the route. The Design Manual for Roads and Bridges (DMRB) contains the design standards for the provision of private access onto all purpose trunk roads. These design standards restrict the provision and spacing of accesses. TD 41/95: *Vehicular Access to All Purpose Trunk Roads* states '*There is a potential saving in accidents where there is a reduction in the number of lightly trafficked direct accesses and minor junctions made directly on to each trunk road*'. The Department is therefore satisfied that the proposed access arrangements are on balance the most appropriate arrangement in this instance.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

9.115.4

There are large areas of land vested in plot's 9.38 and 10.04 which appear to be excess requirements. As already stated, all lands are essential and our client would request that all areas that are not dispensable for the scheme be returned to retain any additional value in the lands.

- 9.115.4.1 The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.
- 9.115.5 **A livestock handling pen which is a necessity for our client's farming business is to be vested causing immense inconvenience. With this facility of the pen, our client is able to carry out compulsory livestock activities unaided, it is imperative that this is replaced and with the current proposed situation, it would be best sited on the road boundary in plot 10.06.**
- 9.115.5.1 It is not the Department's policy to provide cattle handling facilities. If a cattle handling facility is lost, LPS will normally take the loss into account in their assessment of compensation. Compensation matters have been discussed earlier.
- 9.115.6 **Our client owns a right of way over the DOE land on front of no. 105 Belfast Road. It must be retained in order for him to access his property.**
- 9.115.6.1 The Department can confirm that there are no proposals to restrict access over the land in front of no. 105 to the landowner's property.

Inspectors' Comments (Nelson Rea)

The concerns of the Objector and the RS responses set out above have been noted.

Inspectors' Recommendations (Nelson Rea)

- RS to have discussions with Mr Rea and Mr Irvine concerning the condition of the land required for temporary purposes when returned to the land owner following completion of the scheme.

9.116 Samuel Robert Currie

Reference Number	OBJ_116
Date of Objector's Correspondence	15th February 2011

The Department has considered the correspondence referred to above and responds as follows:

- 9.116.1 **More land at plot 8.21 is being utilised to facilitate access to lands than what is being proposed to vest. This is to provide an access laneway for vehicles into the remainder of the plot of less than 2 acres. From a farming point of view this is extremely impractical as the land would not be able to accommodate enough livestock to justify the extra travelling to utilise said land.**
- 9.116.1.1 McIlmoyle and Associates are professional qualified Agricultural Consultants employed by Roads Service on the A8 dualling scheme to provide expert advice in terms of agricultural issues. McIlmoyle and Associates are very

experienced and Dr McIlmoyle is a Fellow of the British Institute of Agricultural Consultants. They have completed Agricultural Impact Assessments for numerous other road schemes, and provided consultancy services on a wide range of agricultural issues across Europe.

The agricultural impact assessment for this scheme has been completed in two parts. Firstly McIlmoyle and Associates produced baseline reports for all the agricultural businesses along this section of the A8. In doing this, they sought to hold discussions with the respective landowners and obtained copies of the relevant Department for Agricultural and Rural Development (DARD) farm maps. The landowners were then sent their baseline report and invited to comment on its accuracy. McIlmoyle and Associates updated these reports where comments were received. An agricultural impact assessment was then undertaken to determine the impact of the proposed scheme relative to the baseline information previously gathered. McIlmoyle and Associates used their professional judgement to assess the impact using a set of defined impact ratings (as outlined in the individual reports). The findings were written into individual agricultural impact assessment reports which were then issued to the respective landowners.

The Department is therefore satisfied that the process adopted for the assessment of agricultural impact is robust and that the impacts have been correctly assessed.

9.116.2 It would be more sensible to move the laneway to the west and utilise an existing field gate and go over the river up the edge of the land and over the existing bridge on to the old railway, and extend the narrow gauge railway bridge over the stream to allow access into the rest of the land. This would save additional expense of the already proposed solution as only a small section of the river and open sheugh would need to be piped to make this solution feasible.

9.116.2.1 The Department is satisfied that the access proposals for this land, developed as part of the preliminary design, are the most appropriate in this instance. However, the Department IS willing to enter into dialogue with the landowner to further discuss the proposals as part of the ongoing discussions regarding accommodation works. To date, dialogue with landowners has helped the Department to develop a draft schedule of accommodation works which the Department will seek to agree with the landowner. Where practicable, the Department will look to take on board landowner's views and requirements in finalising the schedule of accommodation works.

9.116.3 At present livestock are able to be walked across the road to this plot of land. However, post construction livestock will need to be loaded and trailored across the road. Therefore a livestock handling pen will be required on the affected land in order to contain livestock to do so. This will also result in increased travelling time for our client.

9.116.3.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the

U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. The access arrangement for this land is a result of this strategy.

The proposed junction access arrangement for this land comprises a left-in left-out access for access onto the A8. This will result in a 3.0km diversion for journeys from Belfast and a 2.2 km diversion for journeys from the land to Larne. The Department consider this level of diversion to be acceptable.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

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55-66 Upper Queen Street
Belfast
BT1 6FD

It is not the Department's Policy to provide cattle handling facilities. If a cattle handling facility is lost, LPS will normally take the loss into account in their assessment of compensation. This matter relates to accommodation works, and as discussed earlier, where practicable, the Department will look to take on board landowner's views and requirements in finalising the schedule of accommodation works.

Mr Shaun Irvine made a short input at the Inquiry on behalf of Mr Sam Currie on the morning of Wednesday 22nd June.

The outcome was that discussions were current and ongoing with RS with a view to moving a junction a little and minimising the proposed land take and Mr Hutchinson confirmed that these would continue.

Inspectors' Comments (Samuel Robert Currie)

The concerns of the Objector and the RS responses set out above have been noted, together with Mr Irvine's short input at the Inquiry.

Inspectors' Recommendations (Samuel Robert Currie)

- RS to continue the ongoing discussions with Mr Currie and Mr Irvine with a view to adjusting the position of a junction in order to minimise the proposed land take.
-

9.117 Cecil White

Reference Number	OBJ_117
Date of Objector's Correspondence	15th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.117.1 The proposed scheme will close the existing access onto the A8. This will mean that a new access will have to be created from the Ballyrickard Road. Insufficient information has been provided in respect of where and how this will be constructed, fenced etc. But no doubt there will be loss of land for the construction of a new laneway and future inconvenience. This access will also affect the entrance to a building site passed on the farm for the owner's daughter.

9.117.1.1 Dialogue with landowners has helped the Department to develop a draft schedule of accommodation works which the Department will seek to agree with the landowner. Where practicable the Department will look to take on board landowner's views and requirements in finalising the schedule of accommodation works. The proposals for the laneway have been provided to the landowner for comment.

9.117.2 The proposed land take at the entrance appears to remove 3 large mature trees –our client is extremely concerned at this and wants the trees to remain at all costs.

9.117.2.1 The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

The Department note your comments in relation to large mature trees and during detailed design will consider the ability to retain the existing trees.

9.117.3 The proposed land take includes an area for temporary use and an area for a pond. Our client would wish it to be considered that this pond may not be necessary. Furthermore with regard to the temporary use our client would consider leasing this portion of land on a short term basis however much will depend for what purpose the land is required and in what condition it will be returned.

9.117.3.1 The drainage design for the proposed scheme has been developed in consultation with the Rivers Agency. The design includes a number of attenuation ponds. These will manage the discharge of water from the proposed road into existing watercourses. This will minimise the risk of additional flooding problems downstream of the discharge point. They will

also act as settlement ponds to minimise the possibility of pollutants and suspended solids from entering existing watercourses. The pond is therefore an essential part of the scheme and the location has been determined based on the level and alignment of the road and the proposed discharge points.

The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.

Inspectors' Comments (Cecil White)

The concerns of the Objector and the RS responses set out above have been noted. It has also been noted that proposals for the laneway have been provided to the landowner by RS for comment.

Inspectors' Recommendations (Cecil White)

- During the detailed design stage, RS to make every effort to find a way to retain a number of the large mature trees referred to by the Objector.
- RS to bring forward and prioritise the necessary work relating to the proposed eight ponds in liaison with NIEA, with the aim of reaching a decision on whether some, or all of the ponds can be removed from the proposals without compromising the scheme.
- Once further details have been worked through, RS to enter into discussions with the land owner concerning possible licence agreements for ground required on a temporary basis.
- Land to be transferred back to land owner in a similar condition as it was before the scheme commenced and this to be the subject of more detailed discussions with the individual concerned.

9.118 Roseanne, James, Daniel, Francis & Lorraine Agnew and Margaret Close

Reference Number	OBJ_118
Date of Objector's Correspondence	15th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.118.1 Plot 9.57 is to be vested for a "Road traffic sign." This is not required as this road is to be closed at one end and only facilitates four properties whose owners have been in residence for a number of years and do not require a sign.

9.118.1.1 The Department has reviewed the proposed signage for the Deerpark Road which requires land from Plot 9.57. The Department is content to remove

the requirement for this sign and therefore Plot 9.57 will be removed from the Draft Vesting Order.

9.118.2 As Deerpark Road is to be closed at one end, this makes it attractive for activities such as “fly-tipping,” therefore imposing security and safety issues for our client’s and significantly reducing the value of their property.

9.118.2.1 The scheme proposes to stop up the Deerpark Road at its southern junction with the A8. The stopped-up road will provide access to land and properties along this section of road. The road will remain as public road with maintenance responsibilities remaining with the Department. This form of road access is not uncommon for residential properties given the number of properties which will use this road for access. On balance, the proposed arrangement is considered appropriate. However, if the property owners jointly wish to restrict access to this section of road, the Department would give consideration to any joint request for the transfer of ownership of the appropriate part of the road.

9.118.3 Plot 8.51 is to be vested for a temporary construction area, the area of which is significantly greater than expected. It is essential that our client is fully informed with regards to its intended use. No guarantee has been made by Arup with regards to the condition it will be offered back to our client’s in. This will play a large part in our client’s decision making as to whether or not they agree to lease the land or agree to have it vested.

9.118.3.1 The Department’s intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.

Inspectors’ Comments (Roseanne, James, Daniel, Francis & Lorraine Agnew and Margaret Close)

The concerns of the Objector and the RS responses set out above have been noted.

Inspectors’ Recommendations (Roseanne, James, Daniel, Francis & Lorraine Agnew and Margaret Close)

- Since the Department is content to remove the requirement for the road traffic sign, Plot 9.57 to be removed from the Draft Vesting Order.
- Should the property owners jointly wish to restrict access to the section of road referred to above, RS to give consideration to any joint request for the transfer of ownership of the appropriate part of the road.

9.119 William Andrew Jamison

Reference Number

OBJ_119

Date of Objector’s Correspondence

15th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.119.1 The proposed scheme is taking away our client's immediate road side access onto the A8, and re-siting it onto an existing laneway. In order to achieve this, additional lands which are of good quality will need to be taken to construct said lane. From an agricultural point of view, this is totally unsuitable.

It would be more practical to utilise an old existing laneway that already runs from the dwelling onto said lane, and is sited further down the lane than the one proposed by ARUP, therefore less land take would be required. In order to achieve this, all that would be required would be to remove the existing ranch rail fence and widen the lane slightly and replace same, and remove the corner of an old small stone built house. This would make the access suitable for all types of farm machinery, including the Milk and Meal lorries.

However, a turning space for vehicles will need to be provided in the farmyard at the front of the property. This will still be outside the vested line and again all that will be required is to level and widen the yard into adjacent lands. This solution will save considerable expense and is the preferred option of our client.

9.119.1.1 The Department is actively seeking an alternative access arrangement from that published during the Draft Orders and intends to meet with the Landowner to seek agreement of the proposed new arrangement.

9.119.2 The proposed road severs our clients land, resulting in the severe depreciation in its value. It also leaves remaining severed pieces of land in small unworkable shapes, adding to the overall land loss.

9.119.2.1 Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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9.119.3 At plots 6.19 and 6.17, an excessive amount of land is being taken to provide access to No. 39 Larne Road. This is of absolutely no benefit to our client and should where possible be reduced.

- 9.119.3.1 The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.
- 9.119.4 **Plot 6.24 is an area planned for temporary use. It is essential that our client is fully informed with regards to its intended use, as no guarantee has been made by ARUP with regards to the condition it will be offered back to our client in. This will play a large part in our client's decision making as to whether or not they will agree to lease the land or continue to have it vested.**
- 9.119.4.1 The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.
- 9.119.5 **Due to the fact that a number of road side gate accesses to lands are being lost, our client will require alternative accesses, probably through the provision of an internal laneway.**
- 9.119.5.1 Dialogue with landowners has helped the Department to develop a draft schedule of accommodation works which the Department will seek to agree with the landowner. Where practicable the Department will look to take on board landowner's views and requirements in finalising the schedule of accommodation works.
- 9.119.6 **Our client will be subject to increased travelling time, both when travelling to/from Belfast and Larne, and when accessing their lands on the Ballybracken Road.**
- 9.119.6.1 As outlined above compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS).

Inspectors' Comments (William Andrew Jamison)

Whilst the concerns of the Objector and the RS responses set out above have been noted, it is understood that Mr Jamison died on the 3rd of May 2011 and that the Executor of his Estate is prepared to accept the laneway referred to above.

9.120 Samuel Alan Lyttle

Reference Number	OBJ_120
Date of Objector's Correspondence	18th February 2011

The Department has considered the correspondence referred to above and responds as follows:

- 9.120.1 Our client is losing a considerable plot of land (approximately 1.62 acres) to facilitate the re-routing of the Inver River. If the stream is culverted, our client wishes to retain the remaining land.**
- 9.120.1.1** The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.
- In relation to the diversion of the Inver River, the Department's may seek to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.
- 9.120.2 Plot 10.60 is extremely small and our client questions why this area is required.**
- 9.120.2.1** The Department has reviewed the requirement for this plot and can confirm that this Plot 10.60 will be removed from the draft Vesting Order.
- 9.120.3 Proposed access arrangements to our Client's property at 4 Stewartstown Drive are also unsuitable. The proposed access to the property must be of a sufficient standard to accommodate heavy and wide vehicles of at least 20metres in length as our client runs a fuel delivery business. If not this could have a detrimental effect on our client's business.**
- 9.120.3.1** The proposed access arrangement is for a higher standard than the existing, and the Department are satisfied that it would be suitable for a 20 metre long truck.
- 9.120.4 In addition there are several residents on Stewartstown Drive with vehicles and a sufficient space needs to be constructed to avoid potential road blocks. At the end of the proposed laneway there will have to be sufficient room left to turn into Stewartstown Drive without stopping on the A8 carriageway, particularly when a vehicle is pulling out of Stewartstown Drive.**
- 9.120.4.1** The layout of the Stewartstown Drive junction has been design such that it allows for two way traffic accessing and exiting onto the A8.
- 9.120.5 As a result of the scheme, both our client and his delivery address will be subject to increased travelling time to access his premises and surrounding areas.**
- 9.120.5.1** The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of

junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

As a result of this junction strategy, the Department acknowledge that vehicles to and from this property will be subject to additional diversion lengths. These diversions will be approximately 1.7km when travelling from the property towards Larne and 3.4km when travelling to the property from Belfast. All other movements will be subject to journey lengths similar to the existing situation. The Department consider these diversion lengths to be acceptable.

Mr Irvine made an input to the Inquiry on the afternoon of Thursday 16th June on behalf of Mr Lyttle and began by explaining that he operated an oil delivery business from his property at 4 Stewartstown Road. There was another business in an adjacent property as well as 7 residential properties, with a further dwelling planned.

The issue was with the future access arrangements in and out of Stewartstown Drive on to the A8. Lorries coming from the Larne direction would have to slow down almost to a stop on the main line before turning in and they could also be delayed by stationary vehicles waiting on the side road to turn out. This was seen as a safety issue and a solution would be for a 'slip road', or decelerating lane to be installed so that vehicles would not have to stop on the main carriageway.

Responding, Mr Furneaux said that it would a standard DMRB layout with sufficient space to allow a car to come up and a vehicle to turn in. Mr Lyttle did not agree and pointed out that there would be 38,000 litres of oil involved and you didn't want people driving up the back of that! He estimated that on a typical day some 56 vehicles travelled in and out of this junction just from residents alone.

Mr Furneaux confirmed that technically a slip could be provided but that would require a departure from standards and RS was attempting to adhere to the side road flow criteria. Though it was confirmed that the left-in/left-out junction would be 10-12 metres wide this did not satisfy Mr Lyttle's concerns, as he anticipated that vehicles would have to slow down to around 10mph on the main road and that was seen as a danger.

Inspectors' Comments (Samuel Alan Lyttle)

The concerns of the Objector and the RS responses set out above have been noted together with the discussion involving Mr Irvine and Mr Furneaux at the Inquiry.

Inspectors' Recommendations (Samuel Alan Lyttle)

- RS to revisit and reassess its decision not to provide a 'slip road' on the main line to protect heavy commercial vehicles entering Stewartstown Road.

9.121

Mr and Mrs Samuel Lyle

Reference Number

OBJ_121

Date of Objector's Correspondence

21st February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.121.1 The proposed alignment of the Glen Road will require alteration to our Client's driveway which is currently formed of wingwalls and pillars. Constant access is required to the property at all times for 'Home Help', as our clients are elderly and requires said assistance.

9.121.1.1 The Department notes the landowner's concerns and will endeavour to maintain access to the property at all times during the works.

9.121.2 An area of garden will also be lost to the scheme to realign the Glen road, which will therefore be closer to our client's property, resulting in an increase in noise. At present no assurances have been made that this will be mitigated. Our client's request that noise readings are taken at the property both prior and post construction to determine the same and submitted to our client's.

9.121.2.1 The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise (CRTN) 1988' as required by Design Manual for Roads and Bridges. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 66dB occurs on the eastern facade of the dwelling.
- In the future year (2031) with the scheme, the highest noise level of 62dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the western facade. A decrease of 1dB is predicted on this facade.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

9.121.3 Our clients will be subject to increased travelling time when travelling to and from the property.

9.121.3.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

The Department acknowledges that vehicles will be subject to additional journey lengths when travelling from the property to and from the north (Larne) along the A8. These additional journey lengths are approximately 1.5km and 3.0km, respectively. Vehicles travelling south towards Belfast will have journey lengths similar to those at present. The Department consider this level of diversion to be acceptable.

Inspectors' Comments (Mr and Mrs Samuel Lyle)

The concerns of the Objector and the RS responses set out above have been noted.

Inspectors' Recommendations (Mr and Mrs Samuel Lyle)

- RS to maintain access to the Lyle property at all times during the construction phase.

9.122 Leslie Smith

Reference Number

OBJ_122

Date of Objector's Correspondence

21st February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.122.1 Our client owns in total approximately 1.75 acres on the immediate roadside of the A8, which he had planned to sell in the spring time of this year. Approximately 0.5 acres of this land is to be vested to facilitate a retention pond and to provide an access laneway for neighbouring landowners.

As this is approximately 1/3 of our clients holding and immediate roadside access is to be abolished, this will have a significant impact on the value of our client's land and no doubt blight the impending sale of said land. With this in mind, our client would request that the entire plot be vested. This solution would also help alleviate other problems in this area.

9.122.1.1 The drainage design for the proposed scheme has been developed in consultation with Rivers Agency. The design includes a number of attenuation ponds. These manage the discharge of water from the

proposed road into existing watercourses. This minimises the risk of additional flooding problems downstream of the discharge point as a result of the scheme. The ponds also act as settlement ponds to minimise the possibility of pollutants and suspended solids from entering existing watercourses. The pond in question is therefore an essential part of the scheme and the location has been determined based on the level and alignment of the road and the proposed discharge points.

The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market. The Department are only able to vest land directly required for the scheme, although landowner's can request to have the entire plot vested depending on the size of the remaining plot.

Inspectors' Comments (Leslie Smith)

The concerns of the Objector and the RS responses set out above have been noted.

9.123 Ivan Jackson

Reference Number	OBJ_123
Date of Objector's Correspondence	7th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.123.1 More land is being taken from Plot 4.35 than originally suggested. The landowner has already lost considerable land through previous works to roundabout and New Line schemes. Land-take to be minimised.

9.123.1.1 The three stage Design Manual for Roads and Bridges (DMRB) scheme assessment process provides a process by which the scheme can be developed and decisions taken in relation to the design at any stage. The Department have minimised the land requirements. The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

Inspectors' Comments (Ivan Jackson)

The concerns of the Objector and the RS responses set out above have been noted.

9.124 Peter Caldwell

Reference Number

OBJ_124

Date of Objector's Correspondence

9th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.124.1 The proposed Rushvale to Calhame Link Road completely severs our client's land resulting in the severe depreciation of its value. Our clients utilise their land to make hay and graze horse and it is imperative that no barbed wire is to be used to improve stock proof fencing.

9.124.1.1 Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

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BT1 6FD

Dialogue with landowners has helped the Department to develop a draft schedule of accommodation works which the Department will seek to agree with the landowner. Where practicable, the Department will look to take on board landowner's views and requirements in finalising the schedule of accommodation works. The Department's standard provision of fencing for containment of horses does not include barb wire.

9.124.2 The provision of bus stops. Access must be retained for children to travel to school. There has been no detail provided what so ever on how this is to be achieved.

9.124.2.1 The design for bus services along the improved A8 has been, and continues to be, developed in consultation with Translink. Due consideration has been given to bus stop locations, and these have been agreed based on a number of key considerations, including:

- Safe means of pedestrian access from individual properties to and from bus-stops.

- Compliance with road design standards which primarily promote safe travel for all road users.
- Affordability of required infrastructure.

In making provision for bus-stops, facilities are required to ensure that an individual has a safe means of crossing the dual carriageway to access any bus stops on the opposite side of the road. This can be either in the form of a bridge/underpass or an at-grade pedestrian crossing across the dual carriageway. At grade pedestrian crossings are not considered appropriate for this section of the dualled A8 because of safety concerns associated with the potential conflict between pedestrians and vehicles travelling at 70mph. Given the anticipated low pedestrian usage, the provision of a bridge or an underpass for pedestrians to cross the road at this location is considered prohibitively expensive.

The siting of bus lay-bys on the proposed dual carriageway is determined by design standards, with particular reference to the proximity to adjacent junctions or accesses. If bus stops were provided too close to adjacent junctions or accesses, this could result in driver confusion for vehicles leaving or joining the dual carriageway, therefore increasing the risk of accidents. Because of the proximity of the proposed accesses along the proposed A8 in the vicinity of your property, a bus-stop cannot be provided in compliance with the design standards.

All reasonable efforts have been made to provide regular, accessible and safe bus stops along the scheme. The nearest bus stop to your property will be at the Calhame Road Junction and a footway will be provided connecting your property to that junction along the eastern verge of the new carriageway. The bus stop provision for the scheme has been based on the overall balance of the many factors which have influenced the design; the proposed arrangement is considered appropriate.

9.124.3 Mature Beech tree within Plot 2.62 must be retained.

9.124.3.1 The preliminary design, which has been developed at this stage, has identified the land required for the construction of the works. The Department notes the Landowner's concerns and will review the design at the detailed design phase to see if it is feasible to retain the mature beech tree with the works.

9.124.4 Additional travel time. In order to access the Legaloy Road they will have to go via the Rushvale/Calhame Road. A flyover would have alleviated the problem and would be our Client's preferred choice.

9.124.4.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered

the length of diversions, traffic volumes, strategic importance of the route and need for local access.

A key consideration was minimising, as far as practicable, the diversion lengths for existing traffic accessing the A8. The side roads that are being closed are those with either very small volumes of traffic at present or where there is simply an alternative route to a convenient adjacent junction. The options to provide a bridge at Rushvale Road were discounted in favour of the proposed link road between Rushvale and Calhame Road on economic and visual impact grounds.

The Department acknowledge that this property will be subject to additional journey lengths as a result of this scheme. The additional length for a journey from the property to the A8 heading south towards Belfast is approximately 1.2km. The diversion length to the property from Belfast heading north is approximately 2.3km. The other journeys to the property towards Larne and from the property to Larne are subject to much small lengths. The Department consider this level of diversion to be acceptable.

Mr Peter and Mr Lawrence Caldwell made an input to the Inquiry on the afternoon of Tuesday 21st June.

Mr Lawrence Caldwell began by explaining that he was representing both himself and other residents of Rushvale Road, most of whom had signed a petition against the original left-in/left-out proposal for the Rushvale Road/dual carriageway connection. When RS became aware of their objections, the original proposal was revised to stop-up Rushvale Road and to include the Rushvale Link.

He added that left-in/left-out would have made life on the Rushvale Road unacceptable and the Rushvale Link resolved the majority, if not all of the major problems the residents had with the original proposal. There were some accommodation issues outstanding with the proposed Link, but these could be sorted out later. Mr Caldwell asked for clarification as to whether the original plan was still on the table or not.

Responding, Mr Hutchinson confirmed that the creation of the Rushvale Link was the current intention. There had been representations to the Department following publications of the Draft Orders, seeking to remove the link and RS undertook to consult everyone who might be impacted by that to see whether there was unanimous support for one proposal or the other. This was not the case so the revised plan remained unchanged.

At this point Mr Peter Caldwell asked if he could make a short statement which is reproduced in full below;

‘Thank you for the opportunity to state my case. My name is Peter Caldwell and I live at number 10 Rushvale Road, our family farm; I have lived there all my life. As a resident of the Rushvale Road I have signed the petition just spoken about, and I agree with everything my brother has just said.

I would like to explain the particular circumstances of our farm. We provide do-it-yourself facilities for horses, this is livery for horses. We have 30 to 40 clients who travel to our premises once or several times per day, seven days a weeks to care for their horses. As well as the owners we have a considerable amount of traffic from the farriers, instructors, vets and other such people associated with the horses. The key to our success, we see, is accessibility and convenience to the local towns and villages. We object to the original left-in/left-out proposal at the Rushvale Road, as this would be a great inconvenience adding extra mileage, time and costs both to us and to our clients and, therefore, would be detrimental to our business. We would have preferred

and proposed an overpass or an underpass from the Rushvale to the Drumadowney Road (and that still would be our preference) but the revised plans offered the Rushvale Link road. It is a satisfactory alternative. We and our clients are in favour of the Rushvale/Calhame Link road, as stated in the petition, I think you have received a letter from myself and signed by our clients.'

In reply to a question from Mr Jack Gault, Mr Lawrence Caldwell confirmed that the petition was signed by residents in Rushvale Road. It was also signed by users of Rushvale Road, including the clients who visited the Caldwell premises in order to care for their horses.

Mr Gault inquired how many of the 185 cars per day identified in the 2008 traffic survey as using Rushvale Road were associated with the livery stables and how many were residents. If an expensive link road was being proposed, then the details of the traffic flows needed to be understood.

Responding Mr Furneaux confirmed that this more detailed information had not been obtained.

Inspectors' Comments (Peter Caldwell)

The concerns of the Objector and the RS responses set out above have been noted together with the input made at the Inquiry by Mr Peter and Mr Lawrence Caldwell.

The nature of the Caldwell business on the Rushvale Road is unusual, in that the DIY maintenance of horses requires the 30-40 clients to visit the premises once or more times per day to attend to their animals. In addition, visits also need to be made by vets and other specialists on an occasional basis.

It is therefore quite understandable that the Caldwells should support the proposal to construct the Rushvale/Calhame link road, as this would make travel to and from their business more convenient than would be the case with a left-in/left-out at the Rushvale Road/A8 interface.

It was also noted that though the Caldwell brothers submitted petitions containing a total of 73 signatures obtained from a combination of their Clients, the Residents of Rushvale Road and elsewhere, no one else chose to speak at the Inquiry specifically in support of the Caldwell case.

From the comments made by RS at the Inquiry, it is believed that the Department sees the decision as to whether it would be preferable to construct the left-in/left-out or the Calhame Link to be finely balanced and the fact that some limited consultations took place with the two interest groups without a clear outcome supports this belief.

For the same reasons it is equally difficult for those charged with the responsibility of making a specific recommendation. Having weighed the evidence it is believed that the left-in/left-out at the western end of Rushvale Road would be preferable to the construction of the Calhame Link. This will be discussed further later in this Report (See, Calhame Road Residents Association (OBJ_159) and Sections 10 and 11 – Proposed Rushvale Road – Calhame Road Link).

Inspectors' Recommendations (Peter Caldwell)

- If the recommendation not to proceed with the construction of the Calhame Link is rejected, then RS to enter into discussions with the Caldwells concerning the type of fencing to be used on the Calhame Link.
- RS to review at the detailed design stage whether the mature beech tree within Plot 2.62 can be retained.

9.125 **William Lawrence Caldwell**

Reference Number OBJ_125
Date of Objector's Correspondence 8th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.125.1 **Stream at rear to be vested resulting in loss of natural water supply. The supply must be maintained to prevent unnecessary inconvenience to our client and resulting cost.**

9.125.1.1 Some of the area identified within Plot 2.60 has been identified for a permanent attenuation pond. This will form an essential part of the scheme.

The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

9.125.2 **Our client will also be subject to additional travel time. In order to access the Legaloy Road they will have to go via the Rusvale/Calhame Road. A flyover would have alleviated this problem and would be our clients preferred option.**

9.125.2.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB)

provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access

A key consideration was minimising, as far as practicable, the diversion lengths for existing traffic accessing the A8. The side roads that are being closed are those with either very small volumes of traffic at present or where there is simply an alternative route to a convenient adjacent junction. The options to provide a bridge at Rushvale Road were discounted in favour of the proposed link road between Rushvale and Calhame Road on economic and visual impact grounds.

The Department acknowledge that this property will be subject to additional journey lengths as a result of this scheme. The additional length for a journey from the property to the A8 heading south towards Belfast is approximately 1.2km. The diversion length to the property from Belfast heading north is approximately 2.3km. The other journeys to the property towards Larne and from the property to Larne are subject to much small lengths. The Department consider this level of diversion to be acceptable.

Inspectors' Comments (William Lawrence Caldwell)

See OBJ_124 above.

9.126 Denis and Margaret Boyd

Reference Number	OBJ_126
Date of Objector's Correspondence	22nd February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.126.1 Our client is concerned with the overall safety of the road. The proposed scheme is a high class dual carriageway, which will be connected to lower standards of dual carriageway, resulting in confusion for motorists who will be unsure with regards to traffic regulations imposed on each section of the road.

9.126.1.1 The proposed scheme is of dual carriageway standard, as detailed with the Design Manual for Roads and Bridges (DMRB). DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. The carriageway will typically consist of two 3.65m lanes, with a 1m hard strip along the verge and central reserve, in each direction. This is the lowest standard of dual carriageway outlined within the U.K. This is the same cross section and design criteria used for the section of dual carriageway south of

Coleman's Corner roundabout. The section north of the Ballyrickard Road junction has similar lane widths.

The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. The section of the A8 immediately south of Coleman's Corner roundabout has a similar rationalised number of junctions, although uses an all movement at-grade junction at one location. The section of dual carriageway north of the Ballyrickard Road, is of an older standard, has a number of side road and private accesses junctions and becomes a semi-urban dual carriageway.

The proposed dual carriageway has been designed to current standards and best practice, which are continually updated to ensure the latest principles on road safety are incorporated. This is broadly similar to the existing section south of Coleman's Corner, but the proposed scheme incorporates an enhanced level of junction provision. The section of existing dual carriageway to the north of the Ballyrickard Road is of a lower standard, not included in current standards, both in terms of cross section and form of junction. Based on advice within DMRB a roundabout has been included at the northern end of the scheme to emphasise the change in road standard to drivers.

9.126.2 The scheme is also closing off side roads, forcing slow moving farm machinery onto dual carriageway. This is serious safety risk for the public and will no doubt reverse the overall goal of the scheme. It will also increase costs for our client as machinery will have to be serviced far more frequently and washed on a more regular basis to ensure dirt/slurry is not left on the main road.

9.126.2.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. A key consideration was minimising, as far as practicable, the diversion lengths for existing traffic accessing the A8. The side roads that are being closed are those with either very small volumes of traffic at present or where there is simply an alternative route to a convenient adjacent junction

The responsibility for removal of dirt/slurry left on a public road is the responsibility of the landowner regardless of the category of road.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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9.126.3 The new proposed Rushvale to Calhame Link Road severs our client's land resulting in severe depreciation of its value.

9.126.3.1 As outlined above the proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. A number of access arrangements for Rushvale Road were considered following the Preferred Route announcement. Particular attention was given to the resulting diversion lengths for the options, and the associated costs for each option. The result of this further work was the inclusion of the Rushvale Road link and the removal of the left-in left-out at the end of Rushvale Road. The Department acknowledge the proposed layout sever land, although the standard of the proposed link will be appropriate to allow multiple field accesses. The Department therefore consider that, on balance, the proposed arrangements are appropriate.

As discussed above, compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service.

9.126.4 Our client will also be subject to additional travelling time in order to access the Legaloy Road Junction to go to Ballyclare, they will go via the Rushvale/Calhame Road. A flyover and link at the Rushvale Road would have alleviated this problem and would be our client's preferred option.

This was the original proposal made by Arup, our Client's request to be provided with the costs of providing both of these solutions, and the justifications for the decision to construct the Rushvale to Calhame Road Link.

9.126.4.1 As outlined above the proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed

junction arrangements. A range of options were considered for the Rushvale Road, Calhame Road, Green Road, Legaloy Road and Drumadowney Road junctions. The side roads exist in close proximity to one another and this meant some degree of rationalisation was necessary. One of the options considered was to provide a bridge at Rushvale Road. However, this was discounted in favour of the proposed link road between Rushvale and Calhame Road on economic and visual impact grounds. A bridge across the dual carriageway at the end of Rushvale Road, include the require land and approach embankments would cost approximately £1,300,000. This is compared to the proposed link road which costs approximately £700,000.

9.126.5 Two live stock handling pen's will now be required in the severed portion of land as livestock will now have to be transported to and from said lands. Therefore a facility is required to enable loading livestock onto a trailer. This will increase both our client's time and labour requirements.

9.126.5.1 It is not the Department's policy to provide cattle handling facilities. If a cattle handling facility is lost, LPS will normally take the loss into account in their assessment of compensation. Compensation issues are detailed above.

9.126.6 Plot 2.26 is to be vested for a temporary construction area and we are advised that there may be a proposal by Roads Service to lease land on a short term lease. It is essential that our client is fully informed with regards to its intended use, as no guarantee has been made by Arup with regards to the condition in which it will be offered back to our client's. This will play a large part of our client's decision making as to whether or not they will agree to lease the land or continue to have it vested. In either outcome, our clients request that a minimum 10 year maintenance guarantee is given in relation to drainage of the lands.

9.126.6.1 The Department can confirm that Plot 2.26 has been identified by the Contractor as an area required on a temporary basis during construction of the works. The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.

9.126.7 Plot 2.29 is an area vested for a permanent retention pond. It is illustrated in the Environmental Statement that another permanent retention pond is also to be constructed on the opposite side of the road. Could the same pond not be enlarged to abolish the need for the pond on our client's land? Our client's utilise their land to graze livestock and make silage and as a result of the overall land take, fewer animals will be able to be farmed. This will decrease their annual income, therefore it is imperative that all land take is reduced to an absolute minimum.

9.126.7.1 The drainage design for the proposed scheme has been developed in consultation with Rivers Agency. The design includes a number of attenuation ponds to manage the discharge of water from the proposed road into existing watercourses to prevent the possibility of additional flooding problems downstream of the discharge point. The ponds will also to act as settlement ponds to minimise the possibility of pollutants or suspended solids entering existing watercourses. The pond is therefore an

essential part of the scheme and the location has been determined based on the level and alignment of the road and the proposed discharge points.

Compensation matters are detailed above. The Department note the landowners concerns and will seek, during detailed design stage, to reduce the landtake and, where feasible, return as much land as possible to the landowner.

Inspectors' Comments (Denis and Margaret Boyd)

The concerns of the Objector and the RS responses set out above have been noted. It is recommended elsewhere that the revised proposal to construct a link road between Calhame Road and Rushvale Road should not proceed any further and that a left-in/left-out connection should be made with the A8 at the western end of Rushvale Road. (Calhame Road Residents Association OBJ_159).

Inspectors' Recommendations (Denis and Margaret Boyd)

- Land required for temporary use to be transferred back to land owners in a similar condition as it was before the scheme commenced and this to be the subject of more detailed discussions with the individuals concerned.

9.127 Jeanie Lynd and Mary McAskie

Reference Number	OBJ_127
Date of Objector's Correspondence	22nd February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.127.1 The proposed scheme includes the acquisition of land to improve access adjacent to no. 45a where one of our clients currently resides. The dualling of this road will mean our client will have to travel a considerable distance by way of diversion when travelling to and from Belfast and Larne. The proposals include adding additional traffic to the laneway access to her property. The extent to which additional traffic will use this lane is of concern and our client wishes to have assurances that the lane will be improved to accommodate the additional traffic.

9.127.1.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of

junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

The Department acknowledge that vehicles travelling to and from this property will be subject to additional journey lengths. The diversion length for a journey to Larne from the property will be approximately 1.8km. The diversion length for a journey to the property from Belfast is approximately 4.0km. All other diversion lengths are comparable to what the property currently experiences. The Department considers this level of diversion to be acceptable.

The proposed access and laneway proposed for this property is of a higher standard than currently exists. A laneway will comprise a bitumen Macadam finish, it will be kerbed and will include positive road drainage.

The additional traffic which the landowner refers is the traffic for two dwellings which will share part of the laneway. This additional traffic is low and the Department is satisfied the access laneway design will adequately cater for this traffic.

9.127.2 The laneway access to the A8 is steep; can a guarantee be given that if heavy machinery is in adjacent lands, the land will not subside? Also, due to water running down the laneway if could freeze in times of frost. This will have to be improved as it would be extremely dangerous for traffic accessing the A8 at this point.

9.127.2.1 The preliminary design of the cuttings and embankments for the scheme has been based upon actual geotechnical information. This will be reviewed and the earthworks designs will be further developed at the detailed design phase, and if necessary additional geotechnical survey information will be sought. The department is therefore confident that the geotechnical design of the scheme will be adequate.

The design of the access laneway will be undertaken in accordance with published guidance. The horizontal and vertical geometry adopted for the access laneway will therefore satisfy these requirements.

Inspectors' Comments (Jeanie Lynd and Mary McAskie)

The concerns of the Objectors and the RS responses set out above have been noted.

9.128 Mr and Mrs Kenneth McAskie

Reference Number	OBJ_128
Date of Objector's Correspondence	22nd February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.128.1 The boundary of the new road will move closer to the client's property which will result in increased noise and pollution from passing traffic. No provision has been made to mitigate the effect of the road and this will no doubt have an effect on the value of our client's property.

9.128.1.1

The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – ‘Calculation of Road Traffic Noise (CRTN) 1988’ as required by Design Manual for Roads and Bridges. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 67dB occurs on the eastern facade of the dwelling.
- In the future year (2031) with the scheme, the highest noise level of 67dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the north-western facade. An increase of 2dB is predicted on this facade. DMRB outlines that in the long term a 3dB change is the smallest that is considered perceptible, the impact is therefore considered to be small.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel’s Land and Property Services (LPS) on behalf of the Department for Regional Development’s Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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9.128.2 The proposal is that current access to the property is to be closed up and a new access created from Junction Lane. Our client currently runs a business from his property repairing farm machinery and the proposed access is totally unsuitable as it will be difficult for customers to access and as it is both of some length and to be shared with neighbouring owners, it is of sufficient standard to accommodate large vehicles accessing his property particularly if vehicles meet on the laneway.

9.128.2.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

In accordance with this junction strategy, it has been necessary to group accesses together at Junction Lane and provide the layout shown on the preliminary design. The layout provided is in accordance with relevant design standards and provides suitable access onto the A8 dual carriageway. Sufficient turning facilities and passing opportunities will be provided where necessary on the laneway for vehicles.

9.128.3 Our client owns approximately 3 acres in total and the proposal is to take nearly half of this. The land take appears to include an area for a pond. Our client would contend that this site is unsuitable as it is both elevated and rock and its adjacent to the proposed access to their dwelling is wholly unsuitable. We would further question the need to provide this pond particularly in view of the large number of ponds being provided along the route.

9.128.3.1 The drainage design for the proposed scheme has been developed in consultation with Rivers Agency. The design includes a number of attenuation ponds. These manage the discharge of water from the proposed road into existing watercourses. This will minimise the risk of additional flooding problems downstream of the discharge point as a result of the scheme. The ponds will also act as settlement ponds to minimise the possibility of pollutants, or suspended solids, entering existing watercourses. This pond is therefore an essential part of the scheme and the location has been determined based on the level and alignment of the road and the proposed discharge points.

9.128.4 Our client questions the need for the road to be constructed at all. The current economic climate would suggest that money should be spent on more worthwhile causes particularly when the amount of traffic has reduced as has the number of ferries.

9.128.4.1 The Regional Development Strategy: Shaping Our Future (RDS) places an emphasis on the development of a modern integrated transport system. Its stated longer-term vision for transportation is "to have a modern,

sustainable, safe transportation system which benefits society, the economy, and the environment and which actively contributes to social inclusion and everybody's quality of life". The RDS also defines five key transport corridors, including the Eastern Seaboard Key Transport Corridor, which includes this section of the A8. The RDS is currently undergoing a ten year review; the revised strategy document supports similar principles and identifies the Eastern Seaboard as one of the four economic corridors.

At its meeting on 17th July 2007, the North South Ministerial Council noted the Irish Government's intention to make available a contribution of £400m to help fund the major roads programme within Northern Ireland. This included the A5 Western Transport Corridor and the A8 between Belfast and Larne. The Northern Ireland Executive confirmed its acceptance, in principle, to take forward these two major road projects. The dualling of the A8 is identified within the Investment Strategy for Northern Ireland (2008-2018) as a key milestone. The Investment Strategy also recognises that delivering better infrastructure is vital in helping to achieve the priorities for the economy, society and environment. The Budget 2011-15 outlines the Executive's agreed spending priorities. This has identified the A8 dualling as one of several road projects to be taken forward and has allocated the required funds.

The consultation period for the Draft Budget 2011-2015 was held between the 15th December 2010 and the 16th February 2011. Following that consultation period the Executive considered the responses and the revised Budget 2011-15 was announced and passed by the Assembly in March 2011. This Budget sets out the Northern Ireland Executive's spending plans for the four year period from April 2011 to March 2015.

The Regional Development Strategy for Northern Ireland 2025, Shaping our Future (RDS) places great importance on the regional gateways, which includes the Port of Larne, as suitable locations for major economic development. The strategy states "Gateways are important interchange points and the quality of connection from the ports and airports to the internal transport network is crucial for economic competitiveness and the convenience of the travelling public". The RDS outlines an aim to continue to develop the Port of Larne which is the second largest Northern Ireland port. The recently published Draft Revised RDS also outlines that the region has a number of important gateways, including the Port of Larne, through which both people and goods will continue to travel.

The Port of Larne is therefore considered a key element of the Regional Development Strategy and has an important role to play in supporting economic development. The Port of Larne provides the shortest distance between Ireland and Great Britain. In 2009 and 2010 it was the largest port in Northern Ireland in terms of roll-on roll-off traffic, and was the 4th largest in the UK based on the number of freight vehicles. Competition between the two largest ports in Northern Ireland plays a vital role in ensuring that the public, road hauliers and ferry operators have a choice, thus ensuring a competitive and efficient economy.

Whilst it is acknowledged that there has been a short-term reduction in freight movement over the last few years, the port continues to play a significant role. The long-term predictions are that the usage of Northern Ireland ports, including the Port of Larne, will grow as the economy of the

province grows. On this basis, and as acknowledged by the recent review of the RDS, the Port of Larne will continue to play an important role in Northern Ireland.

Inspectors' Comments (Mr and Mrs Kenneth McAskie)

The concerns of the Objectors and the RS responses set out above have been noted.

9.129 Raymond and Violet Gingles

Reference Number

OBJ_129

Date of Objector's Correspondence

22nd February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.129.1 Plot 9.51 is being vested for a retention pond which is completed unnecessary considering the vast network of retention ponds already proposed. Could this pond not be sited on the opposite side of the A8 where land is of poorer quality?

9.129.1.1 The drainage design for the proposed scheme has been developed in consultation with Rivers Agency. The design includes a number of attenuation ponds. These manage the discharge of water from the proposed road into existing watercourses. This minimises the risk of additional flooding problems downstream of the discharge point as a result of the scheme. They also act as settlement ponds to minimise the possibility of pollutants or suspended solids from entering existing watercourses. The pond is therefore an essential part of the scheme and the location has been determined based on the level and alignment of the road and the proposed discharge points.

The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

9.129.2 Plot 9.59 is to be vested for a 'Road Traffic Sign'. This is not required as this road is to be closed at one end and only facilitates those who have been in residence for a number of years and do not require a sign.

9.129.2.1 The proposed road traffic sign, for which land within Plot 9.59 is required for, is necessary to provide advance information to the new Deerpark Road junction. The provision of signage is necessary for safe movement of traffic and, as a consequence, this land is included within the vesting order.

9.129.3 Our Client's total holding is approximately 15 acres and therefore any loss of land will have a substantial impact on their income achievable.

9.129.3.1 The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works.

Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

Mr Irvine spoke at the Inquiry on the morning of Thursday 16th June on behalf of Mr R and Mrs V Gingles. He was also including Mr M Gingles (OBJ_106) in the same presentation, as the issues surrounding the attenuation pond were the same. The reason why it would affect both parties was that whilst a proposed pond would be on Mr Raymond's Gingles land, the access to it would be through Mr Matt Gingles property. It was also understood that this was one of the eight ponds which *might* no longer be required and this was confirmed by Mr Hutchinson.

Mr Irvine said that both land owners were very much against the siting of this pond and the access laneway on their respective lands. Could RS provide any guarantees at this stage with regard to the removal of this pond from the scheme?

Mr Hutchinson replied that the short answer was no, but reaffirmed his commitment to bring forward the detailed design work and necessary liaison with the Rivers Agency to establish whether all the ponds would be required or not. Should the conclusion be reached that the pond would in fact be required, then the possibility of pulling the laneway closer to the main line would be examined.

Inspectors' Comments (Raymond and Violet Gingles)

The concerns of the Objectors and the RS responses set out above have been noted together with Mr Irvine's input at the Inquiry.

Inspectors' Recommendations (Raymond and Violet Gingles)

- RS to bring forward the detailed design work and necessary liaison with the Rivers Agency to establish whether all the ponds would be required or not.

- RS to explore the possibility of constructing the access road closer to the main line.

9.130 Stephen Nelson Gingles

Reference Number	OBJ_130
Date of Objector's Correspondence	22nd February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.130.1 Part of plot 10.52 is to be vested to construct a permanent retention pond. Our client feels that this is totally unacceptable as he had been advised that this plot was only to be utilised as a temporary construction area, and would be handed back to him upon completion of the scheme, he would request that this remain the case. It is essential that our client is fully informed with regards to his plot's intended use as no guarantee has been made by Arup to the condition in which it will be offered back to our client. This will lay a large part in our client's decision making as whether or not they will agree to lease the land or continue to have it vested.

9.130.1.1 An area of the land within Plot 10.52 is required on a permanent basis for the provision of an attenuation pond. A separate area of land within Plot 10.52 is also required by the Department but on a temporary basis during construction of the works. The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.

9.130.2 At plots 10.33 & 10.34 the vesting line shows land taken out of the garden at our client's property and out of an adjacent yard. Despite repeated requests that this area be removed from the vesting schedule, no assurances have been given. The scheme now shows the improved Ballyrickard Road will be moved away from our client's property, and therefore our client cannot understand as to why these lands would be required. If said lands continue to be vested it will affect our client's mature hedge, wall, electric gates and septic tank etc. and therefore will result in the severe depreciation in the value of our client's property.

9.130.2.1 The vesting line associated with plot 10.33 and 10.34 follows the existing highway boundary and does not encroach into the enclosed garden or adjacent yard.

9.130.3 The realignment of the Ballyrickard Road will result in a junction being constructed immediately opposite our client's property. This again will have a severe impact on the value of the property, particularly as it will be affected by vehicle lights as they turn into Old Ballyrickard Road.

9.130.3.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual

carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. The junction arrangement proposed for this property is a result of this strategy.

The old Ballyrickard Road will become a cul de sac, serving a small number of properties. The level of traffic using this junction is therefore considered to be very low and the Department considers the potential problems raised regarding vehicle lights to be low.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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9.130.4 At Plot 10.51 the extra land lost between the dual carriageway and the access lane onto Old Shane's Hill road appears to be excessive.

9.130.4.1 The land identified within the Draft Vesting Order in Plot 10.51 is required as essential land for the construction of the diverted Shanes Hill Road. The width of the land required has been set to provide for the road and its supporting earthworks and includes an over-widened verge on the south side of the road to provide for mandatory forward visibility requirements set by the Design Manual for Roads and Bridges design guidance. The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works.

9.130.5 At present our client currently has a 12 year lease with Vodafone for a telecommunications mast, of which 11 years are remaining. The agreed rent for which is £3,600 per annum. The proposed A8 will require the mast to be removed, our client suggest that an improved design would alleviate

this problem and reduce additional land take out the 2 adjacent fields. Our client also has planning permission passed for a fishery on said lands, improving the design will also lessen the impact on said venture.

- 9.130.5.1 The alignment design of the Ballyrickard Road proposed by the Department seeks to improve the geometry of the Ballyrickard Road and subsequently improve safety. Matters relating to compensation are described above.
- 9.130.6 **At plot 10.58 our client's silo and cubicle house will become redundant due to the amount of land acquired from him, and they will no longer be convenient for our client to access unless via a major diversion up on the Shane's Hill road. On the basis that our client would be claiming compensation for the loss of said buildings, the Department should consider purchasing/ vesting these at the same time.**
- 9.130.6.1 The Department does not require the area of land on which the silo and cubicle are situated and therefore cannot consider purchase or vesting procedures. If the landowner considers this is a matter of compensation, this should be discussed with Department of Finance & Personnel's Land and Property Services (LPS), as described above.
- 9.130.7 **Our client will be losing a number of roadside accesses to land which is going to greatly impact on lands adjacent to the new A8. To alleviate this problem a number of internal laneways from the proposed entrance at Shane's Hill Road will need to be created and no assurances have been provided by Arup that this will be carried out. Our Client would also request that where possible, any other existing gates onto the Shane's Hill road would be retained.**
- 9.130.7.1 Dialogue with landowners has helped the Department to develop a draft schedule of accommodation works which the Department will seek to agree with the landowner. Where practicable, the Department will look to take on board landowner's views and requirements in finalising the schedule of accommodation works.
- 9.130.8 **Currently there is a small tunnel under the A8 for moving livestock only, our client would seek assurances that this would be retained.**
- 9.130.8.1 The Department can confirm that there are no plans to remove the existing underpass at the Ballyrickard Road as part of the planned works.
- 9.130.9 **The vesting of our client's property will blight both the future potential sales of his residence and lands, and have a significant impact on the value of same.**
- 9.130.9.1 The impact on the value of your property is an issue that is dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Details of where to obtain guidance is described above.

Inspectors' Comments (Stephen Nelson Gingles)

The concerns of the Objector and the RS responses set out above have been noted.

Inspectors' Recommendations (Stephen Nelson Gingles)

- RS to enter into discussions with the land owner concerning possible licence agreements for ground required on a temporary basis. Where it is possible to make such agreement the land to be removed from the Vesting Order.
- Land required for temporary use to be transferred back to the land owner in a similar condition as it was before the scheme commenced and this to be the subject of more detailed discussions with the individual concerned.
- RS to have further discussions with the landowner concerning the provision of internal laneways.

9.131 Dermot Paul Agnew

Reference Number	OBJ_131
Date of Objector's Correspondence	22nd February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.131.1 Plot 6.10 is to be vested in order to construct the Ballybracken Road junction and an access laneway to a retention pond, remaining lands and neighbouring property. Within this affected folio, our client owns approximately 10 acres, 3.8 acres are to be vested. This will have a considerable impact on the income achievable from these lands.

9.131.1.1 The Department acknowledge the scheme requires approximately 3.8 acres of land.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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9.131.2 The access lane proposed in plot 6.10 is entirely unsuitable for large agricultural machinery and is to be shared with a residential property. A sufficient passing space needs to be constructed on the lane to prevent road blocks, so that the residents of No. 38 Larne Road will enjoy free uninterrupted access to their property.

9.131.2.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. The access arrangement for this property is as a result of this strategy.

The proposed access arrangement is shared between adjacent landowners, but the extent of shared access laneway is restricted to the immediate area around the junction, and therefore provides independent accesses for landowners as early as practicable. The proposed laneway for this property will be of sufficient capacity to accommodate large agricultural vehicles and passing places will be constructed at suitable locations on the laneway to enable vehicles to pass.

9.131.3 **Our client's lands are to be accessed off said lane, the gradient of which slopes to the north. Again in order to prevent road blocks and to ensure safety, a landing space of approximately 50 feet needs to be provided off each access point on the lane to allow machinery to turn on/off the lane so that gates may be opened and closed with minimal disruption.**

Plot 6.42 includes our client's pillars, wall, a portion of the garden and a number of mature conifers to be removed, which he is extremely infuriated about. The new road will now only be approximately 10metres from the front of our client's property, whereas at present it is approximately 30 metres away. Our client's septic tank will also be disturbed by this and more than likely have to be re-sited, therefore causing disruption.

At present our client's property enjoys private, immediate road side access to the current A8. The scheme proposes that our client will now only have a left in left out access onto the A8 on a shared lane over which he will only have a right over. This coupled with the loss of garden and trees etc, will without a doubt have a devastating impact on the value of our client's property, and reduce his level of privacy.

9.131.3.1 Dialogue with landowners has helped the Department to develop a draft schedule of accommodation works which the Department will seek to agree with the landowner. Where practicable, the Department will look to take on board landowner's views and requirements in finalising the schedule of accommodation works.

9.131.4 **The quality of the laneway proposed is unsuitable. At the end of the proposed new laneway there will have to be sufficient room left to turn in without stopping on the A8 carriageway, particularly when a vehicle is pulling out of the laneway, therefore preventing potential road blocks.**

9.131.4.1 The proposed laneway will be constructed out of Bitumen Macadam which is considered to be of adequate standard for the proposed usage. The layout

details of the access are designed in accordance with the relevant standards and appropriate for use in this location.

9.131.5 All of the above mentioned issues will result in serious depreciation of the value of our client's property.

9.131.5.1 As outlined previously, compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS).

9.131.6 At plot 6.42, 3 current roadside access points to lands are to be 'stopped up'. Therefore the laneway to the dwelling will need to be extended in order to access lands at the rear.

9.131.6.1 This matter will be dealt with as accommodation works, as previously discussed.

Inspectors' Comments (Dermot Paul Agnew)

The concerns of the Objector and the RS responses set out above have been noted.

Inspectors' Recommendations (Dermot Paul Agnew)

- RS to have further discussions with the land owner concerning accommodation works. These should include, the provision of landing spaces off each access point, the relocation of the septic tank and the possible extension of the laneway to the dwelling.

9.132 Mr & Mrs Robert Percy Robinson and Mr Samuel Robinson

Reference Number

OBJ_132

Date of Objector's Correspondence

23rd February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.132.1 Our clients believe that the preferred route chosen by ARUP for the new road is the incorrect choice. They feel it would have been less obtrusive and more beneficial had it proceeded through Ballynure, where there is more than enough room to carry out improvements and fewer properties, businesses, and wildlife will be disturbed.

9.132.1.1 The Governments White paper "A New Deal for Transport: Better for Everyone" published in 1998 introduced the New Approach to Transport Appraisal (NATA) as the standard appraisal process for all transport schemes in the U.K. which is the basis of the development of the preferred route.

The process and criteria outlined in NATA are based around the Government's five over-arching objectives for transport of environment, safety, economy, accessibility and integration. Additional detailed guidance on the appraisal of transport projects is provided within the Web-based Transport Analysis Guidance (WebTAG) which is published by the

Department for Transport (DfT). Additional supporting analyses of practicality, affordability and acceptability have also been used in the appraisal process for the A8 Dualling. WebTAG outlines that for highway schemes, the Design Manual for Roads and Bridges (DMRB) shall be used to provide the necessary information for a NATA appraisal. DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. The DMRB defines a three stage scheme assessment process, providing a clear structure for the development and staged reporting of road schemes. NATA provides a multi-criteria appraisal methodology which enables options to be appraised within the scheme assessment process, and to be summarised and reported in an Appraisal Summary Table (AST).

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the DMRB and WebTAG. Each stage of the assessment process has used this methodology and an AST has been produced. The selection of the preferred route has strictly adhered to this process. The preferred route was the most favourable in terms of the balance across the Government's five key objectives for transport, and thus the Department is satisfied that the correct route has been selected.

The scheme assessment process considered an online route through the village of Ballynure against the Government's key objectives for transport. Although the online option would be the cheapest to deliver, it performed poorly in terms of overall economic performance in comparison to the proposed scheme. The environmental assessment concluded that, on balance, over the range of environmental sub-objectives assessed and in the absence of any major designated sites, the online and bypass options performed similarly in terms of the overall Environment Objective. However, an online solution was assessed to perform worse in terms of accessibility, through severance of the village, and safety. A number of eastern bypass options were also considered at Ballynure. The western bypass option, which has been developed into the proposed scheme, performed better in terms of overall economic performance, and because it led to a reduction in traffic flows through Ballynure, performed best in terms of safety and accessibility. The environmental performance was considered to be similar.

9.132.2 The proposed A8 dual carriageway to save on average only 3 minutes on a journey time from Larne to Belfast does not justify the spending of £113,000,000.00. There are no traffic hold ups on the present A8 unlike at Templepatrick where traffic going to the airport has to queue to get through the village. This is only one example of many across Northern Ireland for traffic holdups.

The vehicle numbers using the Larne Road portion of the A8 at Ballynure has not exceeded 15,000 since May 2008 and the present numbers come well short of those that would justify a dual carriageway. At the end of December 2010 Stena stopped their 3 sailings per day from Fleetwood to Larne which brought in 2,500 items of freight per week to Larne. When Stena opens their new ferry port in Cairnryan there will be a further reduction of ferry traffic on the A8.

9.132.2.1 The Regional Development Strategy: Shaping Our Future (RDS) places an emphasis on the development of a modern integrated transport system. Its

stated longer-term vision for transportation is “to have a modern, sustainable, safe transportation system which benefits society, the economy, and the environment and which actively contributes to social inclusion and everybody’s quality of life”. The RDS also defines five key transport corridors, including the Eastern Seaboard Key Transport Corridor, which includes this section of the A8. The RDS is currently undergoing a ten year review; the revised strategy document supports similar principles and identifies the Eastern Seaboard as one of the four economic corridors.

At its meeting on 17th July 2007, the North South Ministerial Council noted the Irish Government’s intention to make available a contribution of £400m to help fund the major roads programme within Northern Ireland. This included the A5 Western Transport Corridor and the A8 between Belfast and Larne. The Northern Ireland Executive confirmed its acceptance, in principle, to take forward these two major road projects. The dualling of the A8 is identified within the Investment Strategy for Northern Ireland (2008-2018) as a key milestone. The Investment Strategy also recognises that delivering better infrastructure is vital in helping to achieve the priorities for the economy, society and environment. The Budget 2011-15 outlines the Executive’s agreed spending priorities. This has identified the A8 dualling as one of several road projects to be taken forward and has allocated the required funds.

The consultation period for the Draft Budget 2011-2015 was held between the 15th December 2010 and the 16th February 2011. Following that consultation period the Executive considered the responses and the revised Budget 2011-15 was announced and passed by the Assembly in March 2011. This Budget sets out the Northern Ireland Executive’s spending plans for the four year period from April 2011 to March 2015.

The existing road carries between 11,500 and 17,000 vehicles per day and, by the opening year (2016), is likely to suffer from operational problems such as inconsistent flow conditions and unreliable journey times, especially during peak periods. This flow comprises both local and strategic traffic. The provision of a dual carriageway along this section will alleviate this problem and provide ample capacity both at design year (2031) and well beyond.

The existing road forms junctions with a high number of side roads and private accesses. It has a high proportion of fatal accidents. With traffic levels continuing to grow and anticipated expansion of local industry, traffic congestion will increase and road safety is likely to deteriorate. The proposals to dual the A8 would remove the issues associated with platooning of traffic, thus reducing driver frustration and improving the safety performance of the route for all road users. The scheme seeks to improve journey times for this 14km stretch of road. The traffic model indicates a saving of approximately 35% (up to 5 minutes) during peak hours, and approximately 25% savings (up to 3 minutes) during off peak times of travel.

The economic assessment for the scheme has been undertaken in accordance with the published best practice and guidance provided in the DMRB and WebTAG. This assessment considered the financial benefits, through journey time savings and accident savings, against the costs of providing the new dual carriageway, which included land and

compensation costs. The eligibility of individuals to compensation is outlined in legislation. This assessment has shown a positive economic return set against the capital investment in the scheme. However, as with any large infrastructure project of this type, there is the potential for impact to individual businesses or at a community level.

The Regional Development Strategy for Northern Ireland 2025, Shaping our Future (RDS) also places great importance on the regional gateways, which includes the Port of Larne, as suitable locations for major economic development. The strategy states “Gateways are important interchange points and the quality of connection from the ports and airports to the internal transport network is crucial for economic competitiveness and the convenience of the travelling public”. The RDS outlines an aim to continue to develop the Port of Larne which is the second largest Northern Ireland port. The recently published Draft Revised RDS also outlines that the region has a number of important gateways, including the Port of Larne, through which both people and goods will continue to travel.

The Port of Larne is therefore considered a key element of the Regional Development Strategy and has an important role to play in supporting economic development. The Port of Larne provides the shortest distance between Ireland and Great Britain. In 2009 and 2010 it was the largest port in Northern Ireland in terms of roll-on roll-off traffic, and was the 4th largest in the UK based on the number of freight vehicles. Competition between the two largest ports in Northern Ireland plays a vital role in ensuring that the public, road hauliers and ferry operators have a choice, thus ensuring a competitive and efficient economy.

Whilst it is acknowledged that there has been a short-term reduction in freight movement over the last few years, the port continues to play a significant role. The long-term predictions are that the usage of Northern Ireland ports, including the Port of Larne, will grow as the economy of the province grows. On this basis, and as acknowledged by the recent review of the RDS, the Port of Larne will continue to play an important role in Northern Ireland.

- 9.132.3 The A8 is one of the safest main roads in Northern Ireland with few fatal accidents.**
- 9.132.3.1** Historical accidents statistics have been collated for the existing A8. These have been compared against default rates provided within Design Manual for Roads and Bridges (DMRB). This comparison has shown that the proportion of fatal accidents is higher than the typical rates provided within DMRB. The safety impacts of the proposed scheme have been assessed quantitatively and monetised using COBA (COst Benefit Analysis) software. COBA is a standard software package approved by the Department for Transport (DfT) for use in modelling the benefits of transport schemes. This assessment has shown the proposed scheme will deliver accident benefits.
- 9.132.4 No explanation whatsoever has been given with regards to how our clients are to access their dwelling whilst works are in progress. It is imperative that suitable access is maintained to the property at all times as both milk and meal lorries must access the property several times a week.**
- 9.132.4.1** The Contractor will be required to maintain access to all properties during the works. The Department intends to meet with landowners to agree

arrangements for access on an individual basis with affected parties prior to construction.

9.132.5 Our clients collectively own a relatively small dairy holding of approximately 61 acres, of which 7.61 acres (12.6%) is required to facilitate the new A8. As this is a dairy farm, it would be impossible to purchase lands away from the farmstead and farm them efficiently. Therefore, this loss will have a dramatic impact on their income as they will no longer be able to farm as many animals as prior to the scheme, and their Single Farm Payment, it will also have implications under the Nitrates Directive and limit their stocking rate. Thus it is imperative that their overall land take is reduced to a minimum.

The scheme severs our client's holding in 2 places, resulting in major depreciation of its value.

9.132.5.1 The Department acknowledge the scheme will require approximately 7.61 acres of land. The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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BT1 6FD

9.132.6 At plot 5.09, a small piece of land is severed from our client's holding on the far side of the new road, making it unworkable from a dairy farming point of view as the herd would have to be split in order to graze it, resulting in the need for additional labour. Could the road not be re-routed slightly to the north to reduce the amount of land being severed? If not, a handling pen would need to be constructed to enable effectively farming said area.

9.132.6.1 The preliminary design which has been developed has considered the impact on both land and residential properties and the alignment selected to minimise the impact where feasible. The route of the dual carriageway has been determined considering a number of factors including; the

Lismenary Road bridge and the ability to tie-in the realigned road, the horizontal alignment of the dual carriageway, and the proximity of residential properties. The Department are therefore content, on balance, that the proposed route is correct and do not propose to change the route.

It is not the Department's Policy to provide cattle handling facilities. If a cattle handling facility is lost, LPS will normally take the loss into account in their assessment of compensation.

- 9.132.7 **Our clients also request that at least a 10 year guarantee is given in relation to the drainage of said severed portion of land.**
- 9.132.7.1 During the works the Contractor will have responsibility to ensure that all existing drainage that is affected by the scheme is identified, and where appropriate incorporated into the drainage design for the scheme. It is not the Department's policy to provide a ten year guarantee for severed portions of land.
- 9.132.8 **At plot 5.15, additional land is taken to facilitate the 'bend' in the fly over. Can said bridge not be straightened and the 2 access lanes on either side of the new road not be pushed closer to the road to reduce land take in order to mitigate the effects previously mentioned?**
- 9.132.8.1 The overbridge is proposed for use by three landowners and is currently shown perpendicular to the proposed A8 dual carriageway. Any realignment of the bridge would introduce a skew into the bridge and increase the span and costs of providing the structure. In addition, The Department consider changing the alignment of the bridge to have a minimal impact on the required laneways and earthworks. Where feasible, the Department would seek to take on board the landowners views and incorporate requirements.
- 9.132.9 **Said fly over facilitates 3 landowners. Our clients are concerned as to who is responsible for the cleanliness and maintenance of the road and fencing. It is also essential that said bridge is at least 15 feet wide to facilitate wide farm machinery. Our clients will be forced to walk livestock across the fly over, therefore at least 6 foot high screened fencing would need to be installed to alleviate this process and prevent stress to livestock and safety risks to the public.**
- 9.132.9.1 The cleanliness of bridge will be the responsibility of the individual users. The bridge will be 3.5m wide with 1m wide verges along both sides. The bridge will have 1.5m high parapets, which is the standard height for parapets on accommodation bridges as defined by DMRB. Where feasible, the Department would seek to take on board the landowners views and incorporate requirements.
- 9.132.10 **The proposed road will be closer to our client's property than the current road, increasing the level of noise pollution. At present, no assurances have been made that this will be mitigated. Our client's request that noise readings are taken at the property both prior and post construction to determine same, and submitted to our client's.**
- 9.132.10.1 The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise

(CRTN) 1988' as required by Design Manual for Roads and Bridges. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 50dB occurs on the south-eastern facade of the dwelling.
- In the future year (2031) with the scheme and the proposed low noise surfacing, the highest noise level of 55dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the south-eastern facade. An increase of 6dB, to a level of 53dB, is predicted on this facade. The proposed dual carriageway will be in cutting adjacent to your property. This will provide a degree of natural noise mitigation from the main carriageway traffic. In addition, low noise surfacing has been included in the design on this section of the proposed dual carriageway.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the modelled noise levels, using actual traffic count data collected from the scheme within 12 months of opening.

As outlined above CRTN has been used for this scheme to determine the existing and forecast noise levels. Noise levels vary based on a number of conditions including the direction and strength of wind, whether it is wet or dry and the time of day. Therefore the published process uses modelled levels to provide a common basis for assessment. Baseline noise surveys were undertaken at a number of locations along the existing A8 to determine the ambient noise levels in that location. These surveys were undertaken to understand the existing noise climate and are only used to supplement the modelled method of determining noise changes and are not a calibration tool for the model. It is therefore not a requirement to take noise readings at every property. There are stringent conditions outlined within CRTN for which the noise surveys must satisfy with regards to the environmental parameters and time of day. The document outlines noise measures should be recorded over any three consecutive hours between 10.00 and 17.00 hours.

9.132.11 Both security and safety issues are imposed on our clients while contractors are working on the scheme, particularly at night. This is of major concern to our clients who require assurances that all security and safety risks are assessed and dealt with.

- 9.132.11.1 The Department will develop and put in place arrangements, in consultation with the Contractor and landowners, for issues relating to security and safety to ensure they are assessed and properly dealt with.

Mr Irvine made an input at the Inquiry on behalf of Mr and Mrs Robinson on the afternoon of Friday 17th June.

There were two holdings the main one at 24 Larne Road and the second at Lismenary Road, both of which would be seriously severed by the proposed new road.

The Robinsons manage a dairy herd and the severance caused by the new road would have a considerable impact on the viability of the farm. Their son Samuel had planned to give up his job and come home to expand the herd but this idea had been abandoned. This was a major disappointment for the family.

RS had proposed an accommodation overbridge to mitigate the severance of the main farm, and maintain access to the A8. However, this would be shared with neighbours and whilst relationships were good, ownerships could change in the future and they could find themselves sharing with strangers.

The design of the bridge and its future maintenance was also a major concern

Mr Irvine asked for an explanation of the RS statement that 'although the online option (through Ballynure) will be the cheapest to deliver, it performs poorly in terms of overall economic performance'.

Responding, Mr Hall said that capital cost was one element feeding into that assessment which was made over the 60 year life of a project. All costs and benefits were calculated in monetary terms and discounted back to 2002, which was an industry standard. The benefits were then divided by the costs and the benefits cost ratio (BCR) determined the economic performance of the scheme. Should the BCR be greater than '1', it delivered value for money.

In answer to a query from Mr Irvine, Mr Hutchinson confirmed that the costs in the calculation were those which were reimbursable under the compensation laws which would include land. This was established by the District Valuer. The costs included in the calculations were the costs received from Land and Property Services based on injurious affection based on the 'before and 'after' situation.

Mr Irvine responded that the calculations which LPS had made were based on what he believed were flawed AIAs. He could not see how LPS could have a full understanding of the scheme with regard to the various issues across the scheme. He contended that the costs considered by LPS were simply the land costs.

Mr Hutchinson replied that this was definitely not the case in that it was not just the AIA that was used by LPS. That was merely a tool they used along with their experience and knowledge of the compensation rules to arrive at an estimate. All maps and information relating to the scheme was also given to them and explained.

On the issue of ownership of the proposed shared accommodation bridge, Mr Hutchinson confirmed that the bridge itself and any *shared* access to it would remain in the ownership of the Department. Though a matter for consideration as part of the detailed design, he believed that a maintenance lay-by would probably be constructed on the main line beside the bridge. Access to the bridge for maintenance purposes would be from this lay-by and not along the Robinson laneway.

Mr Irvine quoted from a letter from RS responding to concerns relating to an increase in noise levels and said that he did not understand the mathematics. Mr Power said that in the paragraph underneath the two bullet points in their response the reference

should have been to the south *western* façade rather than the south *eastern*. This had been a typographical error.

Mr Irvine said that his Clients were concerned if any work on the proposed scheme would take place at night. In particular there was likely to be rock on adjacent land which would have to be removed and there were worries about the noise associated with rock breakers working during the hours of darkness.

Responding, Mr Woodman said that the issue with rock was a simple one; if it could be done in the daytime it would be and this was likely to be the case in this location as it would be largely offline. He envisaged that it would only be safety critical work such as lifting bridge beams into position on online sections which would be done at night when traffic volumes would be lower. RS would endeavour to ensure that minimal work would take place at night.

Mr Power added that the ES made reference to the relevant noise standards which would have to be met and noise control would be agreed between the contractor and the Local Authority at a later stage.

Mr Irvine pointed out that at present the A8 was 528 yards from the Robinson dwelling. The proposed new road would be about 200 yards away, hence their concerns over noise.

Mr Hutchinson added that whilst an increase of 6dB was anticipated, it was important to note that the road would be in cutting along this section which would reduce the noise levels. The best place to mitigate noise was at the source.

At this point, Mr Irvine introduced Mr Sammy Wilson MP MLA, who attended the Inquiry in his capacity as a representative of his local constituents.

A considerable number of both general and specific objections to the Departmental proposals for dualling the A8 were raised by Mr Wilson and subsequently discussed. To ensure that these exchanges have been accurately recorded they are reproduced in full with some minor adjustments to reflect the translation of the spoken word into written format:

Mr Irvine:

Is the money still there to build the road?

Mr Wilson:

The factual position at the moment is that in the budget, which was agreed at March last year, allocated certain amounts of money to the Roads Service budget, and that money amounts to about eight hundred million pounds, over eight schemes, and that's predicated on finance being available both from the budget for Northern Ireland and the Irish Republic. In times of economic hardship which we have at the moment, of course we want value for money, and it is about forty per cent of the total Roads Service capital budget for the next four years. Since there is a comprehensive spending review being undertaken by the new finance minister, Brendan Howlin in the Republic, I'm sure that there will be requests to examine the cost of any roads scheme, and I think it would be prudent to do that. Listening to some of the evidence which has been given, having spoken with Roads Service Officials and studied this scheme for a number of constituents, it is certainly my view that there are considerable savings to be made but still deliver. Can I just make something clear? I understand the importance of improving this road. It's important for the economy of Northern Ireland and for the economy of Larne. But I think that we have got to ask can it be delivered in a different way? I'm sure that throughout the evidence I will give we are going to be able to draw some of those points out. So the answer is, yes, there is money in the budget at present, but there will be examination of the amount of money, both, because the

Republic have made it clear they are doing a spending review and I know that that spending review will also include expenditure on projects in Northern Ireland.

Mr Irvine:

Apart from the funding from the south, will the Northern Ireland Assembly have to make a contribution to the cost?

Mr Wilson:

Yes, the cost is about half and half. Now, exactly how the money is divided between the A5 and the A8 scheme I think is really probably a bit more complicated, but, yes, half of the money for these two schemes, it's not quite divided between the A5 and the A8 in that way, but half of the money for these schemes will come from the Northern Ireland budget.

Mr Irvine:

I assume, Minister, that Mr Brendan Howlin will be looking in the south, in these times of austerity and economic down turn, and I know you have huge demands on your budget from sectors of the economy such as health, etc., you are also looking for value for money in this scheme.

Mr Wilson:

Absolutely and I looked at part of this scheme, I noticed what was said in response to the question about this particular part that runs through Mrs Robinson's land, being poor in terms of economic performance. Now, it wasn't actually spelt out what that means in terms of the cost benefit analysis. Did that give you a cost benefit analysis ratio of greater than 1? Is it less than 1 for this particular part? Equal to 1 or whatever? I think I should also point out to you that if we listen to the evidence that was given in answer to that particular question, the costs actually are quite limited, because the costs are only those costs, in terms of certainly the farms and the businesses affected, which, if I can quote the answer that was given 'are reimbursable'. Now, there are a considerable number of costs if you take Mrs Robinson's case, which LPS will not reimburse. The splitting of the farm, for example, five acres split off in a small pocket; the additional work that there is in moving cattle, etc., about the farm; and Mrs Robinson by the way is not the worst case in the Ballynure section, there are other cases which are much worse and will have a far greater disruptive effect on business. Those costs, according to the answers that were given, are not reimbursable and are, therefore, not even taken into consideration in the cost benefit analysis. I think that is one of the points which maybe does need to be given fair consideration; they're not costs for government, but they are costs to the economy, because they will effect viable businesses along the route of the scheme.

First of all, when it is deemed that this part of the scheme registers poor in terms of economic performance, does that mean, I noticed the answer to your question you indicated that if the cost benefit is, or the benefit cost ratio I think it was, rather than cost benefit, had a ratio greater than 1, then it was deemed okay to go ahead. For this part, when you say that it is poor in terms of economic performance, are the benefits less than the costs?

Secondly, if there are costs which are not reimbursable and there are costs and I've highlighted some of them, which are not reimbursable, then have they not been factored into that cost benefit analysis at all?

This was in a response to one of Mrs Robinson's objections: 'Although the outline option would be the cheapest to deliver, it performed poorly in terms of overall economic performance in comparison to the proposed scheme'.

Mr McGuinness:

There are three stages to this particular process. The first stage looked at a number of

corridors and decided on a preferred corridor. The issues essentially were whether there would be an on line corridor through Ballynure or whether there would be an off line corridor to the east or an off line corridor to the west. Now, in the Stage 1 Assessment the on line corridor to Ballynure as a pure capital cost came in as a cheaper option than the off line corridor. But whenever you put that into the assessment tools and the assessment criteria that we have to comply with, the benefit cost ratio was better with the off line option.

Mr Wilson:

Aye, but not if, as you said in your answer earlier on, you exclude some of the costs which are not reimbursable. In this part of the scheme those can be quite significant given the disruption that there is, for example, to Mrs Robinson's farm, and given the disruption that there is, I can't remember the name of the two farms further on down, where there's considerable disruption. Those costs, according to what was said earlier on, have not been included in your benefit cost analysis which may well of course then skew the outcome that you got.

Mr Mc Guinness:

Well, first of all, we are constrained in our assessment by the guidelines and policy that are set down for how the Roads Service undertake the assessment. So the assessment is done pursuant to the system. It does take into account wider economic issues, but as regards the LPS issues, I'm not entirely sure what, for example, injurious affection is taken into account.

Mr Wilson:

Injurious affection will not take into consideration the long term implications for the additional effort that has to be put in, for example, when land is split, when small pockets are isolated and become probably less usable, etc. I know that it's not an issue for discussion here, but nevertheless since the benefit cost analysis was introduced as justification for the kind of arrangement which is now being suggested, I think that you have got to accept that at least it is not without its flaws because you have excluded some important costs, and important costs which will impinge very heavily on this section of the road because I think there's probably more disruption to farms on this section of the road than there is on a section of the road further back. That may well influence, because we are talking about this particular bit of the road, that may well influence whether or not this is the best option or whether the on line route is the best option. I don't think there's been any dispute about the splitting of the farm here, about the impact which that is likely to have, the additional work which that is likely to have, and, therefore, how viable it makes Mrs Robinson and some other businesses in the area. That, to me, should be part of any consideration when looking at a particular route or looking at a particular site for a scheme.

Mr McGuinness:

It may be helpful to provide some evidence just as to the various constraints that were at play in this particular area and as to why the road is, the proposed road is located where it is. Because that may inform some of the issues that are being raised.

Mr Stephen Hall:

I have been asked to try and set this in context. The economy is an important factor in the decision making process. It is one of the five key objectives for transport which have been part of our decision making process. Safety is also an important one, that's the other one. Environment is another one. Integration and accessibility complete the suite. So economy is only one, and I know we have been very focused on this obviously, but, we are saying in overall economic performance the on line route through Ballynure doesn't perform as well as a bypass in terms of the assessment that we have done.

If I could just draw the Inspectors' attention to the slide. What I have done there, I have circled in green all the farms or properties that are associated with the route for this particular one, and I really illustrate the fact that we tried to minimise the impact upon the land and property wherever possible throughout the scheme. Yes, there are people going to be affected by this scheme, because it is a large piece of infrastructure. But if we went through the middle of Ballynure there would equally be people affected by the scheme. Hopefully that diagram can just show how we, given the parameters that we have to work with under the DMRB for a high speed route, we have tried wherever possible to minimise impact to properties and take them away from properties.

Mr Wilson:

Well, could I just object on that point, and I understand all the objectives which there have to be, when I first looked at this scheme and as I've walked the route with a number of Roads Service officials and listened to the explanations which they have given, I understand, I get this in my constituency work all the time, there is an ideal which Roads Service have, a gold standard which they would love to be able to apply in every situation. The truth of the matter is whether it's talking about sight lines, near sight lines in a small planning application, or major schemes like this, there are times when compromises need to be made.

Now, when I look at this particular scheme, I know because I've discussed this with Roads Service officials, Roads Service want to apply the gold standard, regardless of what impact it has. Let's just look at some of the issues here. A central reservation of six metres, that's three times what you have on the M1 and the M2. I stood in the middle of the countryside with one of the Roads Service officials who told me that you needed a two metre wide footpath in case two people met with prams in the middle of the countryside between Larne and Ballynure! That added to the land take. As well, we couldn't have separated junctions, etc. I drove down to Dublin twice in the last week. The main sea port route is peppered with such junctions and it carries far, far more traffic than this is even envisaged to carry at its peak.

Now, all I'm saying is this: that when I look at this I think that, if you look at all of the objectives which have been laid down by Roads Service and which I understand you have to look at, it seems to me that pre eminent in all of this is: 'let's do this to the highest possible standard'. We are not prepared to look at any compromises which may allow for the impact and mitigate and moderate the impact on people who live along the route. I don't know when the road was being designed and the Irish Republic were flush with money and were throwing piles of money at it, and we were fairly flush with money at that stage too, that's no longer the case. But what I do know is that when I look at some of those standards and I could go further, verges at the sides of roads, the separation distance between that and properties, the land takes strikes me as something more than is necessary, and indeed something more than is acceptable in other major road schemes in Northern Ireland. Now, I'm sure that I'm going to hear a reply that standards have changed from the time the M1 was built, and I have no doubt about that. But the M1 still operates, the M2 still operates. All I will say is that the A1 of course and from Lisburn to Newry some of the changes there have been more recent, and yet don't require the same kind of standard as what there are here. And that I think has had the kind of impact which Mrs Robinson has been objecting to.

Mr Hutchinson:

Whether we are flush with money or not, that does not change my view as a public servant in trying to provide value for money with all the schemes that we take forward. To say that we are taking forward a gold plated scheme is totally wrong. We have spent months and months and months value engineering this scheme to try and reduce it, reduce the costs of it as far as possible and we have carried out a lot of serious work which was really to say that we are not taking forward a gold plated

scheme. I don't take that very well at all.

With regard to standards, we are using the design manuals for roads and bridges and using the lowest standard of dual carriageway cross section that we can. I would very much welcome a new set of design standards to apply, if that was the case, but we only have the design standards that we have in front of us at the moment, which evolved over many years taking account of safety and always wanting to improve the safety for the road users and that's our number 1 priority.

With regard to the footpath, you will be glad to hear, that after our conversation on footpaths, we have reduced the width of the footpath from 2m to 1.5m. We do take on board comments that we get. Unfortunately you've got a choice; don't provide a footpath, or provide a footpath. You have to make a judgment as to what width, the standards give you a standard width. You can depart from standard width, but ultimately you could have other users who are in wheel chairs or on bikes etc. who use the footpath. There is a certain point at which you couldn't go below a certain width.

I would also like to point out that we don't have a footpath on the bypass section at all. We are reusing, or we are utilising the infrastructure through Ballynure. If anybody wants to suggest that we do away with footpaths at any location near their property, or if every one wants to come to us and say we want this to be down to one metre or zero metres, we would more than welcome that and we could take footpaths out completely. But there are a large number of people who want to utilise the footway for both essential use to get to bus stops and also for their own pleasure.

Finally in response, if anybody is willing to put forward a detailed proposal for a reduction in standards, taking into account the safety aspects, we are more than welcome to hear that and we would give that due consideration.

Mr Wilson:

Can I just say something in response to that? I don't think anyone wants an unsafe road. I travel up and down every day. Thousands of my constituents travel up and down the road every day. Despite what has been said, of course, it is a relatively safe road anyway, and the accident numbers on the road illustrate that it compares favourably with other major roads. However, I've got to say I notice that in response, we are told it wasn't a gold plate standard. I'm not aware of any major compromises that have been made. I look at some of the compromises which have been made on equally major roads, which would substantially reduce the land take on this. I mentioned, for example, the junctions on the M1, which seems to be acceptable there, not acceptable on this road, which would reduce the impact in a number of places. The bypass issue, I mean, there's mixed views on it of course in Ballynure as to what impact it's likely to have on the vehicular activity in the village and I understand there are two views there. Some people support it, other people object to it. But this has been partly due to the space standards which have been applied, given what Roads Service would like to do and of course that then has an impact on the businesses that are represented here. The A1 is a busier road. The central reservation in many places is far, far less than what it is here. The number of junctions, cross overs and accesses are far more than what's being permitted here, and I think there are some of those things which back up the point that I make that this still is a scheme which is more about what roads engineers want rather than what is suitable for meeting the objectives of faster or safer transport and yet at the same time not impacting on the local community. I just feel that the normal compromises that you would expect in a situation like this, where you try and make some compromise between the transport need, the viability of businesses and the total cost to the public purse, the balance has been skewed in favour of what is the best road engineers design. Maybe a list of the compromises that have been made which would indicate that has not been a gold plated scheme, and how indeed Roads Service have judged some of the factors which

they have in this particular scheme as opposed to what they have done in similar roads in other parts of Northern Ireland would be useful.

Mr Roy Kennedy:

If we think back to the submission from John Craig on Wednesday morning, he was making this very point. He was the civil engineer working on other projects and he confirmed to the inquiry that this was indeed the case; that there was a higher standard planned for this route than for other major routes that he had worked on as a civil engineer.

Mr Hutchinson:

Just to come back on those couple of points with regard to what compromises have been made. We have tried to route the whole scheme as much as possible to avoid property where possible and to minimise the impact on farms with the routing of the scheme. In this particular instance on one of the plots we have managed to keep close to the edge of the farm holding, which is what we try to do, but obviously you're restricted with the standards that you can use. At the very early stages in the project development we were approached by a number of elected representatives who made it very clear that they were very keen that we minimised the impact on the farming community, which has been one of the objectives that we have within the design. To that end, the majority of it is all online widening, making use of the existing infrastructure that is there.

With regard to junctions, we talked previously about the reason grade separated junctions are there. The development strategy and other strategies, talk about the importance of economic growth and the importance of the road network in driving the economy in the future. To use roundabouts at every junction you are going to have all of the strategic traffic being stop started, stop started, the whole way along the scheme, which would result in a scheme which wouldn't provide a positive economic return; a BCR of less than 1.

Mr Wilson:

With all due respect though, nobody's suggesting that at every junction you would have roundabouts. There are alternative that's some junctions will not be all that frequently used any way, you can have a cross over, and indeed, as I've pointed out, that does happen on other major road schemes which have been built recently. Don't get me wrong, for me to give the impression, that the only answer here and the only problem of avoiding some of these huge slip roads and bridges etc., is to have roundabouts. It's another compromise that needs to be made. I accept that does maybe lead to the possibility of an accident where cars are crossing over or pulling into the middle to cross over. But it's a compromise which has been accepted elsewhere. That's the important thing and it doesn't seem to have featured as much here.

Mr Hutchinson:

We have already touched upon the safety issue and making sure where we're providing new infrastructure we provide consistency and do not confuse the road user.

Mr Wilson:

Could I just ask one question, maybe specifically in relation to the Robinson case and that is, the bridge which is made across the road to facilitate the movement of cattle, etc., and the maintenance of that. Could you outline to us the extent of that maintenance? There seems to be some contradiction here in the letter that was written in the response to her objections. It was indicated that some of the maintenance would actually be the responsibility of the three land owners. Now, that doesn't appear to be the case in the answer that was given here.

Mr Hutchinson:

It is part of the law that any road user must ensure that they don't deposit debris on the road and if this should occur they must clean it afterwards. This was the only maintenance that would be required to be carried out by the landowners on the bridge. So, yes, RS would own and maintain that entire element.

Can I ask the Minister is he in favour of dualling this section of carriageway that's in question?

Mr Wilson:

Yes, I am in favour of dualling it, though I think if we look at dualling on other parts of this road it does not require the kind of standards which we have here. So I want to make that quite clear. Yes, I'm on public record as saying that's the case. All of the people who I have spoken to as constituents are not opposed to the upgrading of the road. I have had extensive discussions with the port of Larne, I know how important this is to the port of Larne, but dualling does not mean, the kind of standard we have here in terms of impact.

Mr Irvine:

The final question is, minister; whenever the scheme comes for final approval and payment, will you be looking to see whether there is a robust economic case and all other alternatives have been explored?

Mr Wilson:

I will expect the minister to answer that question'.

Inspectors' Comments (Mr & Mrs Robert Percy Robinson and Mr Samuel Robinson)

The concerns of the Objector and the RS responses set out above have been noted together with Mr Irvine's input at the Inquiry.

The land holding of the Robinson family is spread over two distinct areas, the larger of the two containing the farm buildings and dwelling house being accessed off a private laneway from the A8 north of Ballynure. The second and slightly smaller portion is accessed off the Lismenary Road

The impact of the proposed new road would be considerable, with ground being lost and the farm severed by the main line in both parts of this land holding.

However, RS is proposing to construct an accommodation overbridge, slightly off-line to the existing laneway and this would provide access to both parts of the larger area of severed land and therefore this severance would be mitigated to some degree.

This bridge would be shared with the neighbouring McCanns, (OBJ_069) and the Mills Family, (OBJ_162) and farm vehicle and stock movements between the severed portions each side of the bridge would be possible without the need to use the public road network. The travelling distance involved would be the shortest of the three for the Robinsons.

Whilst a separate accommodation overbridge to serve these three adjacent land holdings might be desirable from the owner's point of view, it would be difficult to make a recommendation that this should happen.

At present the two land holdings are all contained within separate continuous boundaries and this is preferable from a bio-security standpoint. Whilst the bio-security risk from the interface with the proposed main line is considered to be small, the risk would clearly be slightly greater on the accommodation overbridge, as both stock and vehicles from each of the three farms would have access to it. However, this is not considered to be a *major* issue.

The proposed new road would be very much closer than the present A8 though the noise from the dual carriageway would be mitigated to some degree by the fact that the new road would be in cutting in this area.

The point concerning the formal record of property boundaries with Mr Raymond McCann has been noted.

See Sections 10 and 11 - The Need for the Proposed Road Improvements, The Proposed Preferred Route, The Standard of the Proposed Road.

Inspectors' Recommendations (Mr & Mrs Robert Percy Robinson and Mr Samuel Robinson)

- The Contractor to maintain access to the two parts of the property during the works and RS to meet with the landowners prior to construction to agree the necessary arrangements.
- RS to develop and put in place arrangements relating to issues of security and safety to ensure they are assessed and properly addressed. This to be carried out in consultation with the Contractor and the landowners.

Inspectors' Comments (Mr Sammy Wilson)

As has already been noted above, the full exchange at the Inquiry between the Departmental Representatives and Mr Wilson has been included in this Report with only minor adjustments to reflect the translation of the spoken word into written format.

The key points made by Mr Wilson were that:

- He supported the improvement of the A8.
- The finance was still there from the Budgets of both Northern Ireland and the Irish Republic to fund the scheme at the time for the Inquiry but this was subject to review on both sides of the Border.
- Requests to examine the costs of any proposed scheme could be anticipated.
- Cost savings could be made by designing the road to a lower standard whilst still delivering a very acceptable and safe solution.

The major part of Mr Wilson's input to the inquiry was devoted to his development of the final bullet point above and in so doing he referred to other roads in Northern Ireland, such as the A1, which carry much higher volumes of traffic, are constructed to lesser standards to those being proposed for the A8, and still operate safely and well.

Whilst this is a persuasive argument, some consideration must be given to the task facing the Professional Roads Engineers having been given the brief to upgrade the A8 between Coleman's Corner and Ballyrickard Road to a dual carriageway.

It could be claimed that strict adherence to the five Central Government Objectives for Transport, (Integration, Safety, Economy, Environmental Impact and Accessibility) together with the requirements of the DMRB and other guidance documentation can produce a somewhat constrained approach to road design and this is true to some degree. However, these guidelines have evolved over many years and will continue to evolve to reflect the need to deliver robust road construction and improvement solutions when assessed against a very *wide range* of criteria.

On numerous occasions throughout the Inquiry the Departmental Representatives were challenged on whether they had indeed followed the required approaches and in some instances this involved very detailed critical analysis of the work which had been undertaken. It is interesting to speculate on what the reactions would have been if the

Department had decided to introduce major departures from what is defined as best practice by Professional Roads Engineers.

It is therefore accepted that with the exceptions which have been identified elsewhere in this report, the scheme as proposed represents the best way forward when taking into account the diverse criteria and considering the long term view.

Inspectors' Comments (Mr Sammy Wilson)

See Sections 10 and 11 - The Need for the Proposed Road Improvements, The Proposed Preferred Route and The Standard of the Proposed Road.

9.133 Mr and Mrs Samuel Hill

Reference Number	OBJ_133
Date of Objector's Correspondence	7th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.133.1 On behalf of our client's we wish to object to the above mentioned scheme on the following grounds.

Our client's property extends to approximately 8 acres. In order to facilitate the scheme, approximately 5.5 acres of our clients land must be vested. This is significantly more than first suggested and takes in more than half of our client's entire property. Our clients let this land on a conacre basis to produce an income, which will therefore be permanently lost as a result.

9.133.1.1 The Department acknowledge that the scheme requires approximately 5.5 acres of land. The land requirements have been developed based on the proposed scheme. The development of the design, following the Preferred Route announcement, considered a number of different options for the Templepatrick Road junction. The revised layout was considered to perform best in terms of capital cost, landscape and visual impact, and also accommodated the proposed Church Road link. It is however acknowledge that this has increased the impact on the property.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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9.133.2 A slip road and roundabout will be constructed within 20 metres of our client's dwelling, substantially increasing the level of noise and light pollution. It would be more practical to move the slip road to the other side of the roundabout, where the only residential property in close proximity is being removed. Constructing the roundabout and slip roads as planned will have a serious detrimental effect on our client's property.

9.133.2.1 The land to be vested from this property is required for the provision of the north-bound slip roads associated with the proposed A57 fully grade-separated junction. This is land that is essential for the provision of the scheme.

A range of options were considered for the layout of the northbound slip roads which included consideration of placing them within the north-west quadrant of the junction. A junction layout of this form was presented at the preferred route announcement in August 2009. Further detailed design work was undertaken following the announcement of the preferred route which demonstrated the current junction arrangement provided a safe design, to standard which was economically beneficial. This layout also enables an efficient and safe connection between the new Church Road link and the A57 junction.

The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise (CRTN) 1988' as required by Design Manual for Roads and Bridges. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 72dB occurs on the northwest facade of the dwelling.
- In the future year (2031) with the scheme, the highest noise level of 72dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the southeast facade, because of the changing in the proposed road layout. An increase of 4dB, to 60dB in the future year, is predicted on this facade. The proposed dual carriageway will be in cutting adjacent to your property. This will provide a degree of natural noise mitigation from the main carriageway traffic.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme,

compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

The proposed A57 Templepatrick Road roundabout and its approach roads will be lit to improve road safety. The street lighting will be designed to minimise light spill falling outside of the footprint of the proposed road as well as minimising light pollution into the sky.

9.133.3 Our clients are also unsure as to what form the road will take at the front of their property. At present, there are 3 lanes of traffic and should this increase to 4, it will make it extremely difficult to cross the road in order to drive towards Ballynure.

9.133.3.1 The A57 Templepatrick Road to the west of the proposed roundabout will not be widened. There will, however, be localised widening of the road at the immediate intersection with the roundabout, which will form the approach and exit kerb lines. In front of your property the A57 Templepatrick Road will remain as at present with access onto the A57 unchanged from the present situation.

9.133.4 Also, at present there are long queues back from the roundabout at Ballynure at peak times. With your increased traffic projections, this will become greater and cause further disruption in front of our client's property.

9.133.4.1 The existing roundabout at Ballynure currently caters for all traffic using the existing A8, A57 Templepatrick Road and B58 Carrickfergus Road. The proposed junction layout will remove the A8 through-traffic from the junction, reducing the total volume of traffic using the proposed roundabouts. This will therefore improve the operation of the junction, reducing the level of queuing currently experienced.

Mr Irvine made an input to the Inquiry on behalf of Mr and Mrs Hill on the morning of Thursday 16th June.

His clients live on the A57 Templepatrick Road and at present the traffic backs up from the adjacent roundabout on the A8 to the front of their property. There are two lanes heading towards Ballyclare and one heading towards Larne and this means that at times it is extremely difficult to get in and out of the property.

Apart from the amount of land they would lose and the disturbance associated with the construction of the new road, there were concerns that a new roundabout was being proposed on the A57, some 40m from their home. Because of this, the Hills had serious concerns about how they were going to be able to access their property, particularly when turning right.

Mr Furneaux responded that the present roundabout had to handle all the A8 and A55 traffic. With the proposed revised grade separated junction, all the A8 traffic would be removed from the roundabout. Mr Henderson confirmed that the maximum queue

length would be two vehicles.therefore, no delays or problems would be encountered and this prediction had been tested for both the morning and evening peak hours.

Mr Irvine was content with the answers which had been given.

Inspectors' Comments (Mr and Mrs Samuel Hill)

The concerns of the Objector and the RS responses set out above have been noted together with Mr Irvine's input at the Inquiry.

9.134 Mr and Mrs Robert Wilson

Reference Number	OBJ_134
Date of Objector's Correspondence	25th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.134.1 The proposed new access arrangement to our client's property is totally unsuitable. Where the new driveway is planned to come into the property, there is insufficient room to manoeuvre vehicles such as oil tankers etc. The long driveway will also pose considerable inconvenience for bin collections.

9.134.1.1 The shared laneway width has been designed in accordance with 'Creating Places: Achieving Quality in Residential Developments', published in May 2000, as a shared driveway. It therefore has sufficient width to accommodate two cars passing. The connection serves a single property and therefore additional passing places are not considered necessary. The access laneway has over-widening on the approach to the property, and an appropriately sized turning facility will be incorporated into the design to allow vehicles such as oil tankers to turn. The proposed access laneway has been designed to accommodate a refuge vehicle. However, exact arrangements for refuge collection will need to be agreed with Larne Borough Council.

9.134.2 Our clients will endure approximately a 2 mile diversion to travel to/from their property from Larne/Belfast, which could be alleviated by an improved design. These diversions will also increase the length of time it takes for Emergency Services to access our client's property, as they will have to pass the property to get to a junction in order to access the other side of the carriageway, making the overall situation extremely frustrating and potentially dangerous. Our clients would prefer to have a laneway constructed from their property leading onto the new proposed A8 to Shanes Hill Road, therefore allowing the Emergency Services to access their property directly and consequently solve this problem.

9.134.2.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety

and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. For safety reasons, the proposed A8 dual carriageway has purposely been designed to not permit at grade traffic to turn right across the carriageway. All right-turning manoeuvres will be undertaken at the main junctions along the route. The Design Manual for Roads and Bridges (DMRB) contains the design standards for the provision of private access onto all purpose trunk roads. These design standards restrict the provision and spacing of accesses. TD 41/95: Vehicular Access to All Purpose Trunk Roads states '*There is a potential saving in accidents where there is a reduction in the number of lightly trafficked direct accesses and minor junctions made directly on to each trunk road*'.

To provide a laneway to the realigned Shane's Hill Road would require the demolition of some existing agricultural buildings at the end of the Ballyrickard Road. It would also require a new structure to carry the laneway across the watercourse. These aspects would increase the cost of a laneway arrangement. The Department is therefore satisfied that the proposed layout is, on balance, the most appropriate arrangement in this instance.

9.134.3 The proposed road is also to be considerably raised outside the property. This will no doubt increase the level of noise as sound will be able to travel freely due to the height difference between the road infrastructure and our client's property. At present, no assurances have been made that this will be mitigated. Our client's request that noise readings are taken at the property both prior and post construction to determine same and the results submitted to our client's.

9.134.3.1 The landscape and visual assessment completed as part of the Environmental Impact Assessment identified that after completion of the scheme, from the front of your property there would be views towards the dualled which will be on large embankment. The landscape design at this location has includes replacement vegetation along the new property boundary, and where possible, mature trees will be retained. The visual impact assessment considers the scale of change, the contrast to the existing, whether the change is permanent and the angle and distance of the proposed scheme. The assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established.

The visual impact for this property has been assessed to be moderate adverse in 2016, remaining moderate adverse in 2031 once the vegetation

has established. This means the assessment has concluded the impact of the scheme would cause a noticeable deterioration in the existing view

The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – ‘Calculation of Road Traffic Noise (CRTN) 1988’ as required by Design Manual for Roads and Bridges. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 68dB occurs on the south-eastern facade of the dwelling.
- In the future year (2031) with the scheme, the highest noise level of 69dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the south-eastern facade. An increase of 1dB is predicted on this facade. DMRB outlines that in the long term a 3dB change is the smallest that is considered perceptible, the impact is therefore considered to be small.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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Queens Court
55-66 Upper Queen Street
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9.134.4 Mrs Wilson regularly uses the bus service which stops outside the client's property. Due to the permanent barrier in the central reserve of the new A8, Mrs Wilson will no longer be able to cross the road to use the bus stop, and will therefore have to walk several miles to access the bus service.

9.134.4.1 The design for bus services along the improved A8 has been, and continues to be, developed in consultation with Translink. Due consideration has been given to bus stop locations, and these have been agreed based on a number of key considerations, including:

- Safe means of pedestrian access from individual properties to and from bus-stops.
- Compliance with road design standards which primarily promote safe travel for all road users.
- Affordability of required infrastructure.

In making provision for bus-stops, facilities are required to ensure that an individual has a safe means of crossing the dual carriageway to access any bus stops on the opposite side of the road. This can be either in the form of a bridge/underpass or an at-grade pedestrian crossing across the dual carriageway. At grade pedestrian crossings are not considered appropriate for this section of the dualled A8 because of safety concerns associated with the potential conflict between pedestrians and vehicles travelling at 70mph. Given the anticipated low pedestrian usage, the provision of a bridge or an underpass for pedestrians to cross the road at this location is considered prohibitively expensive.

The siting of bus lay-bys on the proposed dual carriageway is determined by design standards, with particular reference to the proximity to adjacent junctions or accesses. If bus stops were provided too close to adjacent junctions or accesses, this could result in driver confusion for vehicles leaving or joining the dual carriageway, therefore increasing the risk of accidents. Because of the proximity of the proposed accesses along the proposed A8 in the vicinity of your property, a bus-stop cannot be provided in compliance with the design standards.

All reasonable efforts have been made to provide regular, accessible and safe bus stops along the scheme. The nearest proposed bus-stop is located at the new Shanes Hill Road roundabout where traffic speeds are lower and pedestrian crossing facilities have been provided. A 1.5m wide footway is being provided to link your property to the bus stop at the roundabout, located approximately 0.7km northeast of your property. We appreciate the inconvenience this may cause; however, based on the overall balance of the many factors which have influenced this decision, the proposed arrangement is considered appropriate.

9.134.5 Plot 10.18 is used for grazing a pony which our client's have owned for 30 years. Our client's have no other lands to replace said grazing, and will therefore be subject to additional costs as they will have to buy in additional fodder, or be faced with the decision to sell the pony.

9.134.5.1 As outlined above financial compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS). Compensation following a compulsory acquisition of land is based on the principle of equivalence.

Inspectors' Comments (Mr and Mrs Robert Wilson)

The concerns of the Objectors and the RS responses set out above have been noted. Issues surrounding refuse collection were explored under Mr Elwin Ward (OBJ_144) and bus-stops under Mr and Mrs Millar (OBJ_57).

9.135 Mrs Johnston

Reference Number OBJ_135
(Objection withdrawn during the Inquiry)

9.136 Mr Samuel Patton, Mrs Kathleen Patton and William Patton

Reference Number OBJ_136
Date of Objector's Correspondence 9th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.136.1 Mr William Patton runs an Agricultural Contracting Business and at present he is able to run his umbilical slurry system through a pipe beneath the bridge on the main road, allowing him to service 3 customers. However, said bridge and surrounding lands are to be vested in order to construct a sizeable junction, meaning that this system and method/level of service will no longer be possible.

Due to the said junction and other link roads, there are extreme travelling diversions imposed on his business as a result of the proposed A8. A significant increase in travelling time and fuel will need to be factored into all jobs, including those where said umbilical system can no longer be utilised effectively, resulting in increased costs being passed along to his clients. Ultimately this could mean loss of trade for the business.

9.136.1.1 The Department will seek to agree a schedule of accommodation works with landowners prior to the commencement of the scheme, based on the principle of like-for-like replacement. Accommodation works are works that are undertaken by the Department on private land to assist with the continued use of the land and reduce the injurious affection and/or disturbance. Where these can be agreed with a landowner and the costs fall within the District Valuer's estimate of compensation, that would otherwise be payable, the works will be undertaken as part of the scheme. In this case the Department is willing to consider the provision of a pipe underneath the proposed road to allow the use of the umbilical slurry system. The decision on whether to provide this pipe will be made considering the size of the required pipe, the impact on carriageway drainage and the impact on any utilities within the existing road.

9.136.2 Said diversions also mean that slow moving farm machinery must utilise main roads. This is a serious safety risk for the public and will no doubt reverse the goal of the scheme. It will again increase costs for William as machinery will have to be serviced far more frequently and washed on a more regular basis to ensure dirt/slurry is not left on the main road. At present, farmers/contractors are responsible for ensuring roads are left clean after entering/exiting lands. How are they now to clean the main dual carriageway with increased traffic speed and volumes?

9.136.2.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

The scheme provides a junction linking Green Road, Calhame Road and Legaloy Road with a bridge across the proposed dual carriageway. Therefore access is available between lands on both sides of the scheme without using the proposed dual carriageway. The current arrangement would require a vehicle to cross the existing A8. The Department therefore do not accept that the proposed arrangement would require a significant amount of additional cleaning or impose a more onerous requirement on farmers/contractors than the current arrangement.

9.136.3 They also run a beef farming business, as there is such a significant land take affecting them, they will have to reduce their overall stock numbers by approximately 10 animals per annum, resulting in an annual loss to the business. This will have a severe impact on our client's standard of living.

9.136.3.1 Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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- 9.136.4 Two cattle pens are also to be lost due to the proposed route. The loss of these pens would be detrimental to our clients' farming business, and as a result of the layout of the new road they will become even more indispensable, it is imperative that these are replaced.**
- 9.136.4.1** It is not the Department's Policy to provide cattle handling facilities. If a cattle handling facility is lost, LPS will normally take the loss into account in their assessment of compensation. The need for temporary cattle handling facilities during the period of the construction works will be considered on a case by case basis.
- 9.136.5 As a result of the scheme, our client's will be subject to considerably increased travelling time to access their premises and surrounding areas.**
- 9.136.5.1** As outlined above the scheme provides a junction linking Green Road, Calhame Road and Legaloy Road with a bridge across the proposed dual carriageway. The junction also includes access to and from the proposed A8 in all directions. Therefore access is available between land on both sides of the scheme, and the property on the Calhame Road, without using the proposed dual carriageway. It is acknowledged the proposed arrangement may increase the journey between the lands on either side of the A8 by up to 0.6km. However, this diversion is small and the Department therefore on balance consider the proposed access arrangements are acceptable. Compensation matters are dealt with by LPS on behalf of the Department for Regional Development's Roads Service.

Mr Irvine made an input to the Inquiry on behalf of Mr Sam Patton, on the afternoon of Thursday 23rd June and began by pointing out that the majority of the issues were related to the proposed grade separated junction at Legaloy Road where a considerable amount of land would be required for the creation of this structure.

Referring back to earlier discussions at the Inquiry on slurry, Mr Irvine explained that Mr Patton's son was the Contractor with the task of spreading the slurry generated by the pig unit. He went on to outline the present arrangements Mr Patton used to pump slurry through an umbilical under the A8 in order to spread it on farmland to the west of the existing road. The umbilical was taken through an existing culvert and discussions with Arup had resulted in the offer being made for a pipe to be laid across the full width of the scheme, connecting Mr Patton's land. This would be large enough to enable an umbilical to be pulled through.

Whilst the offer outlined above was appreciated, Mr Irvine asked for a similar pipe to be installed under Legaloy Road to enable slurry to be pumped between the two parts of the Patton lands there.

Whilst Mr Hutchinson did not see a problem with this request he pointed out that over sixty years or so the pipes containing the umbilicals could come to the end of their lives and RS would not be taking on any responsibility for their maintenance.

In conclusion, Mr Irvine said that his Client had concerns about travelling with slurry tankers on the high speed upgraded A8. He also had concerns about keeping the machinery clean before going on to the road and the significant diversions which would occur which would lead to increased time and costs.

Inspectors' Comments (Samuel, Kathleen and William Patton)

The concerns of the Objector and the RS responses set out above have been noted, together with Mr Irvine's input at the Inquiry.

The main issue for the Patton family was their request for the provision of a pipe under both the main line and Legaloy Road to facilitate slurry pumping using the umbilical system. RS reacted positively to both these requests at the Inquiry.

It is understood that RS would not accept long term responsibility for the maintenance of these conduits.

Inspectors' Recommendations (Samuel, Kathleen and William Patton)

- RS to provide a suitable pipe under both the proposed dual carriageway and Legaloy Road to facilitate the pumping of slurry. The exact locations, pipe dimensions etc. to be decided in consultation with the land owner.

9.137 Mr John McWilliams

Reference Number	OBJ_137
Date of Objector's Correspondence	14th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.137.1 The new A8 will be approximately 30-40 metres away from our client's property. In order to facilitate the scheme, Plot 1.25 requires the removal of a significant number of mature trees, resulting in loss of privacy and shelter. Our client breeds pedigree dogs at the above mentioned address, which are extremely valuable. Although the main road currently runs along the front of said property, theft of these dogs is not an issue as they are hidden from view. However, with the new road around the rear of the property, the kennels will be completely visible and exposed, and dogs could easily be removed by those utilising the new road, without our client's knowledge. In order to prevent this, at least a 2 metre high, close boarded fence would need to be installed at the back of our client's property.

9.137.1.1 The proposed scheme will realign the dualled A8 to the rear of the property in question. Measured from the northeast rear corner of the house, the edge of the dual carriageway will be a minimum of 65m away, with the boundary hedge a minimum of 45m away. The scheme would require the removal of some of the existing vegetation at the rear of the property.

The landscape and visual assessment completed as part of the Environmental Impact Assessment identified that after completion of the scheme there would be an open aspect to the new road that did not exist previously. There will be intermittent views of the dual carriageway between the remaining evergreen trees to the rear of your property. The landscape mitigation proposals for this property include visual screen planting along the boundary of the road comprising native tree and shrub

planting. The visual impact assessment considers the scale of change, the contrast to the existing, whether the change is permanent and the angle and distance of the proposed scheme. The assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established. The visual impact for this property has been assessed to be substantial adverse in 2016, remaining as substantial adverse in 2031. This means the assessment has concluded the impact of the scheme would cause a significant deterioration in the existing view.

It is acknowledged that some accommodation works may be required to supplement the scheme proposals, and the Department are willing to consider the provision of a close boarded fencing. Dialogue to date with landowners has helped the Department to develop a draft schedule of accommodation works which the Department will seek to agree with landowners along the scheme. Where practicable the Department will look to take on board the landowner's views and requirements in finalising this schedule of accommodation works.

9.137.2 Our client also runs a mechanic business from his property. Customers are currently able to drive around this property to avoid trying to turn large vehicles, minimising the risk of accidents. However, with the area of land lost at Plot 1.25 this may prevent some vehicles utilising said facility and increase the possibility of accidents.

9.137.2.1 The land in Plot 1.25 is essential land required for the scheme. It will provide for part of the carriageway and the associated earthworks cut slope. Dependant on the District Valuer's estimate of compensation for this property, the Department may seek to agree accommodation works to assist with the continued use of the land in Plot 1.25 and reduce injurious affection and/or disturbance.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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Inspectors' Comments (John McWilliams)

The concerns of the Objector and the RS responses set out above have been noted. RS have acknowledged that some accommodation works may be required to supplement the scheme proposals, including the requested provision of 2m high close boarded fencing.

Inspectors' Recommendations (John McWilliams)

- RS to have further discussions with the land owner concerning accommodation works and these to include the request for the provision of 2m high close boarded fencing.
-

9.138 Mr and Mrs Derek Moore

Reference Number	OBJ_138
Date of Objector's Correspondence	14th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.138.1 The proposed scheme will add considerable inconvenience for our clients when travelling to Belfast and Larne.

9.138.1.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. The access arrangements to this property are as a result of this strategy.

The impact on journeys between Bruslee and Belfast will be minimal. Journeys to Belfast can be accommodated via the proposed one-way link to the Hillhead Road, and journeys from Belfast can be easily accommodated via the new dual carriageway and the proposed left-in left-out Lisglass Road junction.

Journeys from the property to Larne will be subject to a 0.5km diversion and vehicles would access the dual carriageway via the proposed left-in left-out Lisglass Road Junction. Journeys from Larne to the property will be subject to a larger diversion of approximately 2.1km. For this journey, vehicles will be required to pass Bruslee and make a u-turn at Coleman's

Corner roundabout, then enter Bruslee via the proposed left-in left-out Lisglass Road Junction.

9.138.2 The acquisition of land to the rear of our client's property will remove an existing hedge and possibly a mature tree. Our clients are most annoyed at the possibility of the tree being removed and would ask that this be avoided at all costs.

9.138.2.1 The land identified to be vested within Plot 1.22 is required for the construction of the dual carriageway. Where possible the Department will look to retain existing vegetation and trees.

9.138.3 Removal of said hedge will result in loss of privacy to our client's property, and therefore have a significant impact on the value of same.

9.138.3.1 The landscape and visual assessment completed as part of the Environmental Impact Assessment identified that after completion of the scheme, from the rear of your property there would be views towards the dualled A8 that didn't exist prior to the scheme. The landscape design in this location has included a visual screen planting along the boundary of the proposed road. The visual impact assessment considers the scale of change, the contrast to the existing, whether the change is permanent and the angle and distance of the proposed scheme. The assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established.

The visual impact for this property has been assessed to be substantial adverse in 2016, remaining as substantial adverse in 2031. This means the assessment has concluded the impact of the scheme would cause a significant deterioration in the existing view.

9.138.4 These affected lands are used for horse grazing and so a proper fence, excluding barbed wire must be erected.

9.138.4.1 Dialogue with landowners has helped the Department to develop a draft schedule of accommodation works which the Department will seek to agree with the landowner. Where practicable the Department will look to take on board landowner's views and requirements.

Inspectors' Comments (Mr and Mrs Derek Moore)

The concerns of the Objector and the RS responses set out above have been noted.

Inspectors' Recommendations (Mr and Mrs Derek Moore)

- Subject to the design constraints of the scheme, RS to retain as much as possible of the existing vegetation and the mature tree within Plot 1.22.
- RS to have further discussions with the land owner concerning accommodation works and these to include the request for the exclusion of barbed wire in the boundary fencing.

9.139 Mr Leslie Park

Reference Number OBJ_139
Date of Objector's Correspondence 1st March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.139.1 An area of our client's land is being taken to provide a visibility splay for traffic utilising the Ballybracken Road. As there is already more than sufficient visibility on the Ballybracken Road, and the above mentioned scheme has not had a direct impact on same, it is unclear why this would be required/provided.

9.139.1.1 The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. The area of land identified with Plot 6.15 is required for two reasons:

- to provide appropriate visibility on the approach to the proposed junction – these requirements are set by design standards, and
- to enable the tie-in for the new road, which is coming out of a cutting, with the existing road.

Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

9.139.2 Our client had hoped to obtain planning permission in the future for a building site in this area, therefore any alteration in boundaries etc, will have an impact on the chances of a successful application.

9.139.2.1 The area of land identified within the vesting order is minimal (0.004ha) and therefore the Department consider this unlikely to impact the chances of a successful planning application.

9.139.3 A well is included in this area of vested land, meaning that our client will lose a free, natural water supply, which will have to be replaced by a metered mains supply, thus resulting in additional costs in perpetuity for our client.

9.139.3.1 Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services

Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

Inspectors' Comments (Leslie Park)

The concerns of the Objector and the RS responses set out above have been noted. Particular reference was made to the loss of a natural water supply and whilst the level of importance of this to Mr Park is unclear, alternatives to a mains supply should be explored by RS.

Inspectors' Recommendations (Leslie Park)

- RS to enter into discussions with the land owner concerning the possibility of providing an alternative to a mains water supply such as a borehole.

9.140 Mr Raymond Trevor and Joan McNeilly

Reference Number	OBJ_140
Date of Objector's Correspondence	28th February 2011

The Department has considered the correspondence referred to above and responds as follows:

- 9.140.1 The access to our client's residence, No. 75 Belfast Road is subject to a 'Stopping-up' order. Our client's were informed at the Public Exhibition that another immediate road side access would be provided further along the A8, however no detailed information has been provided in relation to same.**
- 9.140.1.1** The scheme proposes to stop up the existing access because of the limited visibility and therefore safety concerns once the proposed bend joining the existing A8 and Glen Road is constructed. The Department propose to provide a new access point at the southern extent of the property onto the existing A8. The Department will enter into discussions to agree the exact location and layout of the access.
- 9.140.2 Plot 1.27 is a portion of our client's garden. We are sure you can appreciate there is already a minimal area of garden at the front of our client's property and losing anymore will have a dramatic impact on the value of same. As this is a residential property every effort should be made to mitigate the impact of the scheme.**
- 9.140.2.1** Plot 1.27 is a portion of land owned by the Department, but a small proportion forms part of the garden as described above. The Department will look to minimise the impact on the garden and seek to retain the existing wall.
- 9.140.3 Plot 1.26 is a portion of our client's field opposite No. 75 Belfast Road. The area of land appears to be much greater than what would be required to construct the new road. As discussed at the Public Exhibition at Corr's, part of this area of land may or may not be required for temporary use, can**

this issued be clarified? If it is to be vested for a temporary construction area, we are advised that there may be a proposal by Roads Service to lease the land on a short term lease. It is essential that our client's are fully informed with regards to its intended use, as no guarantee has been made by Arup with regards to the condition in which it will be offered back to our client's. This will play a large part in our client's decision making as to whether or not they will agree to lease the land or continue to have it vested. In either outcome, our clients request that a minimum 10 year maintenance guarantee is give in relation to drainage of the lands. Our client's wish to retain the remaining area of land in this plot post construction. This piece of land is of excellent quality and is essential to our client's business as it total they collectively own just 18 acre, therefore any unnecessary land take will have a significant impact on our client's income.

9.140.3.1

The Department can confirm that an area on either side of the proposed dual carriageway is required for temporary use during construction. The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

9.140.4

Plot 2.06 is to be vested to provide access to neighbouring lands. Again, this area appears to be significantly greater than required and our client would again wish to retain any remaining lands post construction.

9.140.4.1

The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

- 9.140.5 Insufficient detail and thought has been given with regards to accessing our client’s land with farm machinery, etc and we would welcome further discussions to resolve same.**
- 9.140.5.1** Dialogue to date with affected landowners has helped the Department develop a draft schedule of accommodation works which the Department will seek to agree with landowners along the scheme. Where practicable the Department will look to take on board the landowner’s views and requirements in finalising the schedule of accommodation works. The Department is therefore happy to further discuss the details of the proposed access.
- 9.140.6 Our client’s will also be subjected to increased travelling time and will endure a round trip of approximately 7.6km every time they want to access their land.**
- 9.140.6.1** The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.
- The Department acknowledge the requirement to provide access of an appropriate standard and this would form part of the accommodation works for the property. The Department will enter into dialogue with landowner over the coming months with the aim of agreeing the extent of accommodation works and finalising the schedule of accommodation works for the scheme.
- Where land is being vested and there are residual impacts in terms of severance and injurious affection compensation will be paid. Compensation will be provided. Compensation matters are dealt with directly by the Department for Finance & Personnel’s Land and Property Services (LPS), as described previously.
- 9.140.7 Our client’s also utilise the existing bus stop immediately outside their property. Some discussions have taken place in relation to the re siting of said bus stop, however to date no assurances have been made in relation to same. Our client’s also seek clarification.**
- 9.140.7.1** The design for bus services along the improved A8 has been, and continues to be, developed in consultation with Translink. Due consideration has been given to bus stop locations, and these have been agreed based on a number of key considerations, including:
- Safe means of pedestrian access from individual properties to and from bus-stops.

- Compliance with road design standards which primarily promote safe travel for all road users.
- Affordability of required infrastructure.

In making provision for bus-stops, facilities are required to ensure that an individual has a safe means of crossing the dual carriageway to access any bus stops on the opposite side of the road. This can be either in the form of a bridge/underpass or an at-grade pedestrian crossing across the dual carriageway. At grade pedestrian crossings are not considered appropriate for this section of the dualled A8 because of safety concerns associated with the potential conflict between pedestrians and vehicles travelling at 70mph. Given the anticipated low pedestrian usage, the provision of a bridge or an underpass for pedestrians to cross the road at this location is considered prohibitively expensive.

All reasonable efforts have been made to provide regular, accessible and safe bus stops along the scheme. The nearest bus stop to your property will be at Coleman's Corner roundabout and a 1.5m wide footway will be provided connecting your property to that junction along the existing A8. It is acknowledged that the distance of 1.3km may be excessive for some individuals and that another means of transport may be required to access the bus stop. We appreciate the inconvenience this may cause; however, based on the overall balance of the many factors which have influenced this decision, the proposed arrangement is considered appropriate.

9.140.8 Our client's recently received a copy of their Agricultural Impact Assessment 'Issue 1'. They are extremely dissatisfied with said document and feel that it is totally inaccurate.

9.140.8.1 McIlmoyle and Associates are professional qualified Agricultural Consultants employed by Roads Service on the A8 dualling scheme to provide expert advice in terms of agricultural issues. McIlmoyle and Associates are very experienced and Dr McIlmoyle is a Fellow of the British Institute of Agricultural Consultants. They have completed Agricultural Impact Assessments for numerous other road schemes, and provided consultancy services on a wide range of agricultural issues across Europe.

The agricultural impact assessment for this scheme has been completed in two parts. Firstly McIlmoyle and Associates produced baseline reports for all the agricultural businesses along this section of the A8. In doing this, they sought to hold discussions with the respective landowners and obtained copies of the relevant Department for Agricultural and Rural Development (DARD) farm maps. The landowners were then sent their baseline report and invited to comment on its accuracy. McIlmoyle and Associates updated these reports where comments were received. An agricultural impact assessment was then undertaken to determine the impact of the proposed scheme relative to the baseline information previously gathered. McIlmoyle and Associates used their professional judgement to assess the impact using a set of defined impact ratings (as outlined in the individual reports). The findings were written into individual agricultural impact assessment reports which were then issued to the respective landowners.

The Department maintains that the process adopted for the assessment of agricultural impact is robust and is satisfied the impacts have been correctly assessed. However, if the baseline information has changed

since the baseline report was produced and circulated to landowners the report will be updated to reflect any changes.

Mr Irvine made an input at the Inquiry on behalf of Mr Raymond and Mrs Joan McNeilly on the afternoon of Friday 17th June.

He began by referring to the AIA and challenged the statement that the impact of the proposed scheme had been discussed with the landowner. Apart from asking about how much land was owned and what it was used for, there had been no discussion with Dr McIlmoyle on what the impact of the scheme would be on the holding. The AIA also stated that the impact on each land owner was assessed and reported but the McNeilly's were not given any documentation saying how the conclusions were reached. No discussion took place on the fact that the present travelling distance to owned fields was around 30m and after the scheme this would increase to 7.5km. In the AIA it was assumed that the impact would be minor adverse because the land was rented out. However, this was not true, because this was the only source of income for Mr McNeilly and he could have decided to restart farming this year. This should have been taken into account in assessing the future viability of the holding.

Mr McNeilly would also lose around 50% of his holding which in turn would lead to his income being reduced by the same percentage. It was possible that due to accessibility issues the remaining land would be more difficult to rent, so all the annual income could be lost. Since the land would be on either side of a dual carriageway it would be devalued and there could be an environmental impact. There would be a loss in relation to the single farm payment.

In their letter dated 9th June, Arup had said that they could not guarantee that hedges could be removed in order to improve field size and shape as the Department of Agriculture would have to be consulted, particularly if the land was in the Countryside Management Scheme. Mr Irvine said that it was not in this scheme and Dr McIlmoyle should have been aware of this.

Responding, Dr McIlmoyle said that he had met Mr McNeilly in December 2008 and discussed the impact of the proposed scheme on his land. A map had been provided which showed that the land extended to 7.36 hectares and that it was all in conacre to Mr John Ferguson. Mr McNeilly collected a single farm payment, the land was not under the Countryside Management Scheme, and since there were no stock there were no registry directive implications. Dr McIlmoyle was not aware of any changes in the situation in the intervening period.

During the visit, the land was walked and photographs were taken. As the land was not used by Mr McNeilly for agricultural purposes, the potential increased travelling distances had not been assessed and the affect of the scheme on the land was not considered.

A short discussion involving Mr Irvine, Mr McGuinness and Dr McIlmoyle then took place concerning the possibility that Mr McNeilly *could* decide to resume farming on his own account at any time and were this to happen it would have an impact on the AIA. Whilst it was recognised that such changes could indeed be made, Dr McIlmoyle was required to report only on what he found at the time he made his visit.

Mr Irvine went on to raise the subject of the location of bus stops on the proposed new scheme saying that he understood that the nearest stop would be 1.3km away. This was not acceptable, especially when the Government were encouraging greater use of public transport. Mrs McNeilly was registered as being disabled and her grandson used the school bus. Travelling distances between places such as Belfast and Larne would be increased for the McNeilly family. What account would be taken of these factors by way of compensation?

Responding, Mr Hutchinson reaffirmed that considerable time and effort had been taken to seek an acceptable solution to this issue.

Inspectors' Comments (Raymond Trevor and Joan McNeilly)

The concerns of the Objector and the RS responses set out above have been noted together with the input of Mr Irvine at the Inquiry.

With reference to bus stops, see OBJ_57, Margaret and Samuel Millar

Inspectors' Recommendations (Raymond Trevor and Joan McNeilly)

- RS to enter into discussions with the land owners concerning a possible Licence agreement for lands required on a temporary basis.
 - Land required for temporary use to be transferred back to the land owners in a similar condition as it was before the scheme commenced and this to be the subject of discussion with the individuals concerned.
 - RS to enter into discussion with the landowners concerning the exact location and layout of the access point at the southern end of the property onto the A8.
-

9.141 Mr and Mrs Samuel Agnew

Reference Number	OBJ_141
Date of Objector's Correspondence	28th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.141.1 The end of the Deerpark Road is subject to a 'Stopping-Up Order'. This will mean that our clients will be subject to increased travelling time whilst travelling to and from their property as they will have to go via the junction at the Quarry.

9.141.1.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. As a result of this junction strategy, the existing junction between the A8 and the Deerpark Road will be stopped up and traffic will be routed to a new compact grade separated junction.

The impact of this junction reconfiguration will have a small impact upon journey lengths to and from the property.

- Journeys from this property towards Larne, will be through the new quarry junction, and will be no longer than the existing route via Park Road.
- Journeys to the property from the Larne direction will be subject to a small diversion of 0.4km.
- Journeys to and from the A8 south will be subject to an additional journey length of 0.8km in both directions.

A key consideration was minimising, as far as practicable, the diversion lengths for existing traffic accesses the A8 and the Department consider these changes to your journey lengths to be acceptable.

9.141.2 This also poses difficulties for our clients as the section of the Deerpark Road to their property is very steep and extremely treacherous for vehicles in the snow.

9.141.2.1 Roads Service policy for the inclusion of roads on the gritting schedule is based on maintaining the links between key settlements; unfortunately it is not possible to grit every road and resources are targeted on busier routes carrying most traffic. The decision to grit a road is based on traffic flows (typically greater than 1,500 vehicles per day), site specific issues, bus services and key links to settlements. The changes to Deerpark Road as a result of the proposed scheme are unlikely to result in changes to the gritting schedule.

Inspectors' Comments (Mr and Mrs Samuel Agnew)

The concerns of the Objector and the RS responses set out above have been noted.

9.142 Mrs Wilhemina Kirk Irwin

Reference Number	OBJ_142
Date of Objector's Correspondence	28th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.142.1 My client currently owns a holding at Ballynure of approximately 20 acres, consisting of around 14 acres of prime arable ground and around 6 acres of grazing land. A combination of good location and wide range of possible uses that the land could be put to, results in the asset being currently of considerable financial value. The proposal will result in all of the current road frontage being forfeited and around 5 acres of prime arable land lost. The net result of approximately one quarter of the total acreage being lost and that being also prime arable land, will result in the financial value of the holding being severely diminished. The opportunity for my client to purchase 5 acres of prime arable land adjacent to this holding is very

unlikely. The remaining property having a dual carriageway beside it will obviously further reduce its' value.

9.142.1.1 The Department acknowledge the proposed scheme will require approximately 5 acres of land. Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

9.142.2 **With Plot 4.16, 2 separate acres are being vested for temporary construction areas and we are advised that there may be a proposal by Roads Service to lease these lands on a short term lease. It is essential that our client is fully informed with regards to their intended use, as no guarantee has been made with regards to the condition in which they will be offered back to our client. This will play a large part in our client's decision making as to whether or not they will agree to lease said lands or continue to have them vested. In either outcome, our client would request that a minimum 10 year maintenance guarantee is given in relation to drainage of the lands.**

9.142.2.1 The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.

9.142.3 **Our client also questions the need for such a road. In 2008, when the traffic survey was first carried out on this road, there was approximately 14,000 cars utilising the A8, in 2010 this number decreased to approximately 10,500 and can readily be observed. As an example, in January 2007 the average number of vehicles passing through Ballynure daily was 13,172, however by January 2010 the number had dropped to 12,400. This is primarily due to the economic downturn, therefore considerably fewer vehicles are utilising the A8 to access the Larne Port. Also, increasing fuel prices have resulted in many people being simply unable to fund running their vehicles. The withdrawal from Larne in December 2010 of Stena's Larne to Fleetwood service will further result in a decrease in commercial vehicles on the road from 2011 onwards. Taking all of these points into consideration, providing a high class dual carriageway is an extremely**

wasteful use of public funds and completely unnecessary, the current A8 is more than adequate.

9.142.3.1

The department acknowledges that traffic flows and vehicle usage are influenced by the economic climate, including the slowdown of the UK's economy. However, economic downturns are considered to be anomalies and the overall trend, over a number of years, is for traffic volumes to increase. Forecast growth in traffic for this scheme has been based on planning data produced by the Northern Ireland Statistics and Research Agency which predicts increases in population and the number of households.

The Regional Development Strategy for Northern Ireland 2025, Shaping our Future (RDS) places great importance on the regional gateways, which includes the Port of Larne, as suitable locations for major economic development. The strategy states "Gateways are important interchange points and the quality of connection from the ports and airports to the internal transport network is crucial for economic competitiveness and the convenience of the travelling public". The RDS outlines an aim to continue to develop the Port of Larne which is the second largest Northern Ireland port. The recently published Draft Revised RDS also outlines that the region has a number of important gateways, including the Port of Larne, through which both people and goods will continue to travel.

The Port of Larne is therefore considered a key element of the Regional Development Strategy and has an important role to play in supporting economic development. The Port of Larne provides the shortest distance between Ireland and Great Britain. In 2009 and 2010 it was the largest port in Northern Ireland in terms of roll-on roll-off traffic, and was the 4th largest in the UK based on the number of freight vehicles. Competition between the two largest ports in Northern Ireland plays a vital role in ensuring that the public, road hauliers and ferry operators have a choice, thus ensuring a competitive and efficient economy.

Whilst it is acknowledged that there has been a short-term reduction in freight movement over the last few years, the port continues to play a significant role. The long-term predictions are that the usage of Northern Ireland ports, including the Port of Larne, will grow as the economy of the province grows. On this basis, and as acknowledged by the recent review of the RDS, the Port of Larne will continue to play an important role in Northern Ireland.

The Regional Development Strategy: Shaping Our Future (RDS) places an emphasis on the development of a modern integrated transport system. Its stated longer-term vision for transportation is "to have a modern, sustainable, safe transportation system which benefits society, the economy, and the environment and which actively contributes to social inclusion and everybody's quality of life". The RDS also defines five key transport corridors, including the Eastern Seaboard Key Transport Corridor, which includes this section of the A8. The RDS is currently undergoing a ten year review; the revised strategy document supports similar principles and identifies the Eastern Seaboard as one of the four economic corridors.

At its meeting on 17th July 2007, the North South Ministerial Council noted the Irish Government's intention to make available a contribution of £400m to help fund the major roads programme within Northern Ireland. This

included the A5 Western Transport Corridor and the A8 between Belfast and Larne. The Northern Ireland Executive confirmed its acceptance, in principle, to take forward these two major road projects. The dualling of the A8 is identified within the Investment Strategy for Northern Ireland (2008-2018) as a key milestone. The Investment Strategy also recognises that delivering better infrastructure is vital in helping to achieve the priorities for the economy, society and environment. The Budget 2011-15 outlines the Executive's agreed spending priorities. This has identified the A8 dualling as one of several road projects to be taken forward and has allocated the required funds.

The consultation period for the Draft Budget 2011-2015 was held between the 15th December 2010 and the 16th February 2011. Following that consultation period the Executive considered the responses and the revised Budget 2011-15 was announced and passed by the Assembly in March 2011. This Budget sets out the Northern Ireland Executive's spending plans for the four year period from April 2011 to March 2015.

Mr Irvine made an input to the Inquiry on behalf of Mr Nicholas and Mrs Wilhemina Kirk Irwin on the afternoon of Thursday 16th June.

He began by referring to the discussions which had taken place concerning the bridge and the associated Church Road closure Issues and the fact that Mr Irwin's home was in the immediate vicinity. There were concerns relating to the proposed road embankment, which could be higher than the dwelling house. This was going to impact on the house and garden and lead to a substantial depreciation in the value of the property. Mr Irwin believed he would no longer be able to live there because of this massive structure.

There were concerns about how the adjacent large attenuation pond would be constructed and what provisions would be made to protect the property against pollution and flooding.

Approximately 25% of Mr Irwin's mother's land was going to be lost and how was the property going to be accessed during the construction phase? A potential very attractive building site on the land would also be lost.

Mr Irwin then joined the discussion and made it clear that he was really speaking on behalf of his mother who could not be present due to her age and infirmity.

He was concerned about the possibility of contamination, flooding and river embankment erosion on family land further down the Six Mile valley due to the proposed creation of the pond.

What mitigation measures were being proposed to alleviate light pollution at the southern façade along the front of his property? Light pollution from an increasing number of vehicles would become worse in the years ahead

In relation to noise, what would be the reduction associated with a low noise surface on the main line and what other noise mitigation measures could be taken?

Responding, Mr McGuinness pointed out that a number of the points raised had already been considered with earlier Objectors. Petrol/oil interceptors would be designed to prevent contamination of rivers and the purpose of the retention ponds was to ensure the controlled release of water in order to reduce the possibility of flooding and erosion.

Mr Power added that discussions had taken place recently with Mr Irwin concerning light pollution. When established, a proposed new hedge would provide a degree of

mitigation. A further discussion took place involving Mr Robb, Mr Hall and Mr Irwin, in which the likely light pollution from the new road and in particular its height and curvature was explored in greater depth. Rounding off this exchange, Mr Hutchinson said that RS were not convinced at this stage that headlight spillage would be a problem. They wanted to look at the issue again and mitigation measures could possibly be considered.

On the noise mitigation issue, Mr Power explained that the key factor was to break the line of sight between the carriageway and the property. RS believed that in this particular location that a barrier or bund would be excessively long, potentially visually intrusive and would not provide the acoustic benefits to warrant its installation.

Inspectors' Comments (Wilhemina Kirk Irwin)

The concerns of the Objector and the RS responses set out above have been noted together with the input of both Mr Irvine and Mr Nicholas Irwin at the Inquiry.

See Sections 10 and 11 - The Need for the Proposed Road Improvements

The proposed closure of Church Road is also discussed in Sections 10 and 11 of this Report and the recommendation has been made that RS should revert to the original intention which was to construct a bridge over both Church Road and Ballynure Water. This has implications for the Irwin land holding in that slightly less ground might be lost to road construction on the western side of the main line and slightly more to the east.

Inspectors' Recommendations (Wilhemina Kirk Irwin)

- RS to enter into discussions with the land owners concerning a possible licence agreement for lands required on a temporary basis.
- Land required for temporary use to be transferred back to the land owners in a similar condition as it was before the scheme commenced and this to be the subject of discussion with the individuals concerned.
- RS to re-examine whether headlight spillage would be an issue at the Irwin dwelling. If so, appropriate mitigation measures to be taken.

9.143 Mr Ian Graham

Reference Number

OBJ_143

Date of Objector's Correspondence

25th February 2011

The Department has considered the correspondence referred to above and responds as follows:

- 9.143.1 Plot 2.42 is a portion of our client's garden and is to be vested to provide a visibility splay for the realignment of Calhame Road. Maps provided do not illustrate sufficient detail; however it appears that the proposed vesting line shows our client's mature trees and hedge being removed. This is of great concern to our client as it would significantly reduce the level of privacy to the property and the setting. We would seek assurances that**

these would remain. Approximately 0.0158 Ha of our client's garden is to be removed; this will in turn affect their driveway and pillars which must be reinstated. As this is a residential property every effort must be taken to reduce the land take to an absolute minimum and mitigate the overall impact. If both of these concerns are not adequately considered and mitigated, they will have a severe impact on the value of our client's property.

9.143.1.1

The landscape and visual assessment completed as part of the Environmental Impact Assessment identified that after completion of the scheme, from the front of your property there would be open views toward the proposed junction and associated street lighting. The landscape mitigation design proposes to replace lost vegetation with planting, including replacement hedgerows along the boundary of the road, to reduce the visual impact of the scheme. The Department will also look to retain existing vegetation and trees where possible. The visual impact assessment considers the scale of change, the contrast to the existing, whether the change is permanent and the angle and distance of the proposed scheme. The assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established.

The visual impact for this property has been assessed to be substantial adverse in 2016, reducing to moderate adverse in 2031. This means the assessment has concluded the impact of the scheme would cause a noticeable deterioration in the existing view.

The access proposals for this property will be delivered through accommodation works for the scheme. Dialogue to date with affected landowners has helped the Department develop a draft schedule of accommodation works which the Department will seek to agree with landowners along the scheme. Where practicable the Department will look to take on board the landowner's views and requirements in finalising the schedule of accommodation works. The Department is therefore happy to further discuss the details of the proposed access.

Where possible the Department will look to reduce the land take and retain existing vegetation and trees. Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services

Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

9.143.2 Proposed road infrastructure will be significantly closer to our client's property, therefore increasing the overall level of noise. At present, no assurances have been made that this will be mitigated. Our client's request that noise readings are taken at the property both prior and post construction to determine same and the results submitted to our client's.

9.143.2.1 The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise (CRTN) 1988' as required by Design Manual for Roads and Bridges. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 57dB occurs on the south-western facade of the dwelling.
- In the future year (2031) with the scheme, the highest noise level of 57dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the south-eastern facade. An increase of 1dB is predicted on this facade. DMRB outlines that in the long term a 3dB change is the smallest that is considered perceptible, the impact is therefore considered to be small.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

Baseline noise surveys were undertaken at a number of locations along the existing A8 to determine the ambient noise levels in that location. These surveys were undertaken to understand the existing noise climate and were not to be used to base an assessment or prediction. It is therefore not a requirement to take noise readings at every property.

9.143.3 Plot 2.46 is an area taken for temporary use. It is essential that our client is fully informed with regards to its intended use, as not guarantee has been made with regards to the condition in which it will be offered back to our

client. This will play a large part in our client's decision making about as to whether or not they will agree to lease the land or continue to have it vested. In either outcome, our client request's that a 10 year maintenance guarantee is given in relation to drainage of the lands.

- 9.143.3.1 The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.
- 9.143.4 **As detailed by the Environmental Statement, the two proposed junctions in extremely close proximity to our client's property are to be lit. This will again reduce the level of privacy currently enjoyed by our client, and again reduce the value of their property.**
- 9.143.4.1 Street lighting is proposed at the grade separated junctions to improve road safety at the key conflict points within the junctions. The lighting design will be finalised during the detailed design phase which will seek to minimise the extent of street lighting required. Street lighting will be designed to minimise both the light pollution into the sky and spill outside of the footprint of the proposed road.
- As outlined above compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS).
- 9.143.5 **Our client owns approximately 30 acres in said affected folio, approximately 1/3 of which is to be vested. This will therefore have a substantial impact on our client's farming operations and consequently the income attainable from this holding.**
- 9.143.5.1 As outlined above compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS).
- 9.143.6 **Our client is also losing gates to fields off the A8. A laneway is to be constructed to provide access to part of the lands but this needs to be extended to access all the lands. Furthermore this laneway would need to be of sufficient standard to accommodate large agricultural machinery. We would welcome an opportunity to discuss this further to ensure our client retains suitable access to all his fields.**
- 9.143.6.1 Access proposals for this property and associated land will be delivered through accommodation works for the scheme. Dialogue to date with affected landowners has helped the Department develop a draft schedule of accommodation works which the Department will seek to agree with landowners along the scheme. Where practicable the Department will look to take on board the landowner's views and requirements in finalising the schedule of accommodation works. The Department is therefore happy to further discuss the details of the proposed access.
- 9.143.7 **In a number of incidences, our client is losing a water supply to his lands. As he uses his land to graze sheep and cattle a suitable alternative supply must be provided. Also a number of our client's cattle are bulls and he feels that fencing provisions outlined would not be suitable. A concrete post and mesh fence would be preferable to ensure public safety.**
- 9.143.7.1 These matters relate to accommodation works which were covered earlier in this response.

Mr Irvine made an input at the Inquiry on behalf of Mr Graham and began by explaining that there were two holdings which would lose land as a result of the scheme.

The dwelling would be substantially adversely affected, in that it would lose a large section of the garden containing a wealth of mature trees and there would be a substantial loss of privacy. The proposed adjacent road junctions were probably going to be lit which would lead to substantial interference with Mr Graham's enjoyment of his dwelling.

To date there had been insufficient detail concerning accommodation works in the garden area and responding to Mr Irvine's request, Mr Hutchinson agreed to take an interest in the case and make a personal visit to the site.

A discussion then took place between Mr Irvine and Mr Hutchinson about the fact that though a second AIA had been carried out and dispatched by RS, it had not been received.

A further copy was given to Mr Irvine at this time and reading from the conclusions Mr Irvine wanted to contest the finding that there would be a slight adverse impact on the management and future viability of the farm. This was seen as stretching the truth too far, in that approximately 8.5 acres, or almost 30% of the holding beside Calhame Road would be lost. There was also a severance and access issue.

Responding Mr Hutchinson said he did not dispute the land take but went on to point out that the land to be vested on the western side of the proposed Legaloy Link was a temporary land take and the intention was that it would be handed back to Mr Graham. In addition, the design standards would allow RS to provide adequate access to the lands west and east of the Link, therefore the severance would be less than would be the case with a dual carriageway.

Mr Irvine again made reference to the concerns that people had about how land vested on a temporary basis was going to be returned to the owners, the length of the lease etc. He reaffirmed on behalf of Mr Graham that the AIA was considered to be seriously flawed.

He mentioned again his concerns about the overall design of the scheme, including the proposal to create large grade separated junctions.

With regard to Mr Graham's land located to the west of the A8 last minute discussions were taking place and he was hopeful that the access issues could be resolved.

Responding to questions from Mr McGuinness, Dr McIlmoyle said that of the *total* farm holding about 6% would be lost to the scheme in comparison to the 30% located to the east of the A8. All the land was in grass and hopefully Mr Graham would get some of the vested areas back again. He held to his original view that the impact would be slight adverse.

Mr Irvine pointed out that in arriving at the total area of the farm, Dr McIlmoyle had included ground just off the shore Road at Greenisland. Because of its more remote location, Mr Irvine viewed the business as consisting of two separate enterprises rather than one. In addition, there was some uncertainty around the possibility that some land would eventually be returned so it had to be considered as a loss.

Inspectors' Comments (Ian Graham)

The concerns of the Objector and the RS responses set out above have been noted together with the input of Mr Irvine at the Inquiry.

Inspectors' Recommendations (Ian Graham)

- RS to enter into discussions with the land owner concerning a possible licence agreement for lands required on a temporary basis.
 - Land required for temporary use to be transferred back to the land owner in a similar condition as it was before the scheme commenced and this to be the subject of discussion with the individual concerned.
 - RS to agree with the land owner a draft schedule of accommodation works including the extension of a proposed laneway to access all the lands and the need for the laneway to be capable of supporting large agricultural machinery.
 - RS to consider the reduction of the garden land take in order to retain as much as possible of the existing vegetation and trees and Mr Hutchinson to make a personal visit to the site in order to discuss the detail concerning accommodation works in the garden area.
-

9.144 Mr Elwin Ward

Reference Number	OBJ_144
Date of Objector's Correspondence	25th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.144.1 For the past 23 years, our client has enjoyed direct access from his property onto the A8. The proposed A8 abolishes this access, replacing it at the rear of the property. This is totally unacceptable and will cause great inconvenience to our client. It will also result in considerable reduction in value of this property, as the new access is significantly less attractive than the former and will be shared with both residential and commercial traffic.

9.144.1.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. For safety reasons, the proposed A8 dual carriageway has purposely been designed to not permit at grade traffic to turn right across the carriageway. All right-turning manoeuvres will be undertaken at the main junctions along the route. The Design Manual for Roads and Bridges (DMRB) contains the design standards for the

provision of private access onto all purpose trunk roads. These design standards restrict the provision and spacing of accesses. TD 41/95: Vehicular Access to All Purpose Trunk Roads states '*There is a potential saving in accidents where there is a reduction in the number of lightly trafficked direct accesses and minor junctions made directly on to each trunk road*'.

To provide access at every property would lead to increased safety issues with vehicles potentially blocking the visibility of other vehicles. DMRB TD41/95 states '*New direct accesses shall only be sited where they do not encroach on the visibility requirements of adjoining direct accesses or junctions in regular use. This determines the minimum spacing of new accesses*'. The Department is therefore satisfied that the proposed shared access is on balance the most appropriate arrangement in this instance.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

Any matters relating to land/property values are considered by LPS during their assessment of compensation claims.

9.144.2 Insufficient thought has been given to the logistics of the new access laneway. A sufficient passing space needs to be constructed at the end of the laneway to avoid potential road blocks. This will also accommodate those people trying to turn onto the lane from the main road should there be another vehicle trying to join the carriageway.

9.144.2.1 The proposed access onto the dual carriageway has been designed to standards and guidance within the Design Manual for Roads and Bridges (DMRB). The width of the access is sufficient to accommodate a vehicle leaving the dual carriageway while another is waiting to join. The shared laneway width has been designed in accordance with 'Creating Places: Achieving Quality in Residential Developments', published in May 2000, as a shared driveway. It is therefore of sufficient width to accommodate two cars passing. The connection is relatively short and only serves two properties and therefore additional passing places are not considered necessary.

- 9.144.3 **Replacing the access at the rear of the property increases the risk of intruders, as they will be able to enter the property un-noticed and undisturbed, whereas now, visitors to the property can be openly seen from the main road. Our client requests that a security gate be put at the end of the laneway to prevent uninvited persons accessing their property when both occupied and unoccupied.**
- 9.144.3.1 The Department will seek to agree a schedule of accommodation works with landowners prior to the commencement of the scheme. Accommodation works are works that are undertaken by the Department on private land to assist with the continued use of the land and reduce the injurious affection and/or disturbance. Where these can be agreed with a landowner and the costs fall within the District Valuer's estimate of compensation, that would otherwise be payable, the works will be undertaken as part of the scheme. As outlined above, any matters relating to land/property values are considered by LPS during their assessment of compensation claims. There is no legal obligation on the Department to provide accommodation works, however the Department will endeavour to reach agreement with landowners based on the principle of like-for-like replacement.
- 9.144.4 **The proposed position of the access laneway is unsuitable and impractical and will most likely require the demolition and reconstruction of our client's garage/granny flat as it will now be extremely difficult to access with his motor home/caravan. This garage is a double skin insulated building finished in Butterfly brick to match the dwelling and is approximately 1900 ft2.**
- 9.144.4.1 The proposed access would not require the demolition and reconstruction of the garage/granny flat. The Department acknowledge that access arrangements would be less straight-forward, however they do not consider the proposals to be unsuitable or impractical.
- 9.144.5 **Due to the proposed access, our client's garden will require a substantial amount of re-landscaping. Our client is extremely happy with the appearance and setting of his property and does not welcome any unjustifiable changes.**
- 9.144.5.1 It is acknowledged the proposed access laneway will require some reconfiguration of the residential property to accommodate the new access point. The Department will seek to agree a schedule of accommodation works, on a like-for-like basis, with landowners prior to the commencement of the scheme. Accommodation works are works that are undertaken by the Department on private land to assist with the continued use of the land and reduce the injurious affection and/or disturbance. Where these can be agreed with a landowner and the costs fall within the District Valuer's estimate of compensation, that would otherwise be payable, the works will be undertaken as part of the scheme. As outlined above, any matters relating to land/property values are considered by LPS during their assessment of compensation claims.
- 9.144.6 **Our client will be subject to additional travelling time whilst travelling to and from their property.**
- 9.144.6.1 As outlined above the junction strategy for the proposed scheme has rationalised the number of junctions on safety ground. The Design Manual for Roads and Bridges restricts, in all but exceptional circumstances, the provision of gaps in the central reserve for private accesses on dual

carriageways. Therefore the scheme aims to divert all existing accesses to side roads or collect them together into a single share left-in left-out access. The Department acknowledges that this will result in diversions for individuals, however it considers the safety benefits outweigh the additional journey time. The additional travel time has been kept to a minimum through the provision of compact grade separated junctions that provide a safe and efficient means of exiting and joining the dual carriageway.

9.144.7 Our client's wife is an art teacher, and frequently has parcels delivered to the property in excess of 5 times per week. If there is nobody at home, delivery drivers leave the parcels secured in an area at our client's front door, however as this is now a shared laneway, this can no longer be done. Due to the shared laneway, difficulties will also be present with the delivery of mail and bin collections, etc.

9.144.7.1 The shared laneway will be owned and maintained by the Department's Roads Service. It will therefore be a public road and the ability of delivery drivers or other third parties to access private properties will be unaffected. The scheme will not impact upon any secured area at the front door of the property. The proposed access laneway has been designed to accommodate a refuge vehicle, however exact arrangements for refuge collection will need to be agreed with Newtownabbey Borough Council.

9.144.8 Plot 2.01 is an area of land that our client had hoped to obtain planning permission on for a residential building site with security gates. The entire plot is not required for the scheme and our client wishes very strongly to retain whatever land is excess to requirements.

9.144.8.1 The majority of Plot 2.01 is required for the construction of the dual carriageway. A small portion of Plot 2.01 is only required temporarily during the works. Where temporary lands have been identified the Department will seek to enter into licence agreements with all landowners. However, in this case no access is proposed to the remaining small area and as such it will be incorporated into the permanent works.

9.144.9 Although our client is not in agreement with the construction of the new road, they are however in agreement with the construction of footpaths and cycle paths and request that a pedestrian access be given to the footpath from their property.

9.144.9.1 The Department would propose access to the footway/cycleway via the new access laneway. The Department is also willing to consider any requests for other pedestrian access points onto footway/cycleway. The decision on whether to provide additional access points will be made based on the level of the dual carriageway in comparison to the surrounding land, the safety issues associated with an access point, the cost of the additional works or the likely usage.

Mr Irvine appeared with Mr Ward at the Stopping-Up Inquiry on Thursday 23rd June.

As part of the original RS proposals for the A8, the existing private entrance directly on to the main line would be stopped up and a new means of access constructed running past the eastern side of the adjoining property to the rear of Mr Ward's home. That plan was fraught with numerous problems and following discussions with RS the alternative of constructing a single lane access in front of the neighbouring property was proposed. This would resolve most of the issues and was Mr Ward's preferred

option. He appreciated that Arup (Mr Magill and Ms Carol Moore) had done their best to alleviate his objections.

Mr Hutchinson pointed out the alternative route being proposed was subject to the agreement of Mr English, Mr Ward's neighbour, who would need to be content with the change.

The revised proposals would involve the replacement of some 24 year old brick pillars and Mr Ward was concerned that it would be difficult to achieve a good visual match between the old and the new and the result could be a 'hotch-potch'. Would RS consider replacing *all* the pillars to overcome this problem?

Responding, Mr Hutchinson said that the request sounded reasonable. However, he did not want to give a commitment before looking at the detail and seeing the extent of the problem on site.

Mr Hutchinson also confirmed that RS would probably be carrying out work on the inside of Mr Ward's driveway in order to tie in the proposed new access, though again the detail would need to be assessed.

Mr Ward pointed out that at present there was a bus stop at the front of his house. Would Arup assist in having this repositioned to the proposed adjacent lay-bys? This issue had been discussed at some length earlier in the Inquiry and Mr Hutchinson reaffirmed the safety issues associated with locating bus stops in the lay-bys. It was a difficult issue and the RS proposals for the scheme with regard to access to bus stops were not ideal.

Mr Ward was classified as 50% -75% disabled and his neighbours were pensioners. He wanted to know if the existing bin collection point outside his gates on the A8 could be retained to avoid the much longer journeys which would become necessary when using the new access road.

Mr Hutchinson pointed out the safety aspects associated with bin lorries stopping on the main line. RS would not be providing facilities for this to happen, as it was another risk that they would not want to create. He added that refuse collection was a matter for Local Councils and neither RS nor Arup would have much influence with them. However, he agreed to make representations to the Local Councils to see what could be done to reduce the problems associated with the fact that some of the new private accesses would be quite long. The specific options available in Mr Ward's case would form part of those discussions.

The proposed single lane access would be around 4m wide which would not be sufficient to allow two cars to pass. Widening to allow this to happen (4.1m to 4.8m) would require taking more of Mr Ward's neighbour's garden and he did not want to press for this to happen. The possibility of widening the loop at the end of the access lane was seen as an improvement.

Finally, discussion took place between Mr Ward and Mr Hutchinson concerning a small land-locked triangle of Mr Ward's land which may not be required for the scheme. He was in negotiation with the adjacent land owner to purchase a portion of an adjacent field and if this was successful then he would have access to the triangle and be able to use it. Mr Hutchinson gave a commitment that if the triangle was definitely not required as part of the scheme, then a temporary licence agreement for the land would be explored. However, the outcome of the current discussions with the adjacent land owner would be crucial in deciding the best way forward.

Inspectors' Comments (Elwin Ward)

The concerns of the Objector and the RS responses set out above have been noted together with the input of Mr Irvine at the Inquiry.

For more information on the location of bus stops, see Mr and Mrs Millar (OBJ_57).

Inspectors' Recommendations (Elwin Ward)

- Mr Hutchinson to make representations to the Local Councils to see what could be done to reduce the problems associated with the fact that some of the new private accesses would be quite long. The specific options available in Mr Ward's case to form part of those discussions.
- RS to have discussions with the land owner concerning re-landscaping the garden, the replacement of all the garden pillars and the provision of a pedestrian access onto the proposed footway/cycleway.
- Should Mr Ward's negotiations with an adjacent landowner be successful and if the small land-locked triangle of Mr Ward's land was definitely not required as part of the scheme then a temporary licence agreement for the land to be explored by RS with the intention of returning it to the landowner in due course.

9.145 Mr Ian McFall

Reference Number	OBJ_145
Date of Objector's Correspondence	10th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.145.1 Plot 1.20 is being taken in order to pipe a stream, leaving the field in a very odd and unworkable shape. Our client is concerned as to what work will be carried out to this stream as there is the potential that it will flood onto this property and allotment sites. Can the vested line not be altered to avoid this problem?

9.145.1.1 The new crossing for the stream will be constructed slightly off-line to the north of the existing watercourse. This simplifies the construction process and reduces the pollution risks during the works. The land identified with Plot 1.20 is required to tie the new channel into the existing. Where practicable, the Department will look to take on board landowner's views and requirements in finalising the schedule of accommodation works.

The structure carrying the watercourse beneath the new dual carriageway and the channels on either side will be designed to carry the flood waters associated with a 1 in 100 year storm event.

9.145.2 The proposed route of the new lane also leaves the field in question a very awkward and unworkable shape; the lane should be moved further down the boundary of the field to the west to avoid this. Our client would also prefer the land to take the route marked on the attached plan, i.e. along the coloured red area to join in with the existing laneway hatched in grey, thus improving the overall design.

- 9.145.2.1 The new lane has been proposed as shown to reduce the amount that the neighbouring landowner's field would be severed by the lane. A lane along the red area would unnecessarily sever this field almost in half and affect the landowner's ability to use this land. Therefore, the Department will not consider the suggested alternative alignment for the lane further. Where practicable, the Department will look to take on board landowner's views and requirements in finalising the schedule of accommodation works.
- 9.145.3 **The proposed road will be closer to our client's property than the current road, increasing the level of noise pollution. At present, no assurances have been made that this will be mitigated. Our client request's that noise readings are taken at his property both prior and post construction to determine same, and that the results are submitted to our client.**
- 9.145.3.1 The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise (CRTN) 1988' as required by Design Manual for Roads and Bridges. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:
- In the opening year (2016) without the scheme, the highest noise level of 55dB occurs on the north-western facade of the dwelling.
 - In the future year (2031) with the scheme, the highest noise level of 63dB occurs on the same facade.
- Between the opening year and future year, the highest noise change is predicted to occur on the north-western facade. An increase of 8dB is predicted on this facade.
- The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.
- 9.145.4 **Our client is also concerned with regards to the projected increase in traffic volume to utilise the Lisglass Road. Our client asked for these figures to be provided, but to date these has not been forthcoming. Some justification for the decision to make the Lisglass Road a 'left-in left-out' junction is required.**
- 9.145.4.1 The requested traffic figures were sent to the landowner via email on the 11th February 2011.

The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

Lisglass Road currently provides a 2.2km link between the A8 and the Irish Hill Road which runs parallel to the A8 approximately 1.5km to the east. The major existing traffic movement (62% to 70%) is between Lisglass Road and the A8 south. There are a small number of properties along Lisglass Road and therefore the majority of traffic is through-traffic to/from the Straid area.. The proposal to restrict access to the A8 from Lisglass Road to a left-in left-out junction will impact upon traffic movement. The layout will primarily impact on straight ahead and right turning traffic.

The right turn movements into Lisglass Road (A8 south to Lisglass Road), and the straight ahead movement into Lisglass Road (Logwood Road to Lisglass Road) will now be undertaken through the Coleman's Corner junction, Camtall Road and Irish Hill Road. The diversion lengths are approximately 1.2km and 2.4km, respectively, for traffic destined for Irish Hill Road. However, it is acknowledged that the diversion for residents along Lisglass Road will be longer and up to 4.1km. The right turn traffic movement out of Lisglass Road (Lisglass Road to the A8 north) and the straight ahead movement from Lisglass Road (Lisglass Road to Logwood Road) will be accommodated through a relatively short diversion (1.6km) and a u-turn at Coleman's Corner.

The Department doesn't consider the proposed arrangement will lead to a significant increase in traffic using Lisglass Road.

9.145.5 Due to the proposed road, our clients will have approximately a 5km diversion to travel to/from their property to/from Larne and Belfast. Our client operates an allotment business from his property; these diversions will deter people from renting a plot, resulting in a loss of business. Our client is also undergoing the planning approval process to open a Children's Day Care Nursery with approximately 30 places at the above mentioned address, and this diversion will again impact same in the equivalent manner.

9.145.5.1 As outlined above, it is acknowledged that the left-in left-out junction will impact on journeys.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from

www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

9.145.6 There has been no information as to what traffic regulations will be enforced on the remaining portion of the old A8 at Bruslee upon conclusion of the scheme. Is a one way system to be implemented?

9.145.6.1 The remaining proportion of the A8 within Bruslee will remain as a two-way road, however the short section of new road provided between the old A8 and Hillhead Road at the Coleman's Corner roundabout will be one-way (southbound onto Hillhead Road), providing access for traffic from Bruslee destined for the A8 south.

Mr Irvine spoke at the Inquiry on the morning of 16th June on behalf of Mr McFall.

The issue for Mr McFall was that at present he enjoys straight, direct access onto Lisglass Road. Not only does he live there but he has a nursery and allotment business on the same site which generates a great deal of traffic.

A much longer curved access is proposed by RS in spite of requests to Arup early in the process for access straight in to the property. Mr McFall was aggrieved that the subsequent land vesting proposals did not take this request into account and Mr Irvine was now asking for RS to make representations to the adjoining landowner with a view to providing Mr McFall with the access he wanted.

Responding, Mr Hutchinson said that in all these cases RS were attempting to achieve a solution that had the least impact for the land owner whose access would be stopped and the land owner whose land would have to be vested to provide an alternative. There was no 'correct answer' here and since the Draft Orders had now been published additional land could not be vested. The adjoining land owner had indicated that he was not willing to enter into discussions aimed at selling the necessary land to give Mr McFall the access he wanted. Going through the middle of the field could make both parts created somewhat useless for the owner.

Mr McFall pointed out that the RS map was inaccurate, in that one of the hedges shown did not in fact exist.

Inspectors' Comments (Ian McFall)

The concerns of the Objector and the RS responses set out above have been noted together with the input of Mr Irvine at the Inquiry.

Inspectors' Recommendations (Ian McFall)

- Mr Hutchinson to have exploratory discussions with both land owners to ascertain if agreement can be reached on purchasing the necessary land to provide Mr McFall with his preferred more direct access off Lisglass Road.

9.146 **Mr Thomas Knox**

Reference Number

OBJ_146

Date of Objector's Correspondence

25th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.146.1 **The majority of land take is occupied for temporary use. Our client would prefer to enter into a license agreement with the contractor rather than have land vested. However, at the Public Consultation at Corr's Hotel, it was brought to our attention that the area allocated for temporary use may be utilised to facilitate a temporary retention pond, and that a hedge may need to be removed. If this is so, in what condition would the land be offered back to our client in either arrangement? Our client is also extremely concerned as to what measures will be take to confine this area as it is immediately adjacent to this property, therefore significantly reducing his current level of privacy and security.**

9.146.1.1 The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.

9.146.2 **The proposed access arrangements to our client's property are unsatisfactory. At present, the property enjoys private access to the front. However, as a result of the scheme, our client will have to access his property at the rear by means of a partially shared laneway. This will substantially reduce the value of said property and no doubt cause further problems, particularly as the laneway will be shared with persons using agricultural machinery.**

9.146.2.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

These design standards restrict the provision and spacing of accesses. TD 41/95: Vehicular Access to All Purpose Trunk Roads states '*There is a potential saving in accidents where there is a reduction in the number of*

lightly trafficked direct accesses and minor junctions made directly on to each trunk road. To provide access at every property would lead to increased safety issues with vehicles potentially blocking the visibility of other vehicles. DMRB TD41/95 states '*New direct accesses shall only be sited where they do not encroach on the visibility requirements of adjoining direct accesses or junctions in regular use. This determines the minimum spacing of new accesses*'. The Department is therefore satisfied that the proposed shared access is on balance the most appropriate arrangement in this instance.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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9.146.3 There is also a slip road proposed at the front of our client's property for traffic to access the new dual carriageway. This would suggest that traffic will be accelerating immediately outside his property, resulting in substantial increase in the current level of noise. Our client would like to request that a noise test be carried out over a 24 hour period on a week day at his property, prior to and after the works.

9.146.3.1 This slip road will serve vehicles from Ballynure and Ballybracken Road heading towards Larne, and the traffic model forecasts this will be approximately 200 vehicles per day. As a consequence of the provision of the slip Road, the main A8 traffic will be moved further away from the property compared to the existing.

The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise (CRTN) 1988' as required by DMRB. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 77dB occurs on the eastern facade of the dwelling.

- In the future year (2031) with the scheme and proposed low noise surfacing on the dual carriageway, the highest noise level of 73dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the western facade. An increase of 5dB, to a level of 56dB, is predicted on this facade. Low noise surfacing has been provided to mitigate the impact of the scheme on noise levels. Earth mounds were not considered appropriate at this location due to restriction on space between the carriageway and property. Noise barriers not typically employed for isolated properties due to the cost, visual impact and restrictions on how close the barrier can be to a property

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

9.146.4 As detailed in the recently published Environmental Statement it is also more than likely that the slip road will be lit. Our client is extremely infuriated about this as it will again reduce his privacy, and without doubt disturb his livestock and living accommodation.

9.146.4.1 The current proposals are to light the junction to improve road safety at the key conflict points that exist within the junction. However, the detailed design will look to minimise the extent of street lighting required, and where street lighting is provided it will be designed to minimise light pollution into the sky and spill outside of the footprint of the proposed road.

9.146.5 A Wall at the front of our client's property which was previously build by Roads Service is cracked in 3 places, and we would be concerned that it will not withstand any construction work on the adjacent road. What provision will be made for any subsequent damage?

9.146.5.1 The condition of the existing wall will be assessed prior to the works to ensure it has sufficient strength. Any remedial or improvements works considered necessary to strengthen the wall will then be carried out as part of the construction works, if required.

9.146.6 Post construction, any land left between the new road and our client's yard would be required to be retained by our client, as it would contribute to mitigating the effects of the new road on his property.

9.146.6.1 The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

9.146.7 Our client would also like for us to take this opportunity to express on his behalf his belief that the preferred route is the erroneous choice, and that the road would be more economically favourable had it gone through Ballynure.

9.146.7.1 The Government's White paper "A New Deal for Transport: Better for Everyone" published in 1998 introduced the New Approach to Transport Appraisal (NATA) as the standard appraisal process for all transport schemes in the U.K. The process and criteria outlined in NATA are based around the Government's five over-arching objectives for transport of environment, safety, economy, accessibility and integration. Additional detailed guidance on the appraisal of transport projects is provided within the Web-based Transport Analysis Guidance (WebTAG) which is published by the Department for Transport (DfT). Additional supporting analyses of practicality, affordability and acceptability have also been used in the appraisal process for the A8 Dualling. WebTAG outlines that for highway schemes, the Design Manual for Roads and Bridges (DMRB) shall be used to provide the necessary information for a NATA appraisal. DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. The DMRB defines a three stage scheme assessment process, providing a clear structure for the development and staged reporting of road schemes. NATA provides a multi-criteria appraisal methodology which enables options to be appraised within the scheme assessment process, and to be summarised and reported in an Appraisal Summary Table (AST).

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the DMRB and WebTAG. Each stage of the assessment process has used this methodology and an AST has been produced. The selection of the preferred route has strictly adhered to this process. The preferred route was the most favourable in terms of the balance across the Government's five key objectives for transport, and thus the Department is satisfied that the correct route has been selected.

Mt Irvine made an input to the Inquiry on behalf of Mr Thomas Knox, on the afternoon of Friday 17th June.

He began by explaining that Mr Knox lived at Number 38 Larne Road with his elderly mother and father and that the current proposals for the A8 had caused considerable distress and upset, particularly to Mr Knox (senior) who was in very poor health. Their property was badly affected by the previous A8 widening scheme, which had resulted in the road moving considerably closer to their home. A retaining wall had been built by RS about 2.8 metres from their front door.

The proposed scheme would lead to the loss of land and diversion of the current access and in future, instead of a two lane road at the front of the property they will have a footpath, a verge, a slip road, four lanes of traffic and a new junction, all of which will carry substantially more traffic.

The house sits 4'-6" below the road at present and having listed the various elements of the road, Mr Irvine wanted to know why 6m of central reservation were required.

Mr Hutchinson replied that the road at this point was on quite a large radius and this is required to provide an adequate forward stopping sight distance. Because of the bend, the central reserve had to be widened so that people could see low objects and

vehicles in front of them. Mr Irvine responded that if there was any way that the road could be moved further away that would be advantageous. Furthermore, the retaining wall which was constructed by RS as part of the previous scheme was now cracked and the work on the new scheme would cause substantial damage. This matter had been raised at numerous meetings and the response from RS had been that a structural survey would be carried out and if the wall was damaged as a result of the works it would be replaced.

Mr Hutchinson was not in a position to confirm that RS was responsible for the maintenance of the wall. He accepted that it retained the road and as a general rule of thumb if it was built for that purpose it would belong to RS. However, this would have to be ascertained.

Mr Irvine wanted to know why a structural survey had not as yet been carried out and Mr Hutchinson replied that such monitoring work would normally take place a short time before construction commenced. No complaints about the wall had been registered but the issue had come up in discussions with RS about the proposed scheme.

A discussion then took place about the provision and location of the street lighting associated with the proposed adjacent junction. Mr Hutchinson confirmed that this would extend at least to the ends of the emerging and diverging tapers. Targets were in place to reduce costs and reduce light spillage and that RS would be looking at the most efficient units to ensure that spillage was kept to a minimum. Lighting was provided for safety reasons at points of conflict where vehicles join and leave the main line. Lighting plans would be considered in depth as part of the detailed design.

Returning to the topic of the proximity of the proposed new road, Mr Hutchinson pointed out that the nearest lane of traffic on carriageway would be some 7.5m further away than at present and the southbound vehicles would be further away again.

Mr Power added that on the subject of noise, the level of noise without the scheme in 2016 would be 77dB. In 2031, after the growth in traffic the highest noise level of 73dB would occur on the same façade of the building. He then went on to summarise the three tests which were required under the Noise Insulation Regulations which govern whether a property qualified for noise insulation.

Firstly, the combined expected maximum traffic level from the new roadway, together with other traffic must not be less than 68dB. Secondly, the relevant noise level must be at least 1dB more than the prevailing noise level. Thirdly, the contribution to the increase in the noise level from the new carriageway must be at least 1dB.

Mr McGuinness suggested that it might be helpful to read Regulation 4 of the 1995 Noise Regulations into the Inquiry record. A copy of this could be provided to allay any fears that either the model, or modelling system itself was not appropriate. Though he understood that confidence in the figures produced was an entirely different matter to the model, it might give some assurance about whether Arup or RS were being evasive as to whether noise insulation regulations would apply or not and secondly, the method of calculation.

In concluding, Mr Irvine inquired if the adjacent slip road had to be as long as proposed. From the response given by Mr Furneaux it was ascertained that reducing the length would not be appropriate.

Inspectors' Comments (Thomas Knox)

The concerns of the Objector and the RS responses set out above have been noted together with the input of Mr Irvine at the Inquiry.

See Sections 10 and 11 – The Proposed Preferred Route

Inspectors' Recommendations (Thomas Knox)

- RS to enter into discussions with the land owner concerning a possible licence agreement for lands required on a temporary basis.
 - Land required for temporary use to be transferred back to the land owner in a similar condition as it was before the scheme commenced and this to be the subject of discussion with the individuals concerned.
 - RS to ascertain who is responsible for the ongoing maintenance of the existing wall.
 - The condition of this wall to be assessed prior to the start of the project to ensure that it has sufficient strength. Any work considered necessary to strengthen the wall to be carried out as part of the construction contract.
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9.147 **Mr & Mrs Gilbert Rowney, Mr William Rowney & Mr James Rowney**

Reference Number	OBJ_147
Date of Objector's Correspondence	2nd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.147.1 Our clients collectively farm approximately 205 acres of owned agricultural land and approximately 500 acres of conacre land, some of which they have tenanted for over 60 years. Due to the proposed scheme, total loss in their own vested land is 7.03 acres. It is also more than likely that with their large conacre holding in the immediate area, they will lose the same area again in vested lands. As they operate an extremely efficient and intensive beef, sheep and dairy farm business with over 1000 animals per annum, any land loss will have a significant impact on their income as animal numbers will have to be reduced.

9.147.1.1 The Department acknowledge the proposed scheme requires approximately 7 acres of land, although approximately 1.8 acres of this are only required temporarily during the works. The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order. As per 4.0 below, an Agricultural Impact Assessment has been undertaken for the farm.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and

business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

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9.147.2 Plot 7.14 is to be vested for a temporary construction area and we are advised that there may be a proposal by Roads Service to lease the land on a short term lease. It is essential that our client's are fully informed with regards to its intended use, as no guarantee has been made by ARUP with regards to the condition in which it will be offered back to our client's. This will play a large part in our client's decision making as to whether or not they will agree to lease the land or continue to have it vested. In either outcome, our client's request that a minimum 10 year maintenance guarantee is given in relation to drainage of the lands.

9.147.2.1 As outlined above the Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.

9.147.3 Due to the proposed road our client's farm will now be severed and they will be subject to intolerable and relentless diversions. In order to carry out daily/annual routine tasks for their business, said diversions will result in additional costs in excess of £25,000.00 to our clients' business on an annual basis to access their lands and farmstead only (excluding access to conacre lands). An over bridge on the new dual carriageway must to be constructed to allow our clients direct access to their lands as at present, with all forms of agricultural machinery. Said over bridge would service at least 3 businesses as each of our client's hold their own Business ID numbers and submit their own IACS forms. Should a bridge access not be provided, our clients will have no alternative but to cease farming.

9.147.3.1 The Department has no legal obligation to carry out accommodation works, as liability is limited to monetary consideration only. In certain circumstances, Roads Service may consider the provision of cattle creeps as accommodation works, which may take the form of an underpass or an overbridge. If and when accommodation works are carried out by the Department, the effect is to mitigate the compensation in respect of land taken and injurious affection to land retained by the vendor. As such the case for or against the provision of such accommodation structures must be proven economically. Taking into consideration the current advice provided by McIlmoyle and Associates and LPS, in this case, the Department do not consider there is an economic case for the provision of an underpass or bridge. The Department do, however, acknowledge the scheme will have a significant adverse impact on the farm.

9.147.4 Our client's also feel that insufficient thought and detail was input to the 'BaseLine' Agricultural Assessment carried out by Mr Alan McIlmoyle, and that it is totally inaccurate and does not give a true reflection of their farming activities.

9.147.4.1 McIlmoyle and Associates are professional qualified Agricultural Consultants employed by Roads Service on the A8 dualling scheme to provide expert advice in terms of agricultural issues. McIlmoyle and Associates are very experienced and Dr McIlmoyle is a Fellow of the British Institute of Agricultural Consultants. They have completed Agricultural Impact Assessments for numerous other road schemes, and provided consultancy services on a wide range of agricultural issues across Europe.

The agricultural impact assessment for this scheme has been completed in two parts. Firstly McIlmoyle and Associates produced baseline reports for all the agricultural businesses along this section of the A8. In doing this, they held discussions with the respective landowners and obtained copies of the relevant Department for Agricultural and Rural Development (DARD) farm maps. The landowners were then sent their baseline report and invited to comment on its accuracy. McIlmoyle and Associates updated these reports where comments were received. An agricultural impact assessment was then undertaken to determine the impact of the proposed scheme relative to the baseline information previously gathered. McIlmoyle and Associates used their professional judgement to assess the impact using a set of defined impact ratings (as outlined in the individual reports). The findings were written into individual agricultural impact assessment reports which were then issued to the respective landowners.

The Department maintains that the process adopted for the assessment of agricultural impact is robust and is satisfied the impacts have been correctly assessed. At a meeting held between all parties on the 28th February 2011 the content of the Agricultural Impact Assessment was discussed and broadly agreed. The Department are therefore not aware of any inaccuracies within the report. However, if the baseline information has changed since the baseline report was produced and circulated to landowners the report will be updated to reflect any changes.

Inspectors' Comments (Mr and Mrs Gilbert, William and James Rowney)

See detail under same Objectors, (OBJ_005).

9.148 Allister Craig

Reference Number

OBJ_148

Date of Objector's Correspondence

2nd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.148.1 There is no economic, traffic or highway justification for constructing the proposed highway as currently designed.

9.148.1.1

The Regional Development Strategy: Shaping Our Future (RDS) places an emphasis on the development of a modern integrated transport system. Its stated longer-term vision for transportation is “to have a modern, sustainable, safe transportation system which benefits society, the economy, and the environment and which actively contributes to social inclusion and everybody’s quality of life”. The RDS also defines five key transport corridors, including the Eastern Seaboard Key Transport Corridor, which includes this section of the A8. The RDS is currently undergoing a ten year review; the revised strategy document supports similar principles and identifies the Eastern Seaboard as one of the four economic corridors.

At its meeting on 17th July 2007, the North South Ministerial Council noted the Irish Government’s intention to make available a contribution of £400m to help fund the major roads programme within Northern Ireland. This included the A5 Western Transport Corridor and the A8 between Belfast and Larne. The Northern Ireland Executive confirmed its acceptance, in principle, to take forward these two major road projects. The dualling of the A8 is identified within the Investment Strategy for Northern Ireland (2008-2018) as a key milestone. The Investment Strategy also recognises that delivering better infrastructure is vital in helping to achieve the priorities for the economy, society and environment. The Budget 2010 outlines the Northern Ireland Executive’s spending priorities. This has identified the A8 dualling as one of several road projects to be taken forward during this period and has allocated the required funds.

The existing road carries between 11,500 and 17,000 vehicles per day, which comprises of both local and strategic traffic. By the opening year (2016), the existing road is likely to suffer from operational problems such as inconsistent flow conditions and unreliable journey times, especially during peak periods. The provision of a dual carriageway along this section will alleviate this problem and provide ample capacity both at design year (2031) and well beyond.

The existing road forms junctions with a high number of side roads and private accesses. It has a high proportion of fatal accidents compared with other roads of a similar standard. With traffic levels continuing to grow and anticipated expansion of local industry, traffic congestion will increase and road safety is likely to deteriorate. The proposals to dual the A8 would remove the issues associated with platooning of traffic, thus reducing driver frustration and improving journey time reliability and the safety performance of the route for all road users. The scheme seeks to improve journey times for this 14km stretch of road. The traffic model indicates journey time savings of approximately 35% (up to 5 minutes) during peak hours, and approximately 25% savings (up to 3 minutes) during off peak times. The scheme provides value for money with a benefit to cost ratio of approximately 1.8.

9.148.2

As the proposed scheme connects two stretches of existing dual carriageway, there is no justification for constructing the proposed highways to a standard that will be similar standard to that of a national motorway and will be inconsistent with the existing dual carriageways. Amongst other things this will have adverse safety consequences.

9.148.2.1

The proposed scheme is of dual carriageway standard, as detailed with the Design Manual for Roads and Bridges (DMRB). DMRB provides a set of

official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. The carriageway will typically consist of two 3.65m lanes, with a 1m hard strip along the verge and central reserve, in each direction. This is the lowest standard of dual carriageway outlined within the U.K. This is the same cross section and design criteria used for the section of dual carriageway south of Coleman's Corner roundabout. The section north of the Ballyrickard Road junction has similar lane widths.

The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. The section of the A8 immediately south of Coleman's Corner roundabout has a similar rationalised number of junctions, although uses an all movement at-grade junction at one location. The section of dual carriageway north of the Ballyrickard Road, is of an older standard, has a number of side road and private accesses junctions and becomes a semi-urban dual carriageway.

The proposed dual carriageway has been designed to current standards and best practice, which are continually updated to ensure the latest principles on road safety are incorporated. This is broadly similar to the existing section south of Coleman's Corner, but the proposed scheme incorporates an enhanced level of junction provision. The section of existing dual carriageway to the north of the Ballyrickard Road is of a lower standard, not included in current standards, both in terms of cross section and form of junction. Based on advice within DMRB a roundabout has been included at the northern end of the scheme to emphasise the change in road standard to drivers.

9.148.3 The existing highway already contains sufficient grass verges to accommodate a dual carriageway without the need for such an expensive and extensive highway scheme.

9.148.3.1 The width of the proposed dual carriageway is greater than the width of the existing highway boundary. The proposed dual carriageway has a minimum width of 26m, including verges but excluding earthworks. In some locations the carriageway may be wider to meet visibility requirements and accommodate footway/cycleways and/or bridge piers. In addition the proposed scheme also includes attenuation ponds, drainage ditches, access laneways and junctions along the scheme. The width of the proposed dual carriageway and other associated works means it is not possible to accommodate a dual carriageway within the footprint of the existing road.

9.148.4 The proposed scheme involves the construction of flyovers and slip roads to serve minor roads, which are features that do not appear on any other stretch of the existing dual carriageways. In particular, the two existing stretches of recently constructed dual carriageway use roundabouts to

accommodate junctions which would be an appropriate design solution when used with other highways safety measures (in the event that such a junction is considered to be necessary).

9.148.4.1 As outlined above, the proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements.

The use of roundabouts at the most trafficked junctions serving the adjacent strategic road network was considered for all the main junctions along the route. Consequently, roundabouts were incorporated into the design for the Hillhead Road junction, and the Shane's Hill Road/Ballyrickard Road. A roundabout was, however, discounted in favour of a grade separated junction for the Templepatrick Road junction because it performed better in terms of safety and economy. Roundabouts for the remaining junctions were rejected because of the increased delay that successive roundabouts would impose on the mainline traffic. This would have reduced the journey time saving benefits of the scheme by imposing journey time penalties at each roundabout as vehicles would need to slow down or stop to negotiate them. In addition, the DMRB advises that the frequent occurrence of roundabouts should be avoided on rural roads.

9.148.5 **The design of the proposed road junctions is excessive both in their overall land take and design.**

9.148.5.1 The proposed road junctions have been designed to the relevant published standards for the design of junctions, as contained within the DMRB. The land take identified in proximity to the junctions is required for a number of reasons, including: visibility requirements, drainage features, landscaping measures, access laneways and temporary constructions areas. The Department therefore considered the land take is reasonable and not excessive.

9.148.6 **The construction of such major junctions will have adverse environmental consequences in the form of:**

9.148.6.1 It is acknowledged that the proposed compact grade separated junctions will have an environmental impact, predominately related to the landscape and visual intrusion associated with the bridges and embankments. However, compact grade separated junctions, on balance, were considered appropriate for this scheme based on environmental, safety and economic performance. The provision of bridges also has the additional benefit of allowing non-motorised users to cross the scheme safely.

9.148.7 **Increased and high speed traffic generation**

9.148.7.1 The environmental consequences of increased and high speed traffic are associated with noise, air quality and visual intrusion as discussed in the points below.

9.148.8 **Visual intrusion caused by the highway engineering works for the slip roads and high level flyover.**

9.148.8.1 The environmental assessment acknowledges that the construction of the proposed junctions will have a visual impact on properties within the immediate vicinity of the junction. The design of the proposed scheme has therefore included substantial planting around junctions and on the

embankment slopes to mitigate the impact as much as possible. Where possible, the junctions have been positioned to maximise the distance between the junction and any residential properties. In addition, some junctions are in cutting to reduce any visual impacts.

9.148.9 Light and increased air pollution

9.148.9.1 The landscape and visual impact assessment has considered the impact of the proposed lighting at the junctions. Street lighting is provided at junctions to reduce the risk of accidents. The lighting design will be finalised during the detailed design phase which will seek to minimise the extent of street lighting required. Street lighting will be designed to minimise both the light pollution into the sky and spill outside of the footprint of the proposed road.

The environmental impact assessment considered air quality and determined that the scheme would not exceed any of the statutory air quality objectives. The assessment identified the greatest changes in air quality were on the sections which realigned from the existing road. The decision to provide compact grade separated junctions has a minimal impact on traffic volumes using the side roads and therefore the air quality impact of the junctions is considered to be minimal.

9.148.10 Noise pollution

9.148.10.1 The noise assessment has considered the impact of the scheme on noise levels. The major factor in the noise assessment is the mainline traffic volumes. In comparison, the forecast traffic volumes for the junctions and side roads are small, and as such the additional noise impact from the junctions is considered to be minimal.

9.148.11 Highways surface water runoff pollution affecting the existing watercourse

9.148.11.1 The design of the proposed carriageway and land drainage has been developed in consultation with Northern Ireland Environment Agency's Water Management Unit and Rivers Agency. The operation of the scheme will require the discharge of carriageway run-off into existing watercourses. The scheme design includes petrol interceptors and attenuation ponds to minimise the risk of pollution and flooding associated with the highway drainage.

9.148.12 An overall adverse effect on the rural nature of the surrounding area

9.148.12.1 The landscape assessment completed as part of the environmental impact assessment considered the impact of the proposed junction arrangements. The assessment concluded there would be substantial effects in the vicinity of the junctions. The design of the proposed scheme has therefore included planting around junctions, and on the associated embankment slopes, to mitigate the impact as much as possible. It is, however, acknowledged that the proposed junctions cannot be fully integrated into the existing environment. Regardless, as outlined above, on balance, they are considered appropriate for this scheme based on their good safety and economic performance.

9.148.13 The proposed landscaping measures and noise mitigation measures for the surrounding properties are wholly inadequate for the impact that proposed scheme will have for the Owner's land and surrounding area.

- 9.148.13.1 As outlined above the design of the proposed scheme has included planting around junctions and on their embankment slopes to mitigate the impact as much as possible. Where possible the junctions have been positioned to maximise the distance between the junction and any residential properties. In addition, some junctions are in cutting to reduce the visual impacts. The proposed mitigation is considered appropriate, and any further mitigation in the form of earth mounds would require significant additional land from residential properties. Noise barriers were considered but are not typically employed for isolated properties due to the cost, visual impact and restrictions on how close the barrier can be to a property.
- The noise impact from the junction and side road is considered to be minimal and therefore mitigation has not been provided. Noise mitigation for the scheme as a whole has been considered and low noise surfacing has been proposed along certain sections of mainline. This is addressed further in the response to your penultimate point.
- 9.148.14 **In the event that the CPO should be confirmed, our clients would be prepared to grant land use rights to accommodate the works. Accordingly, the extent of the proposed land take is not justified in the public interest.**
- 9.148.14.1 As clarified it is understood this point relates to the lands identified for temporary use. The Department's intention for temporary land would be to agree a short term access agreement with landowners where it is legally possible. The Department will provide additional details on the licence agreement and the condition that the lands will be left at the end of the licence period. Where it is possible to agree a licence agreement with an individual landowner the land will be removed from the Vesting Order.
- 9.148.15 **There are several flaws within the Environmental Statement issued by Arup in relation to the scheme.**
- 9.148.15.1 Part V of The Roads (Northern Ireland) Order 1993 sets out the statutory requirements for the assessment of the environmental impacts of road schemes. This requires the Department to determine using the Annexes to 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 97/11/EC and Directive No. 2003/35/EC of the European Parliament and Council, whether or not a relevant project should be subject to an Environmental Impact Assessment.
- The Department determined that the Project fell within Annex I of the Directive and that an Environmental Statement should be prepared. The Environmental Impact Assessment was carried out, and an Environmental Statement (ES) prepared, in accordance with Article 67 of the Roads (Northern Ireland) Order 1993 and the published guidance outlined with the DMRB.
- 9.148.16 **Noise readings have not been taken at times of rush hour and immediately outside resident's properties, therefore not giving a true reflection of reality.**
- 9.148.16.1 The noise assessment has been undertaken in accordance with the guidance provided within DMRB and the Noise Insulation Regulations (Northern Ireland) 1995. Both documents state noise levels should be calculated using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise (CRTN) 1988'). CRTN has been used for this scheme to determine the existing and

forecast noise levels. Noise levels vary based on a number of conditions including the direction and strength of wind, whether it is wet or dry and the time of day. Therefore the published process uses modelled levels to provide a common basis for assessment.

Baseline noise surveys were undertaken at a number of locations along the existing A8 to determine the ambient noise levels in that location. These surveys were undertaken to understand the existing noise climate and are only used to supplement the modelled method of determining noise changes and are not a calibration tool for the model. It is therefore not a requirement to take noise readings at every property. There are stringent conditions outlined within CRTN for which the noise surveys must satisfy with regards to the environmental parameters and time of day.

9.148.17 A survey does not appear to have been carried out by the Royal Society for the Protection of Birds. There are a number of protected Sparrow Hawks in the surrounding area of the Ballygowan Road.

9.148.17.1 As part of the environmental impact assessment, ornithological and habitat surveys were undertaken by qualified and competent ecologists using published methodologies. The results from the surveys have been considered in the impact assessment. There is no requirement for the Royal Society for the Protection of Birds to undertake surveys.

In addition, a Construction Code of Practice has been developed for the construction phase of the project. In terms of birds, trees would not be cleared during the bird-breeding season. If works are required during the nesting season, a survey would be undertaken to identify active nests and a buffer zone would be put in place around an occupied nest.

9.148.18 It recognises that due to the loss of various habitats, etc, injury and death among breeding birds, otters, badgers and bats will be significant. However, very little thought has been given to sympathetic planning and screening in order to mitigate same.

9.148.18.1 The design of the proposed scheme includes a number of standard design features to cater for animals along the scheme. These include;

- Replacement badger setts, and underpasses and fencing to ensure safe foraging on both sides of the road for badgers,
- Otter ledges at watercourse crossings used by otters and fencing at appropriate locations along the scheme,
- Hedgerow and hop over planting to facilitate bats crossing the scheme, and
- Replacement hedgerows and other planting to provide habitat for birds and other animals.

The environmental assessment has used standard guidance to determine the significance of the effects of the scheme due to construction and operation. The assessment considers the design features outlined above and the different animals individually. The effect for birds, otters, badgers and bats during construction is considered to be moderate adverse in the short-term. This is due to the potential loss of habitat, injury and death, although measures will be implemented during the construction phase to minimise the impact on wildlife. During the operation these effects reduce to minor adverse.

9.148.19 Insufficient detail has been illustrated with regards to the lighting schedule for the various junctions up and down the scheme.

9.148.19.1 The Environmental Statement outlines that the major junctions will be lit and this has been considered in the visual impact assessment. Street lighting is only proposed at the grade separated junctions and roundabouts to improve road safety at the key conflict points within the junctions. The lighting design will be finalised during the detailed design phase which will seek to minimise the extent of street lighting required. Street lighting will be designed to minimise both the light pollution into the sky and spill outside of the footprint of the proposed road.

9.148.20 We have been informed that it is written in the Highways Agency Design Manual for Roads and Bridges that noise mitigation measures include landscaping and the creation of earth mounds. ‘Noise and Visual intrusion are adverse effects which can be properly mitigated by earth mounds, barriers and planting’. From the Environmental Statement issued by Arup, the amount of planting, earth mounds, berms and noise barriers being created does not appear to be detailed. The Environmental Statement also stated that it would be the year 2031 before adverse effects would be sufficiently reduced.

9.148.20.1 The DMRB extract outlined above refers to mitigation measures for both noise and visual intrusion.

The DMRB outlines a number of design and mitigation techniques to address noise and vibration impacts. These include: the design of the horizontal and vertical alignment, environmental barriers (fence or earth mound), low noise surfacing, or speed and volume restriction of traffic. The DMRB states ‘*The use of shrubs or trees as a noise barrier has been shown to be effective only if the foliage is at least 10m deep, dense and consistent for the full height of the vegetation*’. It is, however, accepted that landscaping in the form of planting provides limited noise mitigation properties.

The environmental impact assessment considered the environmental impact of the scheme and identified appropriate mitigation. In terms of the noise, low noise surfacing has been included to mitigate the impact of noise along the scheme. Noise barriers were considered but are not typically employed for isolated properties due to the cost, visual impact and restrictions on how close the barrier can be to a property. Earth mounds require additional land which would have increased the land requirements from residential properties that are typically close to the scheme. The landscape and visual assessment identified mitigation in the terms of replacement hedgerows, blocks of dense planting and profiling of artificial slopes. DMRB acknowledges that the planting and landscaping will take time to establish, but highlights large plants may be harder to establish and may be unsuccessful in providing the mitigation expected. DMRB outlines typically bare-root transplants, 450-900 mm high, for shrubs and trees are the recommended size and specification.

The assessment process considers the impact while planting establishes by undertaking an assessment on completion of the scheme (2016) as well as once the planting has established at 15 years after completion of the scheme (2031).

9.148.21 Our clients would request that a public inquiry should be held in order to ascertain whether there is in fact a compelling case in the public interest for the proposed highway scheme.

9.148.21.1 The Department has also considered the comments and objections received during the consultation period and the decision has been taken to hold Public Inquiries for the scheme, as announced on the 12th April 2011.

Mr McCracken, Q.C., of the Bar of England and Wales made an input to the Inquiry on behalf of Mr Alistair Craig and Mr Andrew Craig on Wednesday, 22 June and began by saying that he had been instructed by Mr Irvine of J A McClelland & Sons. He explained that Mr Andrew Craig is elderly and unwell and would be unable to present his evidence in person and that Mr Alistair Craig is working overseas and also unable to give his evidence in person. Mr McCracken presented the joint witness statement of Mr Andrew Craig and Mr Alistair Craig, and also called Mr Keith Robinson, a Highway Engineer to give evidence.

The joint witness statement of Mr Alistair Craig and Mr Andrew Craig is reproduced below.

'1. I am the owner of 174 Ballyboley Road. My father Andrew Craig is the owner of the farmland and the Plots mentioned above, the subject of the proposed compulsory purchase order.

2. I will be unable to attend the public inquiry as I am currently working and residing in Singapore and will not return to the UK until early August. My father Andrew Craig resides at the Hamilton's nursing home having suffered a serious stroke a few years ago. He is also unable to attend the inquiry and so I am submitting these representations also on his behalf.

3. The farm has belonged to my father's maternal side of the family for well over a century. Planning permission exists to refurbish and extend the farmhouse. The farmland is attractively laid out with traditional stone walling and hedges. The bottom field is particularly attractive and provides valuable pasture with a stream running along the boundary.

4. We submitted an objection to the order in March and confirm the grounds of that objection.

5. We object to the proposed compulsory order on the grounds that there is no compelling case in the public interest to justify the acquisition of a substantial amount of land belonging to the farm for the construction of a flyover and junction as currently proposed when an appropriate alternative design solution, in the form of a roundabout or alternative junction layout, that would minimise the visual and environmental impact of the proposed junction, would be less expensive and would have no material adverse impact on the proposed scheme.

6. The proposed design, is unnecessarily intrusive both visually and environmentally. The Department appears to accept that the proposed junction will have a significant environmental impact related to its visual intrusion (*"the assessment concluded that there would be substantial effects in the vicinity of the junctions.. it is however acknowledged that the proposed junctions cannot be fully integrated into the existing environment"*: the Department's Response).

7. The Department has justified the proposed land take on account of the proposed construction of a graded junction with a flyover, slip roads, earth embankments and the realignment of the Moss Road. When considering whether such a scheme is appropriate, it should be taken into account, that apart from this proposed 14km

stretch of highway, there will no other flyover or graded junction on the highways between Larne and Belfast and the Templepatrick M2 junction.

8. The lack of a compelling case to justify the compulsory acquisition is prima facie established by the fact that the Department, as we understand it, have not carried out studies or modelling to establish whether a roundabout or an alternative form of junction would be appropriate. That's surprising, when balanced against the interference with human rights and the environmental and adverse visual impact of the current proposal.

9. Indeed, if there was a compelling need for a flyover over that of a roundabout, as suggested by the Department, one might have expected the busier junctions, presently served by roundabouts, to have been the first priority for upgrading.

10. That there is no compelling need for this particular design of junction is further underlined by the fact that journey times will only be cut by reason of the overall scheme, according to the Department's response dated 2nd March 2011, by between 3-5 minutes. The effect on that overall saving by the construction of an alternative and more appropriate junctions would be minimal to say the least. Leaving aside the adverse environmental impact of the proposed junction, the overall saving in traffic time cannot reasonably be used to justify a compelling case for the compulsory acquisition of a substantial amount of private land when there is a perfectly feasible and acceptable alternative.

11. The design of a roundabout would not only be less expensive but it would also represent a better design solution for the purposes of mitigating the visual and noise intrusion in an area of attractive countryside. This solution would also minimise the land take.

12. Significantly, the Department has taken no steps to consult, consider or evaluate an alternative scheme in circumstances where the onus is on the Department to demonstrate a compelling case to justify compulsory acquisition. Again, it should be borne in mind that the proposed scheme should not be seen in isolation but in the context of slotting in a short stretch of different standard highway between existing highways in which the busier junctions are exclusively served by roundabouts.

13. In addition, the Department appears to have dismissed the use of noise barriers merely by reference to isolated properties rather than in the context of considering how best to mitigate the noise impact on the surrounding countryside which will often be accentuated depending on the weather conditions.

14. This is an attractive rural area suitable for recreation and tourism in its own right. It's also valuable for local wildlife whose protection and interests will be unnecessarily jeopardised by traffic being effectively encouraged to travel at high speed along the entire length this new proposed stretch of highway.

15. The view to and from Shane's Hill is spectacular, the Ballyboley Forest is an attractive recreational area and the Ulster Trail is an added attraction. One might make the observation that the money saved in constructing roundabouts rather than flyovers might be better used either to reduce the environmental impact of the highway or to improve the junctions on the existing highways either side of the proposed scheme.

16. The Departments suggestion that a roundabout might slow down or impede traffic should be balanced against the fact that it will also represent an opportunity to reduce overall traffic speed with less risk for serious accidents and risk to wildlife in this rural area. Certainly, there does not appear to be any safety case for justifying this stretch of highway or junction in circumstances where the accident record of the existing highway is well below national standards. In fact, the proposed use of slip roads merging with high speed traffic will in all probability present a much greater risk than the construction of a properly designed roundabout.

17. In addition, as the junction only serves a minor road system, there will be no significant flow of traffic that could seriously impede the flow of traffic along the proposed route unlike the other major roundabouts and junctions on the highways between Larne and Belfast and Templepatrick.

18. In the light of the financial constraints facing both the government of Northern Ireland and in particular, the Republic of Ireland, it is surprising that the most expensive form of construction has been chosen without any consideration of achieving a less expensive design and that any savings on minor junctions have not been used to provide flyovers at busier junctions along the route or to reduce the environmental effect of the scheme.

19. The proposed scheme unnecessarily involves the removal of historic field boundaries, along which my parents have planted specimen trees, for no apparent good reason or justification. The construction of a roundabout would not necessitate the substantial realignment of the Moss Road and the construction of substantial earthwork embankments and slip roads. By adopting an alternative and less intrusive solution the rural feel to the surrounding area would be permanently maintained for those who have to live and use the area.

20. The use of an existing watercourse to collect highway run off is entirely unacceptable in environmental terms. Petrol interceptors and attenuation ponds will over time prove ineffective at preventing pollution and flooding to the surrounding countryside.

21. We have been professionally and independently advised by an expert highway engineer, whose evidence we propose to adduce, that:

- the A8 is over-designed in capacity terms
- inappropriate reliance has been placed on an inaccurate interpretation of accident information
- the proposed grade separated junction is not justified by national guidance and is likely to give rise to increased speed and a higher proportion of fatal and serious accidents
- the appropriate solution would be a roundabout to provide easy U turn facilities for adjoining left in/left out junctions without the need to navigate the proposed compact grade separated junction which requires four separate turning movements.

22. In conclusion, in the light of the shortcomings outlined above, the Department has not established a sufficiently compelling case to justify the compulsory acquisition of a substantial amount of land for the proposed graded junction.

23. We/I believe the fact and matters set out above are true and correct.

Signed & Dated

(Alistair Craig and Andrew Craig)'

Mr McCracken's presentation was in four parts: his opening remarks, his cross-examination of some of the Department's witnesses, the evidence of Mr Robinson, and his closing submission. He said he would respect the limitations upon the scope of the inquiry which have been laid down in writing: for example, the exclusion from the remit of the Inquiry of Human Rights.

Mr McCracken said he was working under a number of substantial disadvantages. These disadvantages were the late presentation of proofs of evidence, the absence of an Inquiry library and the out-of-date material available on the website.

He said that what he had to say about the principles of the dualling scheme had largely already been covered by Mr Irvine and others and his clients felt that the scheme involved excessive expenditure and was over engineered.

Mr McCracken had not been able to identify in the ES where there was an assessment of the additional fuel consumed on a road with a maximum speed of 60mph applied and a road where the maximum was 70mph.

Mr McCracken said his intention was to focus on the junction at Moss Road, and he would challenge the decision to have a compact grade separated junction there rather than a roundabout. The proposed grade separated junction, incorporating an overbridge, would take a great amount of land from the Craigs, and have a very substantial adverse effect on the family farmhouse. The ES acknowledges that that effect would be not only during construction but also during operation in the design year and this would be a permanent effect.

He then referred to the five objectives that the Government have set for road schemes and his submission was that in relation to environment, safety and economy, what was being proposed by RS fared badly as follows:

The Environment. The greater width of the dual corridor and the series of over bridges and complicated junctions would alter the character of the area and there would be a loss of valuable and attractive farmland. In particular, the views from the Ulster Way and Shane's Hill did not appear to have featured in Roads Service thinking. The weight that had been given to the acknowledged substantial adverse effect on a number of properties, including the Craigs, had been inadequate.

Safety. Roundabouts reduce speeds and thereby the number and severity of accidents on roads. Roundabouts reduce conflicting movements and the possibility of confusion.

Economy and Value for Money. The evidence of Mr Hutchinson about value for money was ambiguous. The plans took no account of the lower costs of land taken for roundabouts. The construction costs of a roundabout were less than the construction costs of the proposed alternatives. RS had acknowledged that to use roundabouts rather than the type of junction proposed would save £5m. The cost benefit analysis and DMRB do not purport to make any basis for deciding what the priorities should be for the expenditure of public money. No commercial enterprise would contemplate expenditure of the kind that is proposed here in circumstances where the pay back time was so long, even if there was confidence that the pay-back would be as proposed.

Mr McCracken then took the Inquiry through the Craigs' proof of evidence (*see above*) and made particular reference to the following paragraphs.

Paragraph 3. The farm has belonged to Mr Craig's maternal side of the family for well over a century.

Paragraph 8. The Department had not carried out studies or modelling to establish whether a roundabout or an alternative form of junction would be appropriate. Mr McCracken said this paragraph was very important.

Paragraph 10. The Department's response dated 2nd March 2011 said that journey time will be cut by between three and five minutes and Mr McCracken described the journey time savings as trivial.

Paragraph 11. The design of a roundabout would not only be less expensive but represent a better design.

Paragraphs 14 and 15. Discussed the recreation and tourism aspects of what is proposed.

Paragraph 16. The proposed use of slip roads merging with high speed traffic would present a much greater (*safety*) risk than the construction of a properly designed roundabout.

Paragraph 19. The Craigs refer to the removal of historic field boundaries.

Following lunch, Mr McCracken began his cross-examination of some of the Department's witnesses and began by questioning Mr Power concerning the environment.

He said that the ES recognised that the plans would have a substantial adverse effect on a number of properties including the Craigs' farmhouse and Mr Power agreed that a substantial adverse effect is the top of the range for harmful effects.

Mr McCracken then questioned Mr Power at length and in depth on where the effect on the Ulster Way and Shane's Hill had been considered in the ES

Mr McCracken asked Mr Power where in the ES there was a photographic viewpoint from the Ulster Way, the Carninard recognised 366 viewpoint, or Shane's Hill. Mr Power replied it was the professional opinion that it was not necessary to take a photograph or specifically identify that as a viewpoint for this particular assessment and scheme.

There were also questions about maps and the Ulster Way when Mr Power was re-examined by Mr McGuinness. Mr Power displayed a map on the screen which showed the Ulster Way through Ballynure and up to the plateau top.

Mr McCracken said the maps did not go above the Moss Road junction behind Shane's Hill and Mr Power responded that he had a separate map that showed it disappearing into forest.

Mr McCracken suggested it would be helpful to the Inquiry if he submitted his ordnance survey map and this was done and subsequently taken into account.

Mr McCracken also questioned Mr Power about the additional fuel consumption that would take place if the speed limit went up from 60 to 70mph. Responding, Mr Power said additional fuel consumption was discussed on page 376 of the ES, Volume 1 and agreed with Mr McCracken that there was a relationship between speed and carbon dioxide emissions.

Mr McCracken wanted to know where in the ES there was a comparison between the environmental effects of roundabouts rather than grade separated junctions. Mr Power replied that it was not in the ES but would be in the scheme assessment that led up to the decision to construct the preferred route.

Mr McCracken went on to ask Mr Power if roundabouts versus flyovers were main alternatives. Mr Power replied that in relation to side road junctions and the size and scale of the scheme he personally did not think they were main alternatives.

Mr McCracken then cross-examined Mr Hutchinson.

Mr Hutchinson agreed with Mr McCracken that the Inspectors should recommend the rejection of any scheme if it is not good value for money. He also agreed that a scheme should be tested against the five objectives which were part of Government policy and went on to say that the scheme should provide the best balance amongst the five objectives,

In explaining 'accessibility' and 'integration', Mr Hutchinson said 'accessibility' was to do with community severance and facilities for the community in terms of what they have at the moment and what they will have in the future. 'Integration' was to do with land use policies, planning policies and integrating other modes of transport.

Mr Hutchinson was asked if an increase of twenty percent in carbon dioxide emissions would be a point against the scheme in the context of integration. Whilst he was not sure if this came under the integration criterion but did agree that it would have a negative impact on the overall assessment. He went on to say that the five key objectives for transport had tensions between them.

Mr McCracken then questioned Mr Hutchinson at length on the DMRB and Mr Hutchinson agreed with Mr McCracken that the purpose of the document was standardisation, consistency, safety flowing from legibility, readability and expectations being met. He also agreed that the opposite is confusion leading to unnecessary accidents.

Mr Hutchinson agreed with Mr McCracken that a roundabout would have the capacity to deal with the expected traffic flows, both when it opens and in the design year and also that fatal accidents would be about 70% higher when the speed limit increased from 60 to 70mph. However, he did not agree with Mr McCracken that should the scheme go ahead people would think they were driving along a motorway as it would be constructed to a dual carriageway standard.

Mr McCracken referred to page 79, table 11.2 of the Stage One Scheme Assessment Report and said that it showed a saving of about £5m associated with using roundabouts rather than compact grade separated junctions. He went on to say that what did not appear to be acknowledged was that the land acquisition costs would be less with roundabouts than compact grade separated junctions.

Responding, Mr Hall said that land and compensation costs were shown in relation to the whole scheme. These costs had not been changed between a roundabout or a compact grade separated solution because it would be an insignificant change to the overall cost.

Mr McCracken asked Mr Henderson what benefit did he attribute to delay at roundabouts in doing the cost benefit analysis and Mr Henderson replied that we did not do a cost benefit analysis on roundabouts.

A main theme of Mr McCracken's cross-examination was the status of the DMRB and Mr Hutchinson agreed with Mr McCracken that the DMRB was not a statutory document. He also agreed that there could be relaxations and departures for reasons relating to economy, safety or the environment.

Mr Hutchinson added that people who promote a departure from standards within a proposal would have a legal duty to ensure that they have properly considered the merits of that departure.

Inspector Mortimer referred back to the first day of the Inquiry when Mr Hutchinson had said that a Category 5 was the lowest category of dual carriageway and Mr Hutchinson confirmed that this was the case. There were options within Category 5 including the provision of one or more roundabouts.

Mr McGuinness then re-examined the Roads Service witnesses.

Mr McGuinness asked Mr Henderson to indicate as a percentage what the journey time saving would be and Mr Henderson thought it varied between 20% or 21% and 35%, over the section of the road that would be improved.

With regard to at grade priority junctions, Mr Hall said that these were not considered appropriate on dual carriageways in this day and age. He went on to say that the three to five minute journey time savings delivered significant economic benefits to the scheme over a sixty year life. A roundabout solution would totally lose those benefits and so the scheme would not be justifiable in economic terms. The reason why RS had not considered isolated roundabouts at junctions was the simple fact that a

consistent junction strategy was needed and roundabouts were not economically viable. This was why roundabouts were rejected at stage one.

Mr McCracken then introduced Mr Robinson, explaining that he had a First Class Honours degree in Applied Science from the University of Durham, was a Chartered Engineer, a Member of the Institution of Civil Engineers, a Member of the Institute of Highways and Transportation and held a Diploma in Traffic Engineering.

Mr McCracken referred to Mr Robinson's proof of evidence which is reproduced immediately below.

'Qualifications and Experience

This evidence has been prepared by Keith Robinson who holds a First Class Honours Degree as a Bachelor of Applied Science at The University of Durham, is a Chartered Engineer, a Member of the Institution of Civil Engineers, a Member of the Institute of Highways and Transportation and holds a Diploma in Traffic Engineering.

Mr Robinson has his own consultancy. He has over fifty years of experience of which the last twenty five years have been in the private sector. His experience includes the preparation of major highway schemes in a major city, a new town and for three county councils. The preparation included preliminary design, environmental assessment, financial assessment, detailed design and construction.

1. Introduction

1.1 This evidence assumes that the scheme is eventually constructed and on the line selected.

1.2 This document is based upon information supplied by the Roads Service of Northern Ireland and their consultants Arup together with national guidance, primarily the Design Manual for Roads and Bridges.

1.3 Evidence on land ownership, environmental impact and planning policies etc., are dealt with elsewhere by Mr. Alistair Craig and Mr. Shaun Irvine of J. A. McClelland and Co.

1.4 This evidence considers the design standards and junction designs which are appropriate to the improved A8, the broad financial implications and the accident records.

1.5 The conclusion is that in many areas the scheme is over designed giving rise to excessive costs and that the proposed junction layout at Moss Road is inappropriate.

2. The Existing Situation.

2.1 The existing conditions on the length of the A8 are set out in Section 5.1 of the Stage 1 Scheme Assessment Report (SAR 1).

2.2 Section 5.1 contains information and comment which is relevant to this evidence.

2.3 In para. 5.1.3 it is demonstrated that the A8 is presently running at 63% of the congestion reference flow (CRF). In para. 5.1.2 it is stated that congestion begins to arise at 75% of CRF. From Tables 5.4 and 5.5 it can be deduced that the CRF on the A8 will not exceed 75% until 2019. Thus the date of construction is not critical until that date.

2.4 Section 5.1.6 considers road safety on the existing road. Accident records for a three year period were considered.

2.5 The Stage I Assessment stated that the number of fatalities along the A8 is three times higher than the average for a rural single carriageway 'A' road. This is incorrect. Table 5.2 in the Stage 2 Assessment (SAR 2) indicates that the fatality rate is slightly higher than expected but this is unlikely to be statistically significant. Tables 2.2 and 2.3 in the Stage 3 Assessment (SAR 3) which cover a five year period rather than the three year periods previously considered, actually indicate a slightly below average fatality rate (again probably not statistically significant).

2.6 Table 5.2 of SAR2 indicates that the present accident rate on the A8 is about 40% of the expected levels, i.e. the road is safer than average. Table 2.3 of SAR3 confirms that accident rates are 40% of expected.

2.7 What can be deduced is that the proportion of fatal accidents is 2.5 times normal whilst still not being excessive. It is well known that increasing speed increases the severity of road accidents.

2.8 According to the SAR the most common type of accident was the rear end 'shunt' and a further 20% involved head on collisions.

3. Road Design.

3.1 The traffic growth predictions are based on national forecasts and are accepted as a basis for design. National Guidance (TA 46/97) recommends flow ranges for various carriageway standards in the opening year not design year. The predicted flow on the A8 on the opening year (2016) is 16400 AADT (Annual Average Daily Traffic). The economic flow range for a WS2 (wide single 2-lane) road is 6000 to 21000 AADT. The range for a D2AP (dual 2-lane all purpose) is 11000 to 39000 AADT. The predicted flows are, therefore, 78% and 42% of the maximum economic flows for WS2 and D2AP respectively.

3.2 A similar exercise has been carried out comparing predicted flows against CRF. For the opening year the percentage CRF are 55 and 27, respectively. For the design year these rise to 67% and 33%.

3.3 Despite the results a D2AP was selected because if traffic continued to grow a WS2 would eventually start to become congested (in about 2041). In comparison a D2AP would not start to become congested until perhaps 2100 AD.

3.4 The reasons for using the higher standard include the statement that a D2AP 'would deliver the highest level of spare capacity'. On that basis a motorway would be better still. The spurious statement that the fatality rate is three times higher than the national average and the 'unusually high number of fatalities' are used to provide further support (Section 5.4 of SAR1). Choosing a higher design speed (D2AP v WS2) does not assist.

3.5 As a result of these 'arguments' a D2AP formation was adopted in SAR1 when considering every corridor.

4. Junction Strategy

4.1 To assist in the preparation of SAR2 a separate Junction Strategy Report was prepared, the latest version of which is dated June 2011.

4.2 The report identifies 12 major junctions over the full length of the A8 (Table 2.1). Of these eight are roundabouts and four are priority junctions. It can be seen that the predominant form of the junction is a roundabout.

4.3 Table 2.3 of JSR tabulates the present (2008) traffic flows on the length of the A8 under consideration and Table 3.1 the predicted flows in 2031. There is an unusual imbalance of IN and OUT on the western side of Moss Road and on other junctions.

4.4 Key junctions along the proposed scheme are defined as carrying over 3000 AADT. Other junctions including Moss Rd. are considered intermediate.

4.5 Moss Road is situated in the centre of the northern section of the scheme and is one of three selected as all movement junctions to cater for U-turn movements associated with left in/left out accesses and junctions. The other two are 3 arm junctions.

4.6 Section 11.3 of JSR rejects roundabouts because of the increased delay to main road traffic and the resulting 'frequent occurrence of roundabouts'. There is no interpretation of the meaning of frequent. On the approach to Larne, roundabouts are about 800 metres apart and between the A8(M) and the B59 the spacing is 1.35km. It is about 2.15km to the next roundabout at Hillhead Road. The length of the northern section of the scheme between the A57 and the A36 is 9km (see Table 8.1). Even if all three all movement junctions were to be roundabouts the average spacing would be 2.25km. which is consistent with the remainder of the A8.

4.7 No consideration has apparently been made of the suitability of priority junctions to cater for the U-turns arising from left in/left out restrictions. There is an apparent inconsistency between Table 11.3 and the second bullet point of 11.8.2 in JSR. A reduction of 75% by eliminating right turns would reduce the total accidents from 426 to 106 not 58 as shown.

5. Roundabouts v Compact Grade Separated

5.1 The consultants have been asked to explain further their rejection of a roundabout solution at Moss Road (see letter of **2nd** June 2011). The response repeated the Junction Strategy Report reasons, namely slowing main road traffic and frequency.

5.2 If replacing CGS junctions with roundabouts results in 'frequent' roundabouts then the CGS junctions themselves would be frequent (in association with the simple over-bridges proposed) and together with the associated earthworks would 'create the impression of a high speed road' (para. 7.3.5 of TD 9/93).

5.3 The introduction of roundabouts will reduce the potential traffic speed on the A8 and hence reduce the proportion (and numbers) of fatal and serious accidents. This does not appear to have been taken into account in comparing junction forms.

5.4 No attempt has been made to design a roundabout alternative at any junction. However, if priority junctions would operate at 70% of capacity then a roundabout would have much greater spare capacity and delays to main road traffic would be primarily geometric i.e. slowing and accelerating. In contrast the CGS junctions operate at no more than 10% of capacity.

5.5 No account has been taken of the extra distance (and time) involved in U-turns negotiating the CGS junction compared with a roundabout. I have prepared an indicative plan (KR1) showing a roundabout at Moss Road. This illustrates the much reduced land take, the removal of obtrusive earth works etc. and the significant distance saved in making U-turns. With a roundabout, a vehicle from the south-west travels about 180m. to return to the same point. With the present layout, from the same common point, a U-turning vehicle travels about 720m., an extra 540 metres. The penalty from the north-east is 150 metres. This is a disbenefit which does not appear to have been considered. In addition with the CGS layout two priority junctions and a merge with a 'high speed dual carriageway' have to be negotiated.

6. Conclusions

6.1 The proposed scheme is over designed in capacity terms resulting in higher speeds.

6.2 The accident information has been misinterpreted leading to doubtful design choices.

6.3 The proposed grade separated junctions are not justified by national guidance and are likely to give rise to higher speeds and more serious accidents.

6.4 The economic comparisons have not taken into account land taken, travellers disbenefits in the form of additional mileage and accident rates for roundabout solutions.

6.5 The proposed design would be incompatible with the remainder of the A8.

6.6 It is considered that a roundabout solution provides a more economic, safer and less intrusive solution.

After hearing the above input, Mr McCracken referred to what he termed the highlights in Mr Robinson's proof of evidence.

Mr Robinson said that the grade separation on the proposed road would give the impression to the motorist, particularly to anybody unfamiliar with the road, that they were on a high standard and fast road.

Mr Robinson went on to say that no attempt has been made to design a roundabout alternative at any junction. He went on to say that no account appears to have been taken for the extra distance and time involved in U-turns negotiating the grade separated Junction compared with a roundabout. He had prepared an indicative plan (KR1) showing a roundabout at Moss Road. This illustrated the much reduced land take, the removal of obtrusive earth works, etc, and the significant distance saved in making U-turns. With the present layout a U-turning vehicle from the south-west would travel an extra 720 metres and a vehicle from the north-east an extra 150 metres. This was a dis-benefit which did not appear to have been considered.

Mr McCracken then asked Mr Robinson to read his conclusions from his proof of evidence.

Mr Robinson was then cross examined by Mr McGuinness and was questioned about safety statistics.

Mr Robinson said the advantage of roundabouts was that traffic was slowed down.

Mr Robinson disagreed with Mr McGuinness that if you move to a dual carriageway you will reduce the proportion of fatal accidents. The total number of accidents might reduce but he thought the proportion of fatal accidents would increase because the speed would be higher.

Mr Robinson was re-examined by Mr McCracken and in a reply to a question on the cost of compact grade separated junctions compared to the cost of roundabouts, Mr Robinson said it would be more than £5m or £8m, because land acquisition costs had to be taken into account.

In reply to a further question from Mr McCracken, Mr Robinson agreed that it would be a new exercise if comparisons were going to be made now between roundabouts and compact grade separated junctions.

Towards the end of Mr Robinson's evidence, Mr McCracken returned to the point that there could have been a suggestion during the course of the Inquiry that the Roads Service was obliged and required to construct the proposed dual carriageway incorporating grade separated junctions.

A discussion then took place involving, Mr Robb, Mr Mortimer, Mr McCracken, Mr Mc Guinness and Mr Hutchinson, the outcome of which was clarification that RS

had the aspiration to construct a dual carriageway to Category 5 standards and within that Category there was the option to incorporate either roundabouts or grade separated junctions on the scheme. The intention to construct grade separated junctions had therefore been a choice rather than a specific requirement contained within the DMRB or any other standard, as it was believed by RS that this was the best option.

Mr McCracken began his closing submission by saying that the easy way forward at any inquiry must be to approve what is being promoted by the road building organisation in an area. This was a very natural course for any body of people who were not themselves Highway Engineers.

Something should be done as there is a widespread view that Road Inquiries in Great Britain merely go through the motions of investigating whether or not a road scheme is really justified and were simply an opportunity for people to 'let off steam'.

But sometimes more than that was needed since The European Union, the island of Ireland and the United Kingdom need to control expenditure.

The independent professional who is called upon to exercise his judgement and make a recommendation must do so in a way that may interfere with what Politicians have expected to happen. That was a sign of an effective and functioning participatory democracy.

Having listened to what has been said Mr McCracken had come to the conclusion that something was not right in this case.

Two aspects. Firstly, those who are promoting this scheme gave the impression, or seem to have given the impression sometimes, that they were required by design manual or other published documents, to adopt a dual carriageway. The fact that they gave that impression perhaps indicates some uncertainty on their part that the Inspectors would agree with what they have acknowledged to be a choice.

The same observation applies in relation to grade separated junctions. The key thing to remember, in his submission, in making recommendations was that constructing a wide single carriageway or grade separated junctions was a matter of choice or judgement. Experts must be 'on tap', not 'on top'.

All the financial benefits of this project basically came down to saving between £3m and £5m and such savings were considered to be trivial.

Mr McCracken said that the scheme would lead to a 20% increase in carbon dioxide emissions.

Time would be lost for buses to go round these flyovers, and then come back. This would be significant in terms of whether people decide to travel by bus and whether bus companies offer services of 'frequency X' or 'frequency 2X'.

Mr McCracken then said that before today he had thought that his case rested upon the failure in relation to economy, safety and environment. He had not realised that the objective of integration would also be one where the project would fair badly in relation to carbon dioxide and public transport.

A great failing in the way the scheme had been presented, was that there had not been an up-to-date analysis of the relative economic performance of grade separated junctions versus roundabouts and this ought to have been included. Much of the comparison was between the grade separated junctions and the existing road.

Mr McCracken believed that in particular a roundabout should have been proposed rather than a grade separated junction at Moss Road. However, that was not the RS intention for reasons of consistency. Roundabouts were the predominant form of

junction on the A8 between Larne and Belfast, so a more consistent approach would be to construct roundabouts.

Mr McCracken then paid tribute to and thanked Mr Hutchinson for pointing out that there were five different types of junction on this section of the scheme. Therefore, as consistency would not be achieved on this road, it became especially important not to have excessive speeds.

A great merit of a roundabout was that it curbed speed and from the motorist's point of view the roundabout was the easiest to read.

What was being proposed would be confusing in two senses. Firstly because the flyovers will give the sensation of a fast motorway style road which would encourage people to drive as though it was indeed a motorway. There would also be confusion because a motorway does not have left-in/left-out accesses and there would also be a substantial number of unexpected slow moving farm vehicles on the main line. There was the further possibility that drivers could go down the wrong carriageway by mistake.

Quoting Mr Robinson, Mr McCracken said that there had been a high proportion of serious or fatal accidents on this road, even though it was much lower than average. Mr Robinson had a legitimate concern about raising the speed on the road from sixty to seventy miles an hour because that increased both the risks of and severity of accidents.

A number of figures had been presented but the comparisons tended to be between speeds of less than 40mph and speeds of 50, 60 and 70mph mixed together. It was not the relative number of accidents between a 40mph road and the road going at 50 – 70 mph, but the difference between 60mph and 70mph. The figures that had been projected on the screen were not of help.

Each person's experience as a motorist had to be applied, because ultimately what mattered was how ordinary people would react on these roads.

The environmental benefits of not constructing the flyover were very substantial from the point of view of Mr Craig's farmhouse. The effects on this dwelling had been acknowledged to be substantial adverse, at the top of the range.

Mr McCracken then referred to an adjacent quality section of the Ulster Way, where people are able to walk away from the road network and access the nearby viewpoint which has been recognised and recorded by the Ordnance Survey.

Mr McCracken then asserted that it had become apparent from Mr Robinson's evidence that constructing roundabouts rather than grade separated junctions would save in excess of £8m, a substantial sum of money and one worth saving.

The fact that the Executive would be prepared to allocate this amount of money, if necessary, was not an indication that spending this money should be recommended.

Mr McCracken then referred to Edmund Burke and said that societies were a compact between the generations. We inherit from the past, we make provision for the future. In a functioning, participatory democracy contributions are made from those who are elected, those who are advising the elected, those who are brought in to be independent and from the exchange of views. That was what was happening at the Inquiry.

We are not of service to anyone if we say, 'the Executive are prepared to spend money on this, they have encouraged the Roads Service to promote the scheme, therefore, we should recommend it'. That would be neither what they expect nor what our duty, both to the present generation and the future generation calls upon us to do.

We should always approach the outcome of any computer exercise with a considerable degree of scepticism. Here we have seen some anomalies and

disappointingly the anomalies do not appear to have been subject to the sort of scrutiny and questioning that might be expected.

Mr McCracken added that sometimes it is a great advantage not to be an expert in a field. An expert gets so wound up by the process that the expert cannot see where the real commonsense for society lies.

Testing the COBA results against business sense had revealed the poor foundations of sand in the three to five minutes saving in time and the wider economic benefits.

It may be that Mr Henderson operated the computer system immaculately, but there are two weaknesses in it. The process of the system he is adopting and the weaknesses in the input.

Mr McCracken's submission was that this was a case where not only the present generation of tax payers on this island and in the United Kingdom but also throughout the European Union would benefit from a firm rejection of the idea of a dual carriageway and also the idea of building grade separated junctions.

Mr Robb thanked Mr McCracken for a very eloquent presentation and said that, without having consulted his colleagues, he thought they would find Mr McCracken's summary of the points that he had extracted and laid out for the Inspectors very useful.

In his closing submission, Mr McGuinness said he wanted the Inspectors to look at the evidence that has been presented. There were no challenges to the economics that had been taken into account in COBA.

This route indicated a significant benefit cost ratio and economically the grade separated junctions worked better and provided an economic return.

The superficially attractive argument was that the saving of three to five minutes was trivial, but it was not. It was important not to trivialise the significance of saving 20% to 30% over a long period of time.

There were significant safety benefits with this scheme as opposed to what was in place at present and this had not been challenged. In addition there would be a significant benefit as a result of the lack of severance of Ballynure.

A suggestion had been made that people had been either misled, or allowed to form an inappropriate perception as to whether this represented the only way that the scheme could be designed. That had never been the intention.

It was clear from the junction strategy documentation that the five different types of junctions have all been taken into account and assessed under different conditions in order to reach a judgement

Mr McGuinness then appealed to the Inspectors, in a same way that Mr McCracken had done earlier. He appealed to 'your independence, I appeal to your impartiality, and I appeal to the fact that you will report on the evidence and not on an attractive presentation of an argument'.

The final comment was made by Mr Geoffrey McConnell who intervened to say that he lived at the intersection of the Moss Road and the A8. His family home was the closest property to that intersection.

He was deeply annoyed that a map with a drawing of a roundabout had been passed around showing this structure almost on his property and he objected very strongly to the possibility that such a roundabout would be constructed.

(The map referred to by Mr McConnell is the indicative plan KR1 mentioned by Mr Robinson in his report and evidence.)

Inspectors' Comments (Allister Craig)

Mr McCracken's input on behalf of Alistair and Andrew Craig was the longest of the seven day Inquiry at Corr's Corner Hotel.

The evidence which both he and Mr Robinson submitted has been assessed, together with the RS responses and in addition the formal correspondence exchanged between the Craigs and the Department before the Inquiry commenced has been reviewed.

One of the key concerns expressed by Mr McCracken was the proposal to construct a grade separated junction at the Moss Road / A8 interface and this was widened into a broader challenge to the proposed construction of this type of junction right along the scheme.

Whilst it proved useful to have the clarification from the Department that there was indeed a choice between providing grade separated junctions or roundabouts, the case for the grade separated option is stronger when the five Government criteria, including the long term financial implications are taken into account. This will be discussed further in Section 11 of this Report.

It is accepted that the negative impact of the proposed dual carriageway and its associated grade separated junctions on those who use the bus service will be high. However it is not accepted that increasing the permitted speed on the main line to 70mph will lead to a reduction in safety, nor were the various arguments which were offered concerning driver confusion considered to be valid.

In compiling an Inquiry Report relating to a major road scheme there is, as Mr McCracken suggested, the opportunity to recommend major design changes such as not constructing a dual carriageway at all, or perhaps replacing grade separated junctions with at-grade alternatives such as roundabouts. Whilst this might go some way to ensuring a place in history, such recommendations should only be made when there is clear, substantiated evidence that this would on balance lead to a better outcome. It is inevitable that there will be flaws and omissions in the documentation promoting any road scheme but it is nevertheless believed that the plans which are in place for the improvement of the A8 represent the best way forward.

9.149 Andrew Craig

Reference Number

OBJ_149

Date of Objector's Correspondence

2nd March 2011

The Department has considered the correspondence referred to the above and responds as follows:

9.149.1 There is no economic, traffic or highway justification for constructing the proposed highway as currently designed.

9.149.1.1 The Regional Development Strategy: Shaping Our Future (RDS) places an emphasis on the development of a modern integrated transport system. Its stated longer-term vision for transportation is "to have a modern, sustainable, safe transportation system which benefits society, the

economy, and the environment and which actively contributes to social inclusion and everybody's quality of life". The RDS also defines five key transport corridors, including the Eastern Seaboard Key Transport Corridor, which includes this section of the A8. The RDS is currently undergoing a ten year review; the revised strategy document supports similar principles and identifies the Eastern Seaboard as one of the four economic corridors.

At its meeting on 17th July 2007, the North South Ministerial Council noted the Irish Government's intention to make available a contribution of £400m to help fund the major roads programme within Northern Ireland. This included the A5 Western Transport Corridor and the A8 between Belfast and Larne. The Northern Ireland Executive confirmed its acceptance, in principle, to take forward these two major road projects. The dualling of the A8 is identified within the Investment Strategy for Northern Ireland (2008-2018) as a key milestone. The Investment Strategy also recognises that delivering better infrastructure is vital in helping to achieve the priorities for the economy, society and environment. The Budget 2010 outlines the Northern Ireland Executive's spending priorities. This has identified the A8 dualling as one of several road projects to be taken forward during this period and has been allocated the required funds.

The existing road carries between 11,500 and 17,000 vehicles per day, which comprises of both local and strategic traffic. By the opening year (2016), the existing road is likely to suffer from operational problems such as inconsistent flow conditions and unreliable journey times, especially during peak periods. The provision of a dual carriageway along this section will alleviate this problem and provide ample capacity both at design year (2031) and well beyond.

The existing road forms junctions with a high number of side roads and private accesses. It presently has a high proportion of fatal accidents compared with other roads of a similar standard. With traffic levels continuing to grow and the anticipated expansion of local industry, traffic congestion will increase and road safety is likely to deteriorate. The proposals to dual the A8 would remove the issues associated with platooning of traffic, thus reducing driver frustration and improving journey time reliability and the safety performance of the route for all road users. The scheme seeks to improve journey times for this 14km stretch of road. The traffic model indicates journey time savings of approximately 35% (up to 5 minutes) during peak hours, and approximately 25% savings (up to 3 minutes) during off peak times. The scheme provides value for money with a benefit to cost ratio of approximately 1.8.

9.149.2 As the proposed scheme connects two stretches of existing dual carriageway, there is no justification for constructing the proposed highways to a standard that will be similar standard to that of a national motorway and will be inconsistent with the existing dual carriageways. Amongst other things this will have adverse safety consequences.

9.149.2.1 The proposed scheme is of dual carriageway standard, as detailed with the Design Manual for Roads and Bridges (DMRB). DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. The carriageway will typically consist of two 3.65m lanes, with a 1m hard strip along the verge and central reserve, in each direction. This is the lowest standard of

dual carriageway outlined within the U.K. This is the same cross section and design criteria used for the section of dual carriageway south of Coleman's Corner roundabout. The section north of the Ballyrickard Road junction has similar lane widths.

The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. The section of the A8 immediately south of Coleman's Corner roundabout has a similar rationalised number of junctions, although it uses an all movement at-grade junction at one location. The section of dual carriageway north of the Ballyrickard Road, is of an older standard, has a number of side road and private accesses junctions and becomes a semi-urban dual carriageway.

The proposed dual carriageway has been designed to current standards and best practice, which are continually updated to ensure the latest principles on road safety are incorporated. This is broadly similar to the existing section south of Coleman's Corner, but the proposed scheme incorporates an enhanced level of junction provision. The section of existing dual carriageway to the north of the Ballyrickard Road is of a lower standard, not included in current standards, both in terms of cross section and form of junction. Based on advice within DMRB a roundabout has been included at the northern end of the scheme to emphasise the change in road standard to drivers.

9.149.3 The existing highway already contains sufficient grass verges to accommodate a dual carriageway without the need for such an expensive and extensive highway scheme.

9.149.3.1 The width of the proposed dual carriageway is greater than the width of the existing highway boundary. The proposed dual carriageway has a minimum width of 26m, including verges but excluding earthworks. In some locations the carriageway may be wider to meet visibility requirements and accommodate footway/cycleways and/or bridge piers. In addition the proposed scheme also includes attenuation ponds, drainage ditches, access laneways and junctions along the scheme. The width of the proposed dual carriageway and other associated works means it is not possible to accommodate a dual carriageway within the footprint of the existing road.

9.149.4 The proposed scheme involves the construction of flyovers and slip roads to serve minor roads, which are features that do not appear on any other stretch of the existing dual carriageways. In particular, the two existing stretches of recently constructed dual carriageway use roundabouts to accommodate junctions which would be an appropriate design solution when used with other highways safety measures (in the event that such a junction is considered to be necessary).

9.149.4.1 As outlined above, the proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements.

The use of roundabouts at the most trafficked junctions serving the adjacent strategic road network was considered for all the main junctions along the route. Consequently, roundabouts were incorporated into the design for the Hillhead Road junction, and the Shane's Hill Road/Ballyrickard Road. A roundabout was, however, discounted in favour of a grade separated junction for the Templepatrick Road junction because it performed better in terms of safety and economy. Roundabouts for the remaining junctions were rejected because of the increased delay that successive roundabouts would impose on the mainline traffic. This would have reduced the journey time saving benefits of the scheme by imposing journey time penalties at each roundabout as vehicles would need to slow down or stop to negotiate them. In addition, the DMRB advises that the frequent occurrence of roundabouts should be avoided on rural roads.

9.149.5 The design of the proposed road junctions is excessive both in their overall land take and design.

9.149.5.1 The proposed road junctions have been designed to the relevant published standards for the design of junctions, as contained within the DMRB. The land take identified in proximity to the junctions is required for a number of reasons, including: visibility requirements, drainage features, landscaping measures, access laneways and temporary constructions areas. The Department therefore considers that the land take is reasonable and not excessive.

9.149.6 The construction of such major junctions will have adverse environmental consequences in the form of:

9.149.6.1 It is acknowledged that the proposed compact grade separated junctions will have an environmental impact, predominately related to the landscape and visual intrusion associated with the bridges and embankments. However, compact grade separated junctions, on balance, were considered appropriate for this scheme based on environmental, safety and economic performance. The provision of bridges also has the additional benefit of allowing non-motorised users to cross the scheme safely.

9.149.7 Increased and high speed traffic generation

9.149.7.1 The environmental consequences of increased and high speed traffic are associated with noise, air quality and visual intrusion as discussed in the points below.

9.149.8 Visual intrusion caused by the highway engineering works for the slip roads and high level flyover.

9.149.8.1 The environmental assessment acknowledges that the construction of the proposed junctions will have a visual impact on properties within the immediate vicinity of the junction. The design of the proposed scheme has therefore included substantial planting around junctions and on the embankment slopes to mitigate the impact as much as possible. Where possible, the junctions have been positioned to maximise the distance

between the junction and any residential properties. In addition, some junctions are in a cutting to reduce any visual impacts.

9.149.9 Light and increased air pollution.

9.149.9.1 The landscape and visual impact assessment has considered the impact of the proposed lighting at the junctions. Street lighting is provided at junctions to reduce the risk of accidents. The lighting design will be finalised during the detailed design phase which will seek to minimise the extent of street lighting required. Street lighting will be designed to minimise both the light pollution into the sky and spill outside of the footprint of the proposed road.

The environmental impact assessment considered air quality and determined that the scheme would not exceed any of the statutory air quality objectives. The assessment identified that the greatest changes in air quality were on the sections which realigned from the existing road. The decision to provide compact grade separated junctions has a minimal impact on traffic volumes using the side roads and therefore the air quality impact of the junctions is considered to be minimal.

9.149.10 Noise.

9.149.10.1 The noise assessment has considered the impact of the scheme on noise levels. The major factor in the noise assessment is the mainline traffic volumes. In comparison, the forecast traffic volumes for the junctions and side roads are small, and as such the additional noise impact from the junctions is considered to be minimal.

9.149.11 Highways surface water runoff pollution affecting the existing watercourse.

9.149.11.1 The design of the proposed carriageway and land drainage has been developed in consultation with Northern Ireland Environment Agency's Water Management Unit and Rivers Agency. The operation of the scheme will require the discharge of carriageway run-off into existing watercourses. The scheme design includes petrol interceptors and attenuation ponds to minimise the risk of pollution and flooding associated with the highway drainage.

9.149.12 An overall adverse effect on the rural nature of the surrounding area.

9.149.12.1 The landscape assessment completed as part of the environmental impact assessment considered the impact of the proposed junction arrangements. The assessment concluded there would be substantial effects in the vicinity of the junctions. The design of the proposed scheme has therefore included planting around junctions, and on the associated embankment slopes, to mitigate the impact as much as possible. It is, however, acknowledged that the proposed junctions cannot be fully integrated into the existing environment. Regardless, as outlined above, on balance, they are considered appropriate for this scheme based on their good safety and economic performance.

9.149.13 The proposed landscaping measures and noise mitigation measures for the surrounding properties are wholly inadequate for the impact that proposed scheme will have for the Owner's land and surrounding area.

9.149.13.1 As outlined above the design of the proposed scheme has included planting around junctions and on their embankment slopes to mitigate the impact as much as possible. Where possible the junctions have been positioned to

maximise the distance between the junction and any residential properties. In addition, some junctions are in cutting to reduce the visual impacts. The proposed mitigation is considered appropriate, and any further mitigation in the form of earth mounds would require significant additional land from residential properties. Noise barriers were considered but are not typically employed for isolated properties due to the cost, visual impact and restrictions on how close the barrier can be to a property.

The noise impact from the junction and side road is considered to be minimal and therefore mitigation has not been provided. Noise mitigation for the scheme as a whole has been considered and low noise surfacing has been proposed along certain sections of mainline. This is addressed further in the response to your penultimate point.

9.149.14 In the event that the CPO should be confirmed, our clients would be prepared to grant land use rights to accommodate the works. Accordingly, the extent of the proposed land take is not justified in the public interest.

9.149.14.1 As clarified it is understood this point relates to the lands identified for temporary use. The Department's intention for temporary land would be to agree a short term access agreement with landowners where it is legally possible. The Department will provide additional details on the licence agreement and the condition that the lands will be left at the end of the licence period. Where it is possible to agree a licence agreement with an individual landowner the land will be removed from the Vesting Order.

9.149.15 There are several flaws within the Environmental Statement issued by Arup in relation to the scheme.

9.149.15.1 Part V of The Roads (Northern Ireland) Order 1993 sets out the statutory requirements for the assessment of the environmental impacts of road schemes. This requires the Department to determine using the Annexes to 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 97/11/EC and Directive No. 2003/35/EC of the European Parliament and Council, whether or not a relevant project should be subject to an Environmental Impact Assessment.

The Department determined that the Project fell within Annex I of the Directive and that an Environmental Statement should be prepared. The Environmental Impact Assessment was carried out, and an Environmental Statement (ES) prepared, in accordance with Article 67 of the Roads (Northern Ireland) Order 1993 and the published guidance outlined with the DMRB.

9.149.16 Noise readings have not been taken at times of rush hour and immediately outside resident's properties, therefore not giving a true reflection of reality.

9.149.16.1 The noise assessment has been undertaken in accordance with the guidance provided within DMRB and the Noise Insulation Regulations (Northern Ireland) 1995. Both documents state noise levels should be calculated using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise (CRTN) 1988'. CRTN has been used for this scheme to determine the existing and forecast noise levels. Noise levels vary based on a number of conditions including the direction and strength of wind, whether it is wet or dry and the

time of day. Therefore the published process uses modelled levels to provide a common basis for assessment.

Baseline noise surveys were undertaken at a number of locations along the existing A8 to determine the ambient noise levels in that location. These surveys were undertaken to understand the existing noise climate and are only used to supplement the modelled method of determining noise changes and are not a calibration tool for the model. It is therefore not a requirement to take noise readings at every property. There are stringent conditions outlined within CRTN for which the noise surveys must satisfy with regards to the environmental parameters and time of day.

9.149.17 A survey does not appear to have been carried out by the Royal Society for the Protection of Birds. There are a number of protected Sparrow Hawks in the surrounding area of the Ballygowan Road.

9.149.17.1 As part of the environmental impact assessment, ornithological and habitat surveys were undertaken by qualified and competent ecologists using published methodologies. The results from the surveys have been considered in the impact assessment. There is no requirement for the Royal Society for the Protection of Birds to undertake surveys.

In addition, a Construction Code of Practice has been developed for the construction phase of the project. In terms of birds, trees would not be cleared during the bird-breeding season. If works are required during the nesting season, a survey would be undertaken to identify active nests and a buffer zone would be put in place around an occupied nest.

9.149.18 It recognises that due to the loss of various habitats, etc, injury and death among breeding birds, otters, badgers and bats will be significant. However, very little thought has been given to sympathetic planning and screening in order to mitigate same.

9.149.18.1 The design of the proposed scheme includes a number of standard design features to cater for animals along the scheme. These include;

- Replacement badger setts, and underpasses and fencing to ensure safe foraging on both sides of the road for badgers,
- Otter ledges at watercourse crossings used by otters and fencing at appropriate locations along the scheme,
- Hedgerow and hop over planting to facilitate bats crossing the scheme, and
- Replacement hedgerows and other planting to provide habitat for birds and other animals.

The environmental assessment has used standard guidance to determine the significance of the effects of the scheme due to construction and operation. The assessment considers the design features outlined above and the different animals individually. The effect for birds, otters, badgers and bats during construction is considered to be moderate adverse in the short-term. This is due to the potential loss of habitat, injury and death, although measures will be implemented during the construction phase to minimise the impact on wildlife. During the operation these effects reduce to minor adverse.

9.149.19 Insufficient detail has been illustrated with regards to the lighting schedule for the various junctions up and down the scheme.

9.149.19.1 The Environmental Statement outlines that the major junctions will be lit and this has been considered in the visual impact assessment. Street lighting is only proposed at the grade separated junctions and roundabouts to improve road safety at the key conflict points within the junctions. The lighting design will be finalised during the detailed design phase which will seek to minimise the extent of street lighting required. Street lighting will be designed to minimise both the light pollution into the sky and spill outside of the footprint of the proposed road.

9.149.20 **We have been informed that it is written in the Highways Agency Design Manual for Roads and Bridges that noise mitigation measures include landscaping and the creation of earth mounds. 'Noise and Visual intrusion are adverse effects which can be properly mitigated by earth mounds, barriers and planting'. From the Environmental Statement issued by Arup, the amount of planting, earth mounds, berms and noise barriers being created does not appear to be detailed. The Environmental Statement also stated that it would be the year 2031 before adverse effects would be sufficiently reduced.**

9.149.20.1 The DMRB extract outlined above refers to mitigation measures for both noise and visual intrusion.

The DMRB outlines a number of design and mitigation techniques to address noise and vibration impacts. These include: the design of the horizontal and vertical alignment, environmental barriers (fence or earth mound), low noise surfacing, or speed and volume restriction of traffic. The DMRB states 'The use of shrubs or trees as a noise barrier has been shown to be effective only if the foliage is at least 10m deep, dense and consistent for the full height of the vegetation'. It is, however, accepted that landscaping in the form of planting provides limited noise mitigation properties.

The environmental impact assessment considered the environmental impact of the scheme and identified appropriate mitigation. In terms of the noise, low noise surfacing has been included to mitigate the impact of noise along the scheme. Noise barriers were considered but are not typically employed for isolated properties due to the cost, visual impact and restrictions on how close the barrier can be to a property. Earth mounds require additional land which would have increased the land take requirements from residential properties that are typically close to the scheme. The landscape and visual assessment identified mitigation in the terms of replacement hedgerows, blocks of dense planting and profiling of artificial slopes. DMRB acknowledges that the planting and landscaping will take time to establish, but highlights large plants may be harder to establish and may be unsuccessful in providing the mitigation expected. DMRB outlines typically bare-root transplants, 450-900 mm high, for shrubs and trees are the recommended size and specification.

The assessment process considers the impact while planting establishes by undertaking an assessment on completion of the scheme (2016) as well as once the planting has established at 15 years after completion of the scheme (2031).

9.149.21 **Our clients would request that a public inquiry should be held in order to ascertain whether there is in fact a compelling case in the public interest for the proposed highway scheme.**

- 9.149.21.1 The Department has also considered the comments and objections received during the consultation period and the decision has been taken to hold Public Inquiries for the scheme, as announced on the 12th April 2011.

Inspectors' Comments (Andrew Craig)

See Allister Craig (OBJ_148).

9.150 **Mr Andrew Park**

Reference Number	OBJ_150
Date of Objector's Correspondence	1st March 2011

The Department has considered the correspondence referred to above and responds as follows:

- 9.150.1 **The gas pipeline runs through our client's land that is to be affected by the proposed scheme. No detail has been provided with regards as to how this pipeline will be affected. Any re-routing of same would have major implications for our client's land.**
- 9.150.1.1 Initial discussions have been held with BGE regarding the impact of the scheme on the gas transmission pipeline. BGE will be responsible for the final design of any works to, or diversions of, the pipeline and they will then liaise directly with affected landowners in relation to the required access agreements.
- 9.150.2 **A large area within Plots 6.05 and 6.06 is to be vested for a temporary construction area and we are advised that there may be a proposal by Roads Service to lease the land on a short term basis. It is essential that our client is fully informed with regards to its intended use, as no guarantee has been made with regards to the condition in which it will be offered back to our client and said area is immediately adjacent to old cottages owned by our client, for which he intends to obtain planning permission. This will play a large part in our client's decision making as to whether or not he will agree to lease the land or continue to have it vested. In either outcome, our client request's that a minimum 10 year maintenance guarantee is given in relation to drainage of the lands.**
- 9.150.2.1 The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.
- 9.150.3 **Plot 6.43 is an area vested to facilitate a permanent retention pond. Our client has concerns with the fencing arrangements of same and the future implications it will have on spreading slurry on the surrounding lands.**
- 9.150.3.1 Dialogue with landowners has helped the Department to develop a draft schedule of accommodation works which the Department will seek to agree with the landowner. Where practicable, the Department will look to

take on board landowner's views and requirements in finalising the schedule of accommodation works. The attenuation pond will be designed to contain the surface water carriageway run-off. The design of the pond will also consider implications to adjacent land and will be designed to prevent drainage problems occurring on adjacent land. The pond will be appropriately lined to prevent seepage of water out of the pond.

9.150.4 Our client currently owns all land and property down his lane. Proposed access arrangements are therefore totally unsuitable as they will mean sharing part of his laneway with 2 neighbouring landowners and maintenance vehicles accessing the permanent pond. Our client requests that where possible, his own independent access be maintained.

9.150.4.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. The access arrangements for this property are as a result of this strategy.

The layout of the junction access for this property, in terms of horizontal and vertical alignment, restricts the number of access that can be provided on the grounds of safety. Therefore, it has been necessary to group a number of accesses together into one shared access. The proposed layout minimises the amount of shared access to the immediate area around the junction, and therefore provides independent accesses for landowners as early as practicable. The sections of shared access will be public highway with maintenance responsibilities remaining with the Department. The Department consider the access arrangement to be appropriate.

9.150.5 The position of the proposed access is also unsuitable as it is on a steeply sloping contour, which may well pose problems for visibility and in the winter if not gritted will be dangerous when accessing the property. The position of said access will also be a point of increased traffic use from all traffic coming from the Ballybracken Road travelling to Larne.

9.150.5.1 The proposed access has been design in accordance with guidance and standards within the Design Manual for Roads and Bridges (DMRB). The access has been located on the outside of the bend to maximise the visibility and a landing area will be provided as the access approaches the junction to provide a flatter, safe area for vehicles to stop before joining the public road. Additionally, the forecast traffic flows on this link are predicted to be low (approximately 200 vehicles per day) compared with the large traffic flows on the existing A8 where the access currently joins. This road will serve vehicles from Ballynure and the Ballybracken Road heading towards Larne. This junction arrangement is considered to be safer and an

improvement upon the junction arrangement that the property currently experiences.

9.150.6 Our client owns 2 cottages on the immediate road side of the current A8. Our client views these as potential future development sites and therefore the proposed route of the A8 will affect their future value.

9.150.6.1 The traffic using the existing A8 will be significantly reduced following the scheme, and the main flow of traffic will be moved away from the property. The potential development of these sites would be subject to relevant planning permissions and the Department is not able to comment on potential developments.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

9.150.7 Our client owns and farms 84 acres of land, of which the proposed scheme intends to vest approximately 9.25 acres of his best quality arable and silage land. This will have a significant impact on our client's achievable income from same and his single farm payment.

9.150.7.1 As outlined above compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS).

9.150.8 Our client also owns No. 34 Larne Road. The proposed junction at the Ballybracken Road will be extremely close to same, affecting the level of privacy at the property and its overall value. There will no doubt also be significant increase in the level of noise at No. 34. At present, no assurances have been made that this will be mitigated. Our client requests that noise readings are taken at the property both prior and post construction to determine same and submitted to our client.

9.150.8.1 As outlined above compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS).

The landscape and visual assessment completed as part of the Environmental Impact Assessment identified that after completion of the scheme, from the front of your property there would be views towards the dualled A8 and the proposed junction. The landscape design in this area has included a replacement hedgerow along the new boundary and, where

possible, mature trees will be retained. The visual impact assessment considers the scale of change, the contrast to the existing, whether the change is permanent and the angle and distance of the proposed scheme. The assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established.

The visual impact for this property has been assessed to be substantial adverse in 2016, remaining as substantial adverse in the winter of 2031, reducing the moderate adverse in the summer of 2031. This means the assessment has concluded the impact of the scheme would cause a significant deterioration in the existing view.

The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – ‘Calculation of Road Traffic Noise (CRTN) 1988’ as required by Design Manual for Roads and Bridges. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 50dB occurs on the south-eastern facade of the dwelling.
- In the future year (2031) with the scheme, the highest noise level of 53dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the south-eastern facade. An increase of 2dB is predicted on this facade. DMRB outlines that in the long term a 3dB change is the smallest that is considered perceptible, the impact is therefore considered to be small.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

The noise assessment has been undertaken in accordance with the guidance provided within DMRB and the Noise Insulation Regulations (Northern Ireland) 1995. Both documents state noise levels should be calculated using the method detailed in the Department for Transport technical memorandum – ‘Calculation of Road Traffic Noise (CRTN) 1988’). CRTN has been used for this scheme to determine the existing and forecast noise levels. Noise levels vary based on a number of conditions

including the direction and strength of wind, whether it is wet or dry and the time of day. Therefore the published process uses modelled levels to provide a common basis for assessment.

Baseline noise surveys were undertaken at a number of locations along the existing A8 to determine the ambient noise levels in that location. These surveys were undertaken to understand the existing noise climate and are only used to supplement the modelled method of determining noise changes and are not a calibration tool for the model. It is therefore not a requirement to take noise readings at every property. There are stringent conditions outlined within CRTN for which the noise surveys must satisfy with regards to the environmental parameters and time of day. The document outlines noise measures should be recorded over any three consecutive hours between 10.00 and 17.00 hours.

Inspectors' Comments (Andrew Park)

The concerns of the Objector and the RS responses set out above have been noted.

Inspectors' Recommendations (Andrew Park)

- RS to bring forward discussions to enable BGE to begin dialogue with the land owner on the revised alignment of their high pressure supply pipe and the associated construction timings
- RS to enter into discussions with the land owner concerning possible licence agreements for ground required on a temporary basis.
- Land to be transferred back to the land owner in a similar condition as it was before the scheme commenced and this to be the subject of more detailed discussions with the individuals concerned.
- RS to have further discussions with the land owner concerning the proposed fencing arrangements around a permanent retention pond to be constructed in Plot 6.43 and the future implications it will have on spreading slurry on the surrounding lands

9.151

Mr and Mrs Gill

Reference Number OBJ_151

Date of Objector's Correspondence 2nd March 2011

Though the specific objections defined under this reference number have been withdrawn, see Calhame Road Residents Association (OBJ_159).

9.152

John and Maree Kirk

Reference Number OBJ_152

Date of Objector's Correspondence 2nd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.152.1 Our clients operate a 115 acre intensive beef farm at the above mentioned property. At present, the farmstead is laid out in such a way that Mr Kirk does not need to employ any additional labour, as he is capable of working the entire holding on his own extremely efficiently. Due to the proposed scheme, 20 acres of their land is to be vested, resulting in severe severance of their lands and significant land loss to the business, which will also have implications whilst trying to comply with the Nitrates Directive. This will have a significant impact on the value of our client's property/lands, and will no doubt reduce the amount of income achievable from same as less livestock will be able to be kept. To date, no mitigating measures what so ever have been assured to our client's by Arup, and as a result they have suffered undue stress and ill health.

9.152.1.1 The Department and their representatives Arup have endeavoured to keep Mr & Mrs Kirk advised of the options being considered throughout the development of the preliminary design for the A57 Templepatrick Road Junction. In this regard there have been a number of meetings to consult on the options being considered.

Due to the changes associated with the Church Road, which took place shortly before the publication of draft orders and the subsequent impact on Mr & Mrs Kirk, Arup sought through the landowners agent to arrange a meeting to discuss the changes and impact. The decision to meet with the Kirk's had been taken by the project team given the impact and changes from that which had previously been discussed and that they should be made aware in advance of receiving the Notice of Intention to make a Vesting Order.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

9.152.2 An under/over bridge must be provided in order for Mr Kirk to continue farming the holding. If not, he would need to employ additional labour,

which is simply not possible, as although the farm is extremely efficient, it is simply not large enough to support more than one income. This will become even more so with the area of land that is be vested. Therefore, is said over/under bridge is not provided; our clients will be forced to cease farming.

Our clients will be subject to additional travelling time and costs in order to access both their lands and their property.

9.152.2.1 The agricultural impact assessment for this scheme has been completed in two parts. Firstly McIlmoyle and Associates produced baseline reports for all the agricultural businesses along this section of the A8. In doing this, they held discussions with the respective landowners and obtained copies of the relevant Department for Agricultural and Rural Development (DARD) farm maps. The landowners were then sent their baseline report and invited to comment on its accuracy. McIlmoyle and Associates updated these reports where comments were received. An agricultural impact assessment was then undertaken to determine the impact of the proposed scheme relative to the baseline information previously gathered. McIlmoyle and Associates used their professional judgement to assess the impact using a set of defined impact ratings (as outlined in the individual reports). The findings were written into individual agricultural impact assessment reports which were then issued to the respective landowners.

The Department has no legal obligation to carry out accommodation works, as liability is limited to monetary consideration only. In certain circumstances, Roads Service may consider the provision of cattle creeps as accommodation works, which may take the form of an underpass or an overbridge. If and when accommodation works are carried out by the Department, the effect is to mitigate the compensation in respect of land taken and injurious affection to land retained by the vendor. As such the case for or against the provision of such accommodation structures must be proven economically.

Taking into consideration the advice provided by McIlmoyle and Associates and LPS, in this case, the Department do not consider there is an economic case for the provision of an underpass or bridge. This decision considers the nature of the business and the close proximity of the land to the A57 Templepatrick Road junction. The Department do, however, acknowledge the scheme will have a significant adverse impact on the farm.

As outlined above compensation matters are considered by LPS on behalf of the Department.

9.152.3 **The proposed road is to run immediately behind No. 17 Belfast Road, (which our client's son planned to live in) increasing the level of noise pollution endured by the property. At present, no assurances have been made that this will be mitigated. Our clients request that noise readings are taken at the property both prior and post construction to determine same and submitted to our client's. The closeness of said road to the property will also have a substantial affect on the value of same, and decrease the overall level of privacy enjoyed by the property.**

9.152.3.1 The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for

Transport technical memorandum – ‘Calculation of Road Traffic Noise (CRTN) 1988’ as required by Design Manual for Roads and Bridges. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 55dB occurs on the south-eastern facade of the dwelling.
- In the future year (2031) with the scheme, the highest noise level of 67dB occurs on the south-western facade.

Between the opening year and future year, the highest noise change is predicted to occur on the north-western facade. An increase of 20dB, to a level of 65dB, is predicted on this facade. Noise barriers were considered but are not typically employed for isolated properties due to the prohibitively high cost, visual impact and restrictions on how close the barrier can be to a property.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the modelled noise levels, using actual traffic count data collected from the scheme within 12 months of opening.

As outlined above CRTN has been used for this scheme to determine the existing and forecast noise levels. Noise levels vary based on a number of conditions including the direction and strength of wind, whether it is wet or dry and the time of day. Therefore the published process uses modelled levels to provide a common basis for assessment. Baseline noise surveys were undertaken at a number of locations along the existing A8 to determine the ambient noise levels in that location. These surveys were undertaken to understand the existing noise climate and are only used to supplement the modelled method of determining noise changes and are not a calibration tool for the model. It is therefore not a requirement to take noise readings at every property. There are stringent conditions outlined within CRTN for which the noise surveys must satisfy with regards to the environmental parameters and time of day. The document outlines noise measures should be recorded over any three consecutive hours between 10.00 and 17.00 hours.

As outlined above compensation matters related to value or properties will be considered by LPS on behalf of the Department.

9.152.4 **Our client’s situation has been handled extremely poorly and unsympathetically by Arup. Little effort has been made to keep them**

informed of changes to the proposed road that affected their property. After having 2 preliminary accommodation works meetings, and our clients being assured by Arup that they would lose no more than 15 acres of land and that the level of severance they would endure was at its absolute maximum, just 2 days before our clients' Notice of Intention to Make a Vesting Order was due to arrive at their property, we were informed that changes to the Church Road would result in additional changes/land loss to our client's farm. No attempts had been made to contact or inform our clients' of this, and Arup had to be persuaded to have another urgent meeting with them to discuss the same.

- 9.152.4.1 As outlined above the Department and their representatives Arup have endeavoured to keep Mr & Mrs Kirk advised of the options being considered throughout the development of the preliminary design for the A57 Templepatrick Road Junction. In this regard there have been a number of meetings to consult on the options being considered.
- 9.152.5 **The closure and realignment of the Church Road is extremely impractical and unnecessary. Its closure will result in a lot of people being cut off from Ballynure village and being subject to increased travelling time and inconvenience, this will only serve to divide and fragment a rural community.**
- 9.152.5.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.
- A bridge was preliminarily indicated for Church Road in August 2009 at the Preferred Route Announcement. As a result of further scheme development, the current scheme proposes to stop-up Church Road, to a point west of the proposed A8 dual carriageway, to the Templepatrick Road. Some of the influencing factors for this decision include: the relatively low volume of traffic using Church Road, the proportion of this traffic destined for Ballynure, the limited diversion that would result from a closure of the road and the significant capital cost of providing a bridge. On this basis the Department believe on balance the decision to stop-up Church Road is correct.
- The Department acknowledges that the closure of Church Road would result in a 1km diversion for travellers undertaking a journey from Ballynure (via Church Road) towards Ballyeaston, or Ballyclare. However, journeys between Ballynure and Ballyclare, and between Ballyclare and Larne (via the Templepatrick Road) are unaffected by the scheme proposals. In addition, those vehicles on the west of the proposed scheme that currently use Church Road to access the A8 will have easier and more direct access via the A57 Templepatrick Road junction. The level of traffic along Church Road will significantly reduce, resulting in an improved environment for

residents in that area. On balance, taking all the factors into account, the Department consider its decision to stop-up Church Road is acceptable.

Mr Irvine made an input to the Inquiry on the afternoon of Thursday 16th June. It took the form of a prepared statement which is reproduced below in full:

'John and Maree Kirk own and operate a beef raising and finishing farm on the edge of Ballynure. John has lived on this farm all his life, and has been a farmer since a young boy. The farm comprises approximately 109 acre (44.2 hectares) which is all contained within the one block, with the entire farm being utilised to graze approximately 260 heifers through to beef, turning over approximately 600 cattle per year.

The farmyard is centrally located, allowing easy access from all the fields, and the shelter provided by the abundance by large mature trees throughout the farm, and around the farmyard, allows the store cattle to be turned out early, or facilitating the purchase cattle to access both land and sheds, assisting them in becoming acclimatised in reducing disease and viruses such as pneumonia etc.

So, most importantly with this particular farm, one man can control the entire operation. In the proposed A8 dual carriage and diverted Church Road will pass through the centre of the farm, from north to south, and will result in the loss of 20 acres of prime land, and the severance of approximately 43 acres of lands in the main holding.

The increased inconvenience in moving and handling stock will be immense, and the future viability of the farm is under threat. The ability to conduct the previous business of grazing stock with access to sheds, yard etc will no longer be possible on the severed part and Mr Kirk, while not an old man, the change to his farming practices will be difficult to adapt to, and will probably result in him having to employ additional staff, at great cost, or give up farming. The AIA, while not mentioning the late addition of the Church Road diversion, has assessed the effect of the scheme, highlighting the loss of direct access across the scheme will add a significant journey time and cost to the business. The classification under the AIA is significant adverse. To qualify for this classification the following will occur; a sizeable area of the farm will be removed from agricultural production, there will be substantial disruption to the present day-to-day management routines, there will be significant impact on the present farm profitability arising from additional costs associated with farming maintained lands and there will be significant impact on farm viability. And I would say that in this particular case he qualifies under each and every one of those headings.

With regard to the farm bio-security, the AIA states that this is not an issue as in Doctor McIlmoyle's opinion there is no change from the existing situation. I strongly challenge this.

The farm will be severed by two roads, opening up public access through the farm. There will now be potential for trespass, litter from passing cars, and the potential for pollution of the natural water supply and streams through the farm. This statement on bio-security is commonly used throughout all the AIA's and has been very poorly thought out. It gives a very wrong impression on the issues of bio-security, and let us remember the foot and mouth outbreak that devastated the Northern Ireland agricultural industry was only ten years ago, and herds are always under threat from brucellosis and tuberculosis outbreaks which can result in the total loss of herds. I would recommend that Doctor McIlmoyle re-examine all the AIA's in respect of bio-security, and provide the Inspectors with a proper perspective of the bio-security risk associated with the scheme.

The main farmhouse is located adjacent to the farmyard. Mr Kirk's mother occupied this until she recently died. The intention is that one of Mr Kirk's sons will live there in

future. The scheme will run adjacent to the dwelling, with the result that the noise will increase on one side by 20 decibels which, although below the limit of 68 decibels which qualifies for mitigation measures under the Noise Insulation Regulations, is away above the level of 3 decibels, necessitating the requirement for mitigation measures. This increase in noise level without mitigation will render the future occupation of this dwelling unbearable.

So what mitigation measures have Road Service provided for Mr and Mrs Kirk in respect of severance and noise? In truth - none. Nor has there ever been any attempt to provide any measures. The reason appears to be that, in their estimation, that it's cheaper to compensate than to accommodate. This attitude could be taken throughout the scheme, yet mitigation measures through accommodation works were provided in almost all instances. Indeed, I am aware of several cases where a bridge and underpass have been provided for land owners with much smaller enterprises than my client. Also several similar situations on the recently constructed A1 and A4 schemes. Some of this has been mentioned in the previous case. I therefore cannot understand the Department's attitude. The Kirk family have been more than accommodating, indeed, too accommodating, in my opinion, particularly in light of the way they have been treated. We have asked for evidence of how they have arrived at their decision not to provide accommodation measures, but this has not been forthcoming, as they cite that this is privileged information between them and LPS. Yet, once again, other costings along the scheme are available, and we're able to examine costs as to why link roads are provided rather than bridges etc, yet, we cannot see evidence as to why they have taken the decision not to provide any accommodation works for my client. Even the provision of handling accommodation, with housing to shelter animals on the severed lands, would be of some benefit, but this also has not been proposed.

I have some photographs and I'm happy to pass these round. What the photographs show are the buildings in the farmyard, and the shelter that's provided by the natural trees and hedges etc. that are there. And it's a particularly important facility to Mr Kirk with regards to his farming operation. Now he doesn't admittedly lose the buildings (we accept that) but he's going to lose the use of these buildings for approximately half of his farm. There are handling facilities here, there's facilities at the moment for these cattle to run in and out of the sheds, there's a lot of shelter, and what the client is being faced with is six lanes of carriageway through his farm - the dual carriageway plus the re-routed Church Road - yet there's been no discussion on provision of handling facilities or shelter, whatever, on the far side of the road. The attitude being taken by Road Service is that they're not in a position to provide those facilities; leaving it simply as a case to fight whenever the time for compensation would come. Now we appreciate that particularly now (whenever you, at the last minute, have added in the diversion of the Church Road) it's going to make it even more difficult with regards to providing an underpass or an over bridge, but the point we would wish to make is that having done that it makes it extremely difficult now, for the severance to our client's farm is even greater, yet I ask again - what mitigation measures have been proposed in this particular case?'

Mr Hutchinson responded that RS appreciated how accommodating the Kirk's had been throughout the process and it was unfortunate that late changes had been made. However, he believed that the most robust and best proposal had been put forward.

Mr Furneaux then explained the diversionary route that Mr Kirk would have to take to access his lands on the western side of the new carriageway. The distance involved would be 1.6km.

Mr Hutchinson said that an exercise had been carried out to check the costs of providing an underpass or overbridge against the compensation which might be paid.

Whilst the two figures were not very far apart, RS did not intend to provide an accommodation structure.

Mr McGuinness then questioned Dr McIlmoyle and the results of this exchange were as follows.

There were probably between 250 and 260 cattle on the farm at one time and as they were finished as beef they would be sold and replaced with younger store cattle. Unlike a dairy herd, beef cattle would normally be stocked on a field until the grass was depleted at which point they would be moved to new adjacent pasture. They would be moved on once again and probably returned to the original field in an overall three week cycle. Dairy cattle on the other hand required access to farmstead twice per day for milking.

Based on information provided by Mr Kirk, over the winter around 180 cattle would be brought into covered accommodation and finished on a diet of silage or concentrates. They would not be left outdoors over the winter, as the land would be trampled and destroyed.

Turning to bio-security issues, Dr McIlmoyle did not anticipate changes as a result of the scheme. A code of Practice published by the Department of Agriculture gives guidelines as to how bio-security should be operated on a farm and he could see no evidence of that. Neither were there double fences right around the land, including conacre land, to prevent nose-to-nose contact with cattle belonging to neighbours. Though Mr Irvine had suggested that the new road would open up the farm to potential access and litter, fencing would prevent trespass and trespassers would probably come from urban or rural dwellings and would have been unlikely to be in contact with cattle.

Mr Irvine pointed out that at present the Kirk's farm was basically ring fenced with no trespassing. The proposed new road would open it up to trespass and in addition there were bio-security issues here. He was also concerned that run-off from the roads would contain hydrocarbons, petrol, petrol additives, grit and chemical spills. Retention ponds could only do so much before feeding into natural waterways through the farm which are the natural water supply for the rest of Mr Kirk's cattle and grazing lands.

Dr McIlmoyle then outlined a number of potential bio-security issues associated with the process of store cattle being purchased at a mart. This being the case he considered the trespassing issue to be 'a red herring'. Mr Irvine responded that as the owner and operator of livestock market, he had disinfection facilities at the doors for everyone who attended including, he was sure, Mr John Kirk.

Dr McIlmoyle, not being a vet, was unsure if there was a hierarchy of bio-security risks. However, he would have thought that trespass was very low down the priority list.

He outlined the official procedure for bringing home new cattle and explained that this could take several weeks before the necessary test results were available. Beef cattle were not seen as a big bio-security risk and they were not in the same risk category as dairy cattle.

On the subject of the natural water supply through the severed lands, Mr Hall outlined the need for the two proposed attenuation ponds and how they would operate. All outfalls would go through petrol interceptors, maintained on a yearly basis, to deal with hydrocarbons at source. This was a tried and tested attenuation method and he did not believe that the issues of pollution or contamination stacked up.

Mr Power reaffirmed the noise modelling process which had been undertaken and confirmed that noise reducing surfacing would be provided along the entire main line. The maximum noise level was not anticipated to exceed the criteria for the Noise

Insulation Regulations. Without the scheme the highest noise level of 55dB occurs on the south western side of the façade. The highest noise change predicted to occur was an increase of 20dB to 65dB on the north western facade. That was without the 3bB benefit from the noise reduction surfacing.

An exchange then took place between Mr Irvine and Dr McIlmoyle the results of which are outlined as follows.

Since the farm would be severed by the proposed new road, the process which would be necessary to move cattle from one side to the other was discussed in some depth. Such movements would become necessary in order change grazing patterns, bring livestock in for dosing or testing etc.

Dr McIlmoyle suggested that since Mr Kirk already had lands rented in conacre remote from the farm, cattle were probably moved there and back in a trailer behind a 4x4 or tractor. He anticipated that a similar procedure would be adopted to access the severed lands, with the animals herded into a corral before being loaded for transportation.

Some 100 to 150 cattle could be grazed on the 40 or so acres which would become severed from the main, or eastern part of the farm.

Mr Kirk owned a good standard stock trailer which could probably hold 3 or 4 store cattle but Dr McIlmoyle was of the opinion that someone turning over 500 to 600 cattle per year would require a bigger trailer which would be towed behind a suitable tractor. This would be capable of holding upwards of 20 cattle in one load and depending on the specification the cost could be in the order of £8,000 to £10,000. Even larger trailers were available and they were not considered to be excessively expensive. Since neither a larger tractor or trailer was at present available, Mr Irvine calculated that 30 loads would be required in order to move 150 cattle, 5 at a time and this could not be justified. Unless a larger trailer was obtained it would be necessary to bring in a haulier to make these stock transfers and there would be no compensation for the costs involved in obtaining a larger tractor and trailer.

The 58 acres of conacre land were capable of grazing 500 to 600 cattle per year and all stock movements were made using a 6 wheeled trailer at six cattle per load. Mr Kirk had to work backwards and forwards to manage the cattle on his conacre lands but that was built into his present working day. The new road would create additional activity and add cost.

Quoting Dr McIlmoyle's AIA, Mr Irvine said that the provision of a road to connect both sides of the farm would reduce the effect on the management, performance and future viability of the farm from significant to moderate adverse. In conclusion there would be severance, significant land loss, access difficulties and journey times and costs would be significantly increased. Furthermore, the extent of land loss may result in compliance problems under the Nitrated Directive.

Responding to Mr Irvine's suggestion that the lack of access across the proposed road would put at risk the future viability of the farm, Dr McIlmoyle was of the opinion that there were 180 spaces for wintering cattle, though he had not looked at the sheds. Farms could be managed in different ways, including the more expensive finishing indoors.

Mr Irvine responded that the sheds were to allow cattle to have some shelter and run in and out to the yard, rather than being housed. He was surprised that the suggestion was being made that Mr Kirk could winter more cattle without the sheds having been seen and inspected.

In conclusion Mr Hutchinson said that RS had carried out an economic test and had been unable to prove a value for money case to provide an accommodation structure between the two parts of the farm. He was happy to discuss all other forms of accommodation work that might help to alleviate the impact of the scheme.

Mr Irvine made a further short input at the Inquiry on the afternoon of Thursday 23rd June, the purpose being to read a further short submission he had received from Mr Andy Hunter, his client's Agricultural Consultant. This is reproduced below in full with some minor adjustments to reflect the translation of the spoken word into written format..

'At the Public Inquiry on the 16th of June 2011, the question was raised as to how livestock would be handled on the area of approximately seventeen and a half hectares, 43 acres, severed from the farmyard on the west side of the proposed dual carriageway on the above holding.

The reply given by Doctor McIlmoyle was along the lines - the land owners could set up a few gates in the corner of the field, pen the cattle, and load them onto the trailer. This would be totally unacceptable for the following reasons, in that beef animals of 400-500 kg could not be controlled by a few gates, and proper handling pens would be required.

As stated in correspondence from Arup on the 2nd of March 2011, the purpose of compensation is that the owner is put, as far as money can do it, in the same way as if land or property had not been taken. The existing farm yard is well sheltered by mature trees. There are excellent penning and handling facilities and cattle have access to sheds for shelter in inclement weather. While this can never be replicated it is essential that compensation is at a level which will enable the land owner to provide proper handling pens, with a crush and slurry tank and a covered area where livestock can shelter'.

RS did not have any further comment to make on this submission.

Inspectors' Comments (John and Maree Kirk)

From the objections submitted by Mr Irvine both before and during the Inquiry, it became clear very quickly that most the significant issue for the Mr and Mrs Kirk was the severance of their land. This would occur as a result of the RS proposals to upgrade the A8 to a dual carriageway.

Most of the discussion which took place at Corr's Corner on the 16th June concerning the AIA, stock numbers, movement options, diversion distances, compensation, shedding etc. were very important issues, all of which linked back to the fact that direct access between the two severed portions of the farm would no longer be possible.

It is believed that this high degree of severance and the associated time, cost and other issues are fully recognised by RS and whilst various mitigation measures have been considered by the Design Team, nothing of major significance has been offered.

The possibility of connecting the two parts of the Rowney holding located on each side of the main line by means of a bridge, an underpass or a cattle creep has been examined in some depth by the Department and rejected on the grounds of cost.

A possible complicating factor for either of the two below ground solutions would be the levels of the surrounding ground. This could mean that either of the underground options would create 'sumps' which would be unlikely to be self draining, so therefore water pumping facilities would be required to keep them dry and passable.

Whilst the explanations presented by RS as to why the three access solutions were rejected is understood, it is nevertheless believed that the potential impact on the Kirk business would be so significant, that the provision of a private means of access has to be reconsidered.

In Section 11 of this Report, the proposed closure of Church Road is considered in some detail and the recommendation is made in Section 12 that RS should revert to the original intention to construct an overbridge to span both Church Road and Ballynure Water. This would mean that Church Road would not be severed and this would provide an opportunity for this road to be used to provide a means of access between the two severed parts of the Kirk holding. Further details of how this might be achieved and the implications of this recommendation for Mr and Mrs Kirk and others, will be found in Section 11.

Inspectors' Recommendations (John and Maree Kirk)

- A private means of access to be constructed for Mr and Mrs Kirk utilising Church Road in order to reduce the impact of the severance on their land holding.
- Should RS reject the recommendation that an open span bridge should be constructed over Church Road and Ballynure Water, then an accommodation underpass should be provided for the Kirks on the southern side of the single span arched structure.

9.153 Mr and Mrs Geoffrey McConnell

Reference Number	OBJ_153
Date of Objector's Correspondence	2nd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.153.1 The proposed road will be both raised and be constructed closer to our client's property than the current road. It would also appear that the scheme will remove a section of our client's mature hedge which currently provides privacy and a noise barrier to the A8. A raised junction at Moss Road is also to be constructed approximately 50 metres from the front of their property.

9.153.1.1 The majority of the proposed land take is the bed of the existing Moss Road. The Department will avoid any impact on the garden of the property, and therefore retain any existing vegetation or hedgerows with the garden. The Department acknowledge that the proposed scheme will lead to some impacts on the property in terms of visual and noise, as discussed in more detail below.

The landscape and visual assessment completed as part of the Environmental Impact Assessment identified that after completion of the scheme, from the front of your property there would be views towards the realigned Moss Road, the proposed junction embankments and associated lighting. The landscape design for this location includes planting to slip road side slopes and the land within the junction. The visual impact

assessment considers the scale of change, the contrast to the existing, whether the change is permanent and the angle and distance of the proposed scheme. The assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established.

9.153.1.2 The visual impact for this property has been assessed to be substantial adverse in 2016, remaining as substantial adverse in 2031. This means the assessment has concluded the impact of the scheme would cause a significant deterioration in the existing view.

9.153.2 **Both of these arrangements coupled together will substantially increase the level of noise at our client's property as sound will be able to travel freely due to the now height difference between the road infrastructure and our client's property. At present no assurances have been made that this will be mitigated. Our clients request that noise readings are taken at the property both prior and post construction to determine same and submitted to our clients.**

Between 11th-13th May, at the lay-by on the A8 parallel with the Ballygowan Road (assumed said lay-by is at the Moss Road, extremely close to our clients property) noise readings were taken. Decibel levels appear to be on average approximately 80db with a 90.5db maximum. Our client's feel that these results are extremely flawed as they were not taken in rush hour traffic and therefore do not give a true reflection of reality. At the closest point to the present A8, our clients' property is shielded by a stone house and outbuildings and large garden at the rear of the property, therefore reducing the current noise level. This will be removed by the scheme and will increase noise from the new road. Our clients wish to state that noise level readings should have been taken at our client's property as they do not live on a lay-by where the db readings were taken!

9.153.2.1 The noise assessment has been undertaken in accordance with the guidance provided within Design Manual for Roads and Bridges (DMRB) and the Noise Insulation Regulations (Northern Ireland) 1995. Both documents state noise levels should be calculated using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise (CRTN) 1988'. CRTN has been used for this scheme to determine the existing and forecast noise levels. Noise levels vary based on a number of conditions including the direction and strength of wind, whether it is wet or dry and the time of day. Therefore the published process uses modelled levels to provide a common basis for assessment.

Baseline noise surveys were undertaken at a number of locations along the existing A8 to determine the ambient noise levels in that location. These surveys were undertaken to understand the existing noise climate and are only used to supplement the modelled method of determining noise changes and are not a calibration tool for the model. It is therefore not a requirement to take noise readings at every property. There are stringent conditions outlined within CRTN for which the noise surveys must satisfy with regards to the environmental parameters and time of day. The

document outlines noise measures should be recorded over any three consecutive hours between 10.00 and 17.00 hours.

9.153.3 Even so, said results are in extreme excess of the 68db threshold for noise mitigation measures to be implemented, and our clients are at a loss as to why post construction, with the project increased volume and speed of traffic, Arup feel that the noise levels would in fact decrease and therefore noise mitigation measures are not necessary.

9.153.3.1 The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – ‘Calculation of Road Traffic Noise (CRTN) 1988’ as required by Design Manual for Roads and Bridges. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 64dB occurs on the south-eastern facade of the dwelling.
- In the future year (2031) with the scheme and with the existing adjacent property removed, the highest noise level of 69dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the south-western facade. An increase of 5dB is predicted on this facade.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be above the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

9.153.4 Insufficient thought has been given in the Environmental Statement with regards to the visual screening planned for the raised junction at the Moss Road. As our client’s property will now be surrounded by raised road infrastructure their overall level of privacy will be significantly reduced and they feel they are being made to live in a ‘Goldfish Bowl’. Sympathetic planting must be executed around their property and on said roads to mitigate this.

At present it is illustrated in the Environmental Statement that the scheme is having an overall ‘substantial adverse’ effect on our client’s property, and yet only the far side of the Moss Road junction will have visual

screening. This is of absolutely no benefit to our client's property and we would request that the entire perimeter of said junction be planted.

Also due to the height difference in the proposed road, this results our clients' main living room window (6m x 4m) being in direct line of sight with 2 lanes of on-coming traffic travelling towards Larne, there is also no proposal of fencing or sympathetic planting to mitigate this.

- 9.153.4.1 The environmental assessment acknowledges that the construction of the proposed junction will have a visual impact on properties within the immediate vicinity of the junction. The design of the proposed scheme has therefore included substantial planting around junctions, and on the embankment slopes to mitigate the impact as much as possible. The proposed planting includes vegetation on the embankment in front of the property. The existing hedgerow along the front of the property will also be retained.
- 9.153.5 **According to the Environmental Statement junctions are to be lit, our clients request a copy of the lighting schedule at the proposed Moss Road junction.**
- 9.153.5.1 The Environmental Statement outlines that the major junctions will be lit and this has been considered in the visual impact assessment. Street lighting is proposed at the grade separated junctions to improve road safety at the key conflict points within the junctions. The lighting design will be finalised during the detail design phase which will look to minimise the extent of street lighting required. Where street lighting is provided it will be designed to minimise light pollution into the sky and spill outside of the footprint of the proposed road.
- 9.153.6 **Due to the proposed height difference between the road infrastructure and our client's property, our clients are concerned with the possibility of flooding with surface water run off water from the new road. How will this be dealt with and what effect will it have on the nearby stream?**
- 9.153.6.1 The design of the proposed carriageway and land drainage has been developed in consultation with Northern Ireland Environment Agency Water Management Unit and Rivers Agency. The operation of the scheme will require the discharge of carriageway run-off into existing watercourse. The scheme design includes petrol interceptors and attenuation ponds to minimise the risk of pollution and flooding associated with the highway drainage. The Department do not consider the scheme will adversely impact on existing flood patterns.
- 9.153.7 **Our clients are concerned with regards to the future ownership of what will become the old Moss Road at the front of their property. Some discussions have taken place in relation to future ownership, but to date no assurances have been made. This is of major concern as the area would become abandoned or be an area where fly tipping etc. could take place.**
- 9.153.7.1 The proposed layout of the Moss Road junction has been designed to standards contained with the Design Manual for Roads and Bridges (DMRB). These standards require an improved junction with the new dual carriageway. If this junction had been at the end of the existing road it would have required land from the residential property in question. The new Moss Road is also higher than the existing road and therefore this would have resulted in difficulties providing access to the property. The

design therefore proposes a realignment of Moss Road north, with the existing road retained as an access laneway.

The existing Moss Road is a public road and therefore would remain within the ownership of the Department. This form of highway access is not uncommon for residential properties and given the number of properties which will use this road for access. On balance, the proposed arrangement is considered appropriate. However, the Department would give consideration to any request for the transfer of ownership of the appropriate part of the road.

9.153.8 No assurances have been made with regards to when demolition of an adjacent acquired property by Roads Service will take place. Our clients are concerned with regards to the safety aspects of same. Also the dwelling and outbuildings acts as a sound barrier to their property.

9.153.8.1 The demolition of the property owned by Roads Service would be undertaken as part of the works. During the works a site boundary will be established restricting access to works areas for the safety of members of the public. The role the property provides as a sound barrier has been discussed above.

9.153.9 The proposed scheme and all of the above issues will no doubt have a serious impact on the value of our client's property, and as this is a residential property every effort should be made to mitigate the effects of the proposed scheme.

9.153.9.1 As outlined above the environmental assessment has considered the impact on the property with respect to noise and visual intrusion. Mitigation measures have been proposed to reduce the impact. Compensation matters are dealt with directly by the Department for Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

Inspectors' Comments (Mr and Mrs Geoffrey McConnell)

The concerns of the Objectors and the RS responses set out above have been noted

9.154 Mr Kenneth Mairs

Reference Number
Date of Objector's Correspondence

OBJ_154
1st March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.154.1 The proposed scheme will result in the new road moving substantially closer to our client's property. Some years ago he had been advised of where the road was likely to be widened and he planted a large number of mature trees to protect his future privacy. However, the proposed road may remove many if not all of these, resulting in a severe loss of privacy to his dwelling and loss of a sound barrier.

9.154.1.1 The Department acknowledge the proposed scheme moves the road closer to the property, and will result in some loss of existing vegetation including the existing roadside hedgerow along the property boundary and some of the private planting within the property.

The landscape and visual assessment completed as part of the Environmental Impact Assessment identified that after completion of the scheme, from the front of your property there would be open views towards the dualled A8 with potential glare issues associated with the headlights of vehicles using Calhame Road. The landscape design for this property has included a replacement hedgerow along the new property boundary and, where possible, mature trees will be retained. The visual impact assessment considers the scale of change, the contrast to the existing, whether the change is permanent and the angle and distance of the proposed scheme. The assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established.

The visual impact for this property has been assessed to be substantial adverse in 2016, remaining as substantial adverse in 2031. This means the assessment has concluded the impact of the scheme would cause a significant deterioration in the existing view.

The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise (CRTN) 1988' as required by Design Manual for Roads and Bridges. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 66dB occurs on the south-eastern facade of the dwelling.

- In the future year (2031) with the scheme, the highest noise level of 67dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the south-eastern facade. An increase of 1dB is predicted on this facade. DMRB outlines that in the long term a 3dB change is the smallest that is considered perceptible, the impact is therefore considered to be small.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

The Department refutes the claim that the loss of planting equates to the loss of noise mitigation. The Design Manual for Roads and Bridges HD 213/11: Noise and Vibration, Clause 4.4 outlines that all but the most dense vegetation has a limited effect as a noise barrier, stating '*The use of shrubs or trees as a noise barrier has been shown to be effective only if the foliage is at least 10m deep, dense and consistent for the full height of the vegetation*', although it obviously plays an important role in visual screening.

9.154.2 A new access will have to be created to the dwelling from the Green Road, this will seriously inconvenience our client when he wishes to travel to and from Larne and Belfast. Our client would also welcome further discussion as to where this access will be positioned and the standard to which it will be constructed.

9.154.2.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. For safety reasons, the proposed A8 dual carriageway has purposely been designed to not permit at grade traffic to turn right across the carriageway. All right-turning manoeuvres will be undertaken at the main junctions along the route.

This property is located in close proximity to the Green Road junction. It was therefore possible to provide an access connection from the property to this junction. This has afforded the property direct, all-movement access

onto the A8. This access arrangement was developed for the following safety reasons:

- The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway.
- This access arrangement provides easy access to both directions of the A8
- There is not enough separation between this property and the Green Road junction to safely provide a dedicated left-in left-out junction for the property. This would result in a departure from standards in terms of visibility requirements between successive junctions.

Therefore, for safety reasons, an individual left in left out junction for this property was rejected.

The diversion length for a journey from the property to or from the A8 heading south towards Belfast is approximately 1.1km. The proposed junction arrangement means there would only be a minimal diversion associated with journeys to and from the A8 heading north towards Ballynure. The level of diversion is small and the Department therefore considers the level of inconvenience to be minimal.

The access proposals for this property will be delivered through accommodation works for the scheme. Dialogue to date with affected landowners has helped the Department develop a draft schedule of accommodation works which the Department will seek to agree with landowners along the scheme. Where practicable the Department will look to take on board the landowner's views and requirements in finalising the schedule of accommodation works. The Department is therefore happy to further discuss the details of the proposed access.

9.154.3 An area has been identified as being required for temporary use. Our client would consider entering into a private arrangement to lease the land rather than have it vested, but much will depend as to what purpose the land will be used for and how it will be reinstated.

9.154.3.1 The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.

Inspectors' Comments (Kenneth Mairs)

The concerns of the Objector and the RS responses set out above have been noted.

Inspectors' Recommendations (Kenneth Mairs)

- RS to enter into discussions with the land owner concerning possible licence agreements for ground required on a temporary basis.
- Land to be transferred back to the land owner in a similar condition as it was before the scheme commenced and this to be the subject of more detailed discussions with the individuals concerned.

- RS to have discussions with the land owner concerning where the proposed new access will be positioned and the standard to which it will be constructed.
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9.155 Mr Ian and Mrs Ellen Davidson

Reference Number OBJ_155
Date of Objector's Correspondence 1st March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.155.1 The proposed access to the property must be of sufficient standard to accommodate heavy and wide vehicles. In addition, there are several residents on Stewartstown Drive who also works with such vehicles, and a sufficient passing space needs to be constructed at the end of the laneway to avoid potential road blocks. This will also accommodate those people trying to turn onto the lane from the main road should there be another vehicle trying to join the carriageway.

9.155.1.1 The proposed laneway in question will be designed to accommodate heavy goods vehicles and a passing place for large vehicles will be constructed at the end of the existing laneway.

The access proposals for this property will be delivered through accommodation works for the scheme. Dialogue to date with affected landowners has helped the Department develop a draft schedule of accommodation works which the Department will seek to agree with landowners along the scheme. Where practicable the Department will look to take on board the landowner's views and requirements in finalising the schedule of accommodation works. The Department is therefore happy to further discuss the details of the proposed access.

9.155.2 As a result of the scheme, our client's will be subject to increased travelling time in order to access their premises and surrounding areas.

9.155.2.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. As a result of this junction strategy, the existing junction between the A8 and Stewartstown Drive will be retained as a left-in left-out junction.

The impact of this junction reconfiguration will have an impact upon some journey lengths to and from the property. For vehicles travelling from the north (Larne) to the property, and from the property heading south (towards Belfast), there would be no additional journey distance. Vehicles approaching the property from the south (Belfast), however, would experience a diversion of 3.8km and for vehicles heading north from the property would be subject to a 1.6km diversion. A key consideration was minimising, as far as practicable, the diversion lengths for existing traffic accessing the A8 and the Department consider these changes to your journey lengths to be acceptable.

9.155.3 The scheme also proposes to have high hedges removed from neighbouring properties, resulting in a reduced level of privacy and loss of noise barrier for our clients.

9.155.3.1 The landscape and visual assessment completed as part of the Environmental Impact Assessment identified that after completion of the scheme, there will be a view of Dualled A8, but only oblique views of the proposed junction heavily filtered by existing vegetation. The landscape design at this location includes replacement vegetation and planting on the junction embankments. The visual impact assessment considers the scale of change, the contrast to the existing, whether the change is permanent and the angle and distance of the proposed scheme. The assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established.

The visual impact for this property has been assessed to be moderate adverse in 2016, reducing to slight adverse in 2031. This means the assessment has concluded the impact of the scheme would cause a noticeable deterioration in the existing view in 2016.

9.155.4 Noise.

9.155.4.1 The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – ‘Calculation of Road Traffic Noise (CRTN) 1988’ as required by Design Manual for Roads and Bridges. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 60dB occurs on the western facade of the dwelling.
- In the future year (2031) with the scheme and proposed low noise surfacing on the dual carriageway, the highest noise level of 60dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the southern facade. An increase of 1dB is predicted on this facade. DMRB outlines that in the long term a 3dB change is the smallest that is considered perceptible, the impact is therefore considered to be small.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

The Department refutes the claim that the loss of planting equates to the loss of noise mitigation. The Design Manual for Roads and Bridges HD 213/11: Noise and Vibration, Clause 4.4 outlines that all but the most dense vegetation has a limited effect as a noise barrier, stating '*The use of shrubs or trees as a noise barrier has been shown to be effective only if the foliage is at least 10m deep, dense and consistent for the full height of the vegetation*', although it obviously plays an important role in visual screening.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

Inspectors' Comments (Ian and Ellen Davidson)

The concerns of the Objectors and the RS responses set out above have been noted

Inspectors' Recommendations (Ian and Ellen Davidson)

- RS to enter into discussions with the landowners concerning the standard of the proposed access, which should be sufficient to accommodate both heavy and wide vehicles.

9.156 Mr and Mrs Samuel McNeilly

Reference Number OBJ_156
Date of Objector's Correspondence 1st March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.156.1 Plot 2.20 is a large area of our client's garden, with the results that the proposed A8 will be approximately 25 metres from the front of our client's property, rather than currently approximately 50 metres. As a result, a mature hedge will have to be removed, and this together with the fact that the new road is to be raised, will result in severe loss of privacy and loss of a noise barrier. At present, no assurances have been made that this will be mitigated. Our clients request that noise readings are taken at the property both prior and post construction to determine same and the results submitted to our client's. As this is a residential property, every effort should be made to mitigate the potential impact as it will no doubt have a severe impact on the value of same.

9.156.1.1 The proposed scheme will result in the edge of carriageway of the A8 dual carriageway being a distance of 40m away from the eastern corner of the property, with the boundary hedge 25m away. Presently those same measurements are 60m and 55m, respectively.

The landscape and visual assessment completed as part of the Environmental Impact Assessment identified that after completion of the scheme, from the front of your property there would be views of the new access track serving your property, and the dualled A8 in front of your property, and an attenuation pond on the opposite side of the A8 to your property. The landscape mitigation design proposes to replace lost vegetation with planting, including replacement hedgerows along the boundary of the road, to reduce the visual impact of the scheme. The visual impact assessment considers the scale of change, the contrast to the existing, whether the change is permanent and the angle and distance of the proposed scheme. The assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established.

The visual impact for this property has been assessed to be slight adverse in 2016, remaining as slight adverse in 2031. This means the assessment has concluded the scheme would cause a limited impact on the existing view.

The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – 'Calculation of Road Traffic Noise

(CRTN) 1988' as required by Design Manual for Roads and Bridges. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 66dB occurs on the north-eastern facade of the dwelling.
- In the future year (2031) with the scheme and proposed low noise surfacing on the dual carriageway, the highest noise level of 68dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the north-eastern facade. An increase of 2dB is predicted on this facade. DMRB outlines that in the long term a 3dB change is the smallest that is considered perceptible, the impact is therefore considered to be small.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

The Department refutes the claim that the loss of planting equates to the loss of noise mitigation. The Design Manual for Roads and Bridges HD 213/11: Noise and Vibration, Clause 4.4 outlines that all but the most dense vegetation has a limited effect as a noise barrier, stating '*The use of shrubs or trees as a noise barrier has been shown to be effective only if the foliage is at least 10m deep, dense and consistent for the full height of the vegetation*', although it obviously plays an important role in visual screening.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

9.156.2 Our clients operate a digger business from the above mentioned address with direct access on the A8. The Drumadowney Road is now to be a left-in left-out junction. Therefore both our clients and their customers will be subject to additional travelling time and inconvenience whilst travelling to and from their property.

9.156.2.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. The diversion length for a journey from your property to the A8, heading south towards Belfast is 2.7km. The diversion length from the A8 north to the property is 1.7km. The other journeys from your property towards Larne and from Belfast to your property are very small. The Department considers this level of diversion to be acceptable.

Mr Irvine made an input to the Inquiry on the afternoon of Friday 17th June

He began by explaining that two families were involved, living side by side at 65 and 67 Belfast Road. Discussions had taken place between RS and Mr Stephen McNeilly who lives at Number 65 and he was happy with the changes to the entrances which had been proposed.

At present the house was set about 50m back from the road and a row of mature trees provided excellent privacy and sound insulation. The new carriageway would be around 20m closer to the dwelling.

The main outstanding points of contention were the impact the proposed road would have on the property of Mr Alan McNeilly, in particular the height of the road above existing ground level and the lack of any proposals to remedy the loss of privacy and provide sound insulation.

Mr Irvine had suggested that the new carriageway would be 1.8m higher than the existing road but following further discussion it was confirmed that the actual figure would be 1.67m at chainage 2000. The exact level would depend on the chainage where the measurement was taken. It was still seen as a substantial rise. Mr Furneaux pointed out that the ground around the exit road was lower so moving the road in that direction actually appeared to increase its height.

Mr Power explained that the impact on the property had been assessed as 'slight' The environmental assessment looked at all residential properties in accordance with a set of criteria which produced a sliding scale from slight adverse, through moderate to substantial adverse.

Responding to Mr Irvine's point that the main issue was the visual impact and possible mitigation measures, Mr Hutchinson offered to pay a visit to the property after the Inquiry to assess what could be done to improve the situation.

Inspectors' Comments (Mr and Mrs Samuel McNeilly)

The concerns of the Objectors and the RS responses set out above have been noted, together with the input made by Mr Irvine at the Inquiry.

Inspectors' Recommendations (Mr and Mrs Samuel McNeilly)

- Mr Hutchinson to visit the property to discuss with the owners what could be done to address their concerns about loss of privacy and an increase in road traffic noise levels.

9.157 Robert John Kennedy

Reference Number

OBJ_157

Date of Objector's Correspondence

1st March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.157.1 Our client is dissatisfied with the new access arrangements and diversions that are proposed for him with regards to the management of livestock. Currently, when our client needs to cross livestock from one side of the A8 to the other, he is able to contact the police who shut the road briefly, causing as little inconvenience as possible. As a result of the proposed arrangements, our client will have to transport all of his livestock to the other side of the A8, causing immense inconvenience, extra time and labour requirements and occurring additional expense. In order to access his lands at the Legaloy Road he will have to go via the Legaloy Road junction and along the Rushvale/Calhame Road. A flyover at Rushvale Road would have alleviated this problem and would be our client's preferred option.

9.157.1.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and

consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

As part of the junction strategy, an option to provide a bridge at Rushvale Road was considered. This option was discounted in favour of the proposed Rushvale Road link road on the basis of economic and visual impact.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

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Queens Court
55-66 Upper Queen Street
Belfast
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- 9.157.2 A lot more land is being vested at Plot 2.13 than originally suggested. As our client is losing a significant amount of land to construct a permanent retention pond at plot 2.21, he would be keen to retain as much land as possible. Should this area be for temporary use, our client is concerned with regards to the condition these lands would be offered back to him in.**
- 9.157.2.1 Any land required for permanent retention ponds will be included in the vested land. However, the Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.
- 9.157.3 At Plot 2.48 our client is losing 2 road side access points to his lands and there has not been sufficient provision made to replace same. Due to the scheme, the only potential place to access the lands is opposite number 84 Glen Road, however this is a wet area and would not be suitable for crossing heavy agricultural machinery.**
- 9.157.3.1 The scheme proposals have rationalised the two existing accesses to this plot of land to a single point of access from Glen Road. Access is no longer being provided from the dualled A8 for safety reasons because a safe alternative access arrangement is possible.

The Department acknowledge the requirement to provide access of an appropriate standard and this would form part of the accommodation works for the property. The Department will enter into dialogue with landowners over the coming months with the aim of agreeing the extent of accommodation works and finalising the schedule of accommodation works for the scheme.

9.157.4 Our client has recently received a copy of his Agricultural Impact Assessment 'Issue 1'. He is extremely dissatisfied with said document and feels that it is totally inaccurate as it refers to the impact of the new road on his farm business as 'Slight'. From the issues outlined above, it can clearly be deduced that this is not the case.

9.157.4.1 McIlmoyle and Associates are professional qualified Agricultural Consultants employed by Roads Service on the A8 dualling scheme to provide expert advice in terms of agricultural issues. McIlmoyle and Associates are very experienced and Dr McIlmoyle is a Fellow of the British Institute of Agricultural Consultants. They have completed Agricultural Impact Assessments for numerous other road schemes, and provided consultancy services on a wide range of agricultural issues across Europe.

The agricultural impact assessment for this scheme has been completed in two parts. Firstly McIlmoyle and Associates produced baseline reports for all the agricultural businesses along this section of the A8. In doing this, they sought to hold discussions with the respective landowners and obtained copies of the relevant Department for Agricultural and Rural Development (DARD) farm maps. The landowners were then sent their baseline report and invited to comment on its accuracy. McIlmoyle and Associates updated these reports where comments were received. An agricultural impact assessment was then undertaken to determine the impact of the proposed scheme relative to the baseline information previously gathered. McIlmoyle and Associates used their professional judgement to assess the impact using a set of defined impact ratings (as outlined in the individual reports). The findings were written into individual agricultural impact assessment reports which were then issued to the respective landowners.

The Department believes the process adopted for the assessment of agricultural impact is robust and is satisfied the impacts have been correctly assessed.

Mr Irvine made an input to the Inquiry on the Morning of the 22nd June in conjunction with Mr Roy Kennedy and began by explaining that his Client had extensive lands at Glen Road, Drumadowney and across the A8 at Rushvale Road.

Mr Kennedy then mentioned some general concerns which were firstly the high standard of the proposed road and secondly the issue of the retention pond.

Whilst he did not want to revisit the subject of the high standard of the road, he thought that the size of the proposed pond was too large and this would result in a greater land take than he considered necessary and even though he had never seen flooding in that area in the past, the culvert under the road was going to be enlarged

He then went on to explain the process he used to transfer cattle to and from his 17 acres of land on Rushvale Road. This involved advising the police who then came and stopped the traffic to allow the animals to be driven across. This was the way he had operated over all the years that he had owned the land.

His preferred option would be a bridge over the proposed new road main line to maintain like-for-like but he understood the high costs involved. Referring to the lengthy discussions which had taken place concerning the Calhame Link and the alternative left-in/left-out at Rushvale Road he did not at that time have a preference for one over the other. His personal 'scheme' would be the bridge, which he accepted he was not going to get.

Referring to a letter he had just received from Arup on the 9th June, there were three points he wanted to raise.

The first was the position of the gate and lane off the Rushvale Road which he wanted to be along the small river close to the Caldwell property. Using the present gate further up the Rushvale Road would cut off the corner of the field, making it virtually useless.

Mr Hutchinson responded that this appeared very reasonable and RS would look at the suggestion and come back to Mr Irvine.

Mr Kennedy then made reference to a compensation issue which is outwith the scope of the Inquiry.

Responding to a request from Mr Kennedy for concrete posts and link wire fencing, Mr Hutchinson confirmed that the intention was to provide timber posts and wire throughout the entire scheme as it was more aesthetically pleasing.

Mr Irvine referred to the provision of otter and badger proof fencing. Mr Kennedy had seen otters in the area and would appreciate the provision of chain link fencing at the appropriate location.

Though it had been offered, Mr Kennedy did not want a further visit by Dr McIlmoyle. He felt strongly that the slight adverse classification was well wide of the mark.

Mr Kennedy then referred to his storage business located at the bottom of Glen Road. Access to this was very simple at present and it would become much more complicated once the proposed new road was constructed.

An exchange between Mr Kennedy and Dr McIlmoyle established that the land was in fact registered under the Countryside Management Scheme even though it was shown as not registered in the AIA. Dr McIlmoyle had noted this correctly at the time of his visit and he apologised for the error. Mr Kennedy had only noticed the mistake in his documentation the previous evening.

Responding to Mr Kennedy's belief that cutting off 17 acres of land was not a slight adverse impact, Dr McIlmoyle said that the land take from Mr Kennedy would be 1.59 hectares from a total of 77.32 hectares (2%). The land was widely scattered along various roads and this would probably involve transport of cattle in many cases. Dr McIlmoyle also said that this was the first time he had heard of PSNI Officers assisting with the movement of cattle.

Having presented some detailed figures, Mr Kennedy said that at present he could access all three portions of land without travelling more than 0.7 of a mile. With the new scheme in place from the Bruslee farm he had estimated 4.8 miles extra, from the Glen Head farm 3.4 miles extra and from the Glen Head farm via the Drumadowney Road 3.0 miles. He considered that to be significant. There could be occasions when five to eight visits would be necessary per day and the longer distances would therefore require more time and greater expense. Dr McIlmoyle reaffirmed that diversions were not included in his brief but as far as he knew they would form part of the compensation package.

Mr Hutchinson added that should the scheme go ahead, then the operative date for the Vesting Order would be the time when everything was updated for LPS.

Mr Irvine said that the fact that Dr McIlmoyle had not taken into account inconvenience due to additional travelling time had been an issue throughout all the AIAs and he believed that this information should have been included. This point had been raised in each and every farmer's case which was why they were dissatisfied with the AIAs which had been produced. If Dr McIlmoyle had been told that these issues were not to be included then the assessments were not worth the paper they were written on.

Dr McIlmoyle replied that he appreciated that Mr Kennedy was facing extended diversions but he already had to travel 0.7 of a mile. As far as he was aware, that would be included in any compensation package.

Mr McGuinness commented that his understanding was that Dr McIlmoyle did take inconvenience into account in his assessment, but he was not equipped to determine the exact diversion lengths. Mr Irvine replied that unless the actual diversion lengths were known, the impact could not be fully understood and therefore the AIAs were wrong.

Responding to comments from Mr Irvine, Dr McIlmoyle said that he would have sat down with each and every landowner that was visited and looked at their farm maps as well as the scheme maps produced by Arup. A discussion also took place on how the land owner would access land across the scheme via the various junctions which would be provided.

Mr Kennedy replied that he wanted to contest this most strongly, in that Dr McIlmoyle had only been in his house for 20 minutes on one occasion. The amount of land he would lose was probably not significant in his case but the management of the farm was a big issue which Dr McIlmoyle had not been allowed to take into account. This was why Mr Kennedy was at the Inquiry.

In conclusion an increasingly robust exchange then took place between Mr Kennedy and Dr McIlmoyle which covered many points and issues which had already been discussed with other Objectors at the Inquiry. Mr Kennedy remained dissatisfied with Dr McIlmoyle's approach and activities and Dr McIlmoyle remained steadfast in his assertions that he had behaved in a professional manner. There was to be no meeting of minds on these matters, so the discussions were brought to a conclusion.

Inspectors' Comments (Robert John Kennedy)

The concerns of the Objector and the RS responses set out above have been noted, together with the input made by Mr Irvine and Mr Kennedy at the Inquiry.

Inspectors' Recommendations (Robert John Kennedy)

- RS to enter into discussions with the land owner concerning possible licence agreements for ground required on a temporary basis.
- Land to be transferred back to the land owner in a similar condition as it was before the scheme commenced and this to be the subject of more detailed discussions with the individuals concerned.
- RS to enter into discussions with the land owner concerning a new access to land at Plot 2.48.

9.158

Mr Brian Magee

Reference Number

OBJ_158

(Objection withdrawn during the Inquiry)

9.159 Calhame Road Residents Association

Reference Number OBJ_159
Date of Objector's Correspondence 28th February 2011

The Department has considered the correspondence referred to above and responds as follows:

9.159.1 The Rushvale link road cuts through beautiful farm land and countryside. It will seriously impact the properties at 7 and 9 Calhame Road. The proposed road further impacts the properties at 1 and 3 Calhame Road by introducing a road and accompanying noise to the rear of these properties. Arup declined to provide costs for this road nor were alternative costs such as a bridge at the Rushvale Road.

9.159.1.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. A key consideration was minimising, as far as practicable, the diversion lengths for existing traffic accessing the A8. The side roads that are being closed are those with either very small volumes of traffic at present or where there is simply an alternative route to a convenient adjacent junction.

As outlined above the proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. A number of access arrangements for Rushvale Road were considered following the Preferred Route announcement. Particular attention was given to the resulting diversion lengths for the options, and the associated costs for each option. The result of this further work was the inclusion of the Rushvale Road link and the removal of the left-in left-out at the end of Rushvale Road. The Department acknowledge the proposed layout severs land, although the standard of the proposed link will be appropriate to allow multiple field accesses. The Department therefore consider that, on balance, the proposed arrangements are appropriate.

The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic

noise levels were predicted using the method detailed in the Department for Transport technical memorandum – ‘Calculation of Road Traffic Noise (CRTN) 1988’ as required by DMRB. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown that between the opening year and future year, the increase in noise for each property (No. 1, 3, 7 and 9) is less than 3dB. DMRB outlines that in the long term a 3dB change is the smallest that is considered perceptible, the impact is therefore considered to be small.

- 9.159.2 The Rushvale link introduces a further junction on the Calhame Road, increasing the flow of traffic on the Calhame Road and producing a traffic risk as cars exit from the Rushvale link unto the Calhame Road.**
- 9.159.2.1** The traffic flows on the Rushvale Road link are low and the junction has been designed in accordance with DMRB with appropriate visibility provided in each direction from the junction. The Department therefore consider the junction layout is acceptable.
- 9.159.3 The Legaloy Road link road cuts through 3 individual fields. Its construction produces a large area of land which subsequently will be of minimal value. The junction of the Legaloy Road with the Calhame Road close to the A8 junction produces a poor road junction design. Vehicles travelling west on Calhame Road will encounter traffic turning right on to the Legaloy Road and vehicles exiting the A8 travelling east towards Straid will encounter traffic crossing their path unto the Legaloy Road link.**
- 9.159.3.1** The proposed link between Calhame Road and Legaloy Road will have field accesses into the adjacent fields on either side of the road. The field access and size of the remaining land in between the dual carriageway and the link road will allow it to be used following completion of the scheme. The land is planned for temporary use during the works. The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.
- The design standards for compact grade separated junctions provided with DMRB include a number of junctions. The locations of junctions have been positioned, as far as practicable, to maximise visibility. In addition, the design of Calhame Road has been developed to maximise visibility on the approach to the A8. Approach advance direction signs and warning signs will be provided on the approach to the junctions to advise drivers of the road conditions and layout ahead.
- 9.159.4 The Calhame Road will see an increase in flow of vehicles travelling west from 200 vehicles per day to 350 vehicles per day, a 75% increase (these figures were supplied to Mr Gault on the 7th February by Arup). The new Calhame Road is being routed too close to the properties at 1, 3 and 7 Calhame Road. Land is being unnecessarily vested which includes well established trees and hedges which act as excellent line of sight and noise reduction features.**
- 9.159.4.1** The Department acknowledge the changes in the road layout will change traffic flows, and the road providing the direct connections onto the dual carriageway will cater for traffic from all side roads. The volumes of traffic

at this junction are small in comparison to the A8 flows, and the new road links are those that carry the higher flows. The traffic on the sections of existing road, that are not being upgraded or realigned, will be comparable to the existing situation.

The impacts of the scheme on noise levels have been discussed above. However, the Department refutes the claim that the loss of planting equates to the loss of noise mitigation. The Design Manual for Roads and Bridges HD 213/11: Noise and Vibration, Clause 4.4 outlines that all but the most dense vegetation has a limited effect as a noise barrier, stating that 'The use of shrubs or trees as a noise barrier has been shown to be effective only if the foliage is at least 10m deep, dense and consistent for the full height of the vegetation', although it obviously plays an important role in visual screening.

The alignment of the new Calhame Road has been developed in accordance with national geometry design standards for the speed limit of the road to ensure the safest layout for all road users whilst minimising impact on the associated constraints. To move the alignment further north would result in a reduction in the design standard of the alignment. However, the Department are actively considering measures to reduce the land take requirements and maintain the inner hedgerow, whilst maintaining your neighbour's access. The Department are intending to meet with Calhame Road Residents Group and neighbours prior to the Public Inquiries to discuss the proposals further.

9.159.5 Having discussed these issues the residents group proposes the following: Re-open the Rushvale Road junction as an "on" to Belfast, "off" from Larne. There are no properties close to the A8 on the Rushvale Road so therefore minimal private property impact. This junction will provide sufficient options for Rushvale Road residents. Given the low level of traffic flow on this road this should present minor issues to the A8 road. It is also noted that at this point on the A8 the Drumadowney Road is provided with an on-off arrangement. The Drumadowney Road is a very minor road.

Remove completely the proposed Rushvale Road link.

9.159.5.1 As outlined above the Department have considered a number of options for Rushvale Road and consider, on balance, the proposed link road is the most appropriate layout.

9.159.6 Remove completely the Legaloy link Road.

Develop the major Legaloy Road junction to accommodate an "on to Belfast", and "off from Larne". Put in place a single straight connection to the Calhame Road as detailed on the attached "marked-up" drawing CSK_1221 Issue D1 modified. Close Calhame Road A8 junction. This is a straight forward, better design, road layout. The scheme will be safer; it will remove the Rushvale Link (0.75km) and Legaloy link (0.3km) and replace them with a single (0.45km) road with consequential savings; it will impact no dwellings; it will destroy less countryside.

9.159.6.1 The Department have, where possible, looked to reuse and incorporate the existing road into the proposed scheme. In addition, as outlined above the proposed junction strategy for the A8 seeks to rationalise the number of junctions on the proposed dual carriageway. The layout proposed by the landowners would require a tight radius bend as it departs from the existing

alignment, and would require a junction with the old severed section of Calhame Road. This bend would be tighter than the existing bend on the approaches the existing A8. This bend combined with the provision of a junction, connecting to the severed section of Calhame Road, would cause safety concerns. As outlined above the Department consider the Rushvale Road link is the most appropriate arrangement. Therefore, the proposed link would be longer than the current proposed Calhame Road – Legaloy Road link and therefore would be more expensive. The Department, on balance considers that the proposed scheme provides a better layout than the suggested alternative layout.

Mr Jack Gault

Mr Jack Gault made an input to the Inquiry on the afternoon of Tuesday 21st June. This took the form of a presentation which is reproduced in full below, with some minor adjustments to reflect the translation of the spoken word into written format. It was supported by a series of projected PowerPoint slides.

'My name is Jack Gault and I live at 1 Calhame Road. Mr Robb, fellow inspectors, Road Service representatives, I am here today to speak on behalf of the Calhame Road Residents Association in relation to their objections to proposed Rushvale to Calhame road link. I am not a road building expert, I am not a lawyer, I am not here to negotiate compensation. I am here purely to present my case to the best of my ability. I have lived at the Calhame Road for 23 years, and previous to that I lived at number 26 Lisglass Road, which is just at the top of the Rushvale Road. So I consider myself to be a reasonable expert in knowing the traffic flows in this area. I have forwarded to you, via Joanne, a copy of my presentation. We had some fun putting this together, I hope you've had fun reading it! If nothing else, it has been a very good community building exercise, we all got to know each other a lot better.

I have tried to the best of my ability to use only facts and figures from the Junction Strategy Report, and figures supplied to me by John McGill, who has been most helpful in this process, and I would like to thank John for that support and help.

First slide, I intend to introduce who I'm representing, have a look at the map as to where they live, and I have integrated that into the presentation for your convenience. I would then like to move up to the Rushvale Road and consider the traffic flows on that road. The diversion lengths and comparisons between an in/off and a link road. I have not considered a bridge over or an underpass, because I think on economic grounds both of those are going to be difficult to justify. I have estimated costs for this on the link road, some of this information you were unable to provide to me, and I understand that, some of it you have. I then looked at a typical journey comparison moving to Larne, and I end up with what I consider to be an economic summary. I would then like to move into the Calhame Road and look at how this link road affects the Calhame Road traffic, the Calhame Road traffic flows, the safety aspects in the Calhame Road, the impact on the houses on the Calhame Road. And I'm going to sum up by looking at your five criteria, it's not in the presentation, but I know you have five criteria that you use, and I've prepared something on that morning, and then I end with the conclusion.

As I said the people who are in this Residents Association are:

- Myself (Jack Gault) and my wife Kate, 1 Calhame Road;
- Whyed and Diane Gill, 3 Calhame Road;
- John Simpson, 7 Calhame Road; (Probably the most affected by this

road coming through).

- Mr and Mrs Ian Graham, 8 Calhame Road; (Who was on earlier this morning).
- Mr and Mrs Stanley Hall, and their son Matthew who is beside me to keep me right today;
- Mr and Mrs Wilson Logan, 11 Calhame Road;
- Mr and Mrs Denis Boyd, who don't live in this area but the link road runs through two of their fields.

So you can see we're a fairly concentrated group of people, very close to where the link road comes out and collectively we have tried to summarize our views in this presentation. I said I would like to start at the Rushvale Road, and that's what I'm going to do now.

I have taken the annual average daily traffic flows of 2016, as supplied to me by Arup, and from what I can see they fall exactly, or more less exactly between the 2008 survey and the 2031 survey as is included in the Junction Strategy Report. The 2016 figures (and I have details here if you want to see where that source came from) suggested 220 vehicles leave the Rushvale Road daily and 240 vehicles enter the Rushvale Road daily. It is a fairly balanced flow. Of the cars leaving 60 travel north towards Larne, which is 27% of the flow. 40 travel south towards Belfast, which is 18% of the flow and 120 move towards Ballyclare, which is 55% of the flow.

In terms of the cars entering, 60 obviously go to Larne in the morning and 60 come home. 60 come from the south which is coming from the Belfast direction, and those that seem to go to Ballyclare seem to come home from Ballyclare; it's probably school traffic or something like that nature. For ease I have summarized those into an average position, which suggests to me that the road splits 26% going north towards Larne, 21.5% going south towards Belfast, and 52.5% travelling west towards Ballyclare.

I've then with help from Arup and John, looked at the various diversions that occurred when I compare an in/off to a Rushvale Link road. If I'm travelling north to Larne, and I look at the in/off first, the in/off option first. I will now have to probably travel by the Hillhead Roundabout, or through Straid. There's a slight difference in the two numbers and I have averaged the numbers between those two, to come up with a number of 4.1 kilometres. As I return from Larne on an in/out I would have no deviation because I will enter the Rushvale Road. With an in/out if I'm going to Belfast, I have no deviation, but on the return I am probably going to go down to the Legaloy Link road crossing, come across the road at that point, come up the Legaloy Link road, cut onto the Calhame Road, turn right onto the Calhame Road, turn left on the slip onto the A8, come up to the in/off, and come back into the Rushvale Road. If I'm going west to Ballyclare on an in/off I would join the A8 at the slip road, I will travel to the Hillhead Road roundabout, and I will go down to Ballyclare. On my way home I will probably come up the Green Road out of Ballyclare, I will come to the Legaloy Road junction, I will negotiate the Legaloy Road junction, come up the Legaloy Link road, join the Calhame Road, turn right, turn left onto the A8, come up and come in off.

I believe these are the shortest routes possible, and the most likely routes to be taken by local people. When I do a flow rate average on that, based on the flow that occurs on that road, that represents 3.7 kilometre diversion with in/and out option.

If I move then in and put in a link road, going north to Larne I certainly make an impact on the travel, but I have to negotiate a number of roundabouts, a number of stop/starts, a number of crossing of roads, and on my return journey I have practically the same journey, but compared to an in/out I believe I have a 0.6 of a kilometre deviation. Going to Belfast on the link road I will go up and come down the Lisglass Road, join the road at Lisglass Road and travel south to Belfast. My return journey I will come down to the Legaloy, swing round the Legaloy Road, come up to the Calhame Road, turn left and turn right, come up the link road. West, Ballyclare, I would use the link road, I will cross over the bridge going down to Ballyclare, down the Green Road, and I will return the same journey. The flow rate average on that type of road movement, which again I believe to the best of my ability to be accurate, is 2.09 kilometres.

I looked at a slide at a comparison of those sets of numbers and you can see total of the in/off 0.1, total of the link 0.6, this is travelling north. So I reduced the travelling north towards Larne by 3.5 kilometres. Unfortunately the link road increases the journey distance to Belfast by 1.1 kilometres. There is a small reduction going to Ballyclare of 1.8. When I weight those flows by the flow of traffic and the mix of traffic in terms of the 21%, 26% and 52%, the link road saves the people of the Rushvale Road a weighted average journey distance of 1.62 kilometres. Now I say I've tried in every way possible to use your figures. I don't think they're wrong, and if they are wrong it's a pure mistake, there's no distortion of facts here; I think they are right.

How much is this link road going to cost? I know the in/off at the end of the Rushvale Road, and you have provided this information to me in an e-mail on the 10th of June, is going to cost around 60K including a turning head - or sorry that's just the full Rushvale Road in/off link. You have vested land at the end of that road to allow this to become an option, so you have no further vesting, and as I understand it there are no houses really close to the road at that point that will be impacted by an in and off. The construction costs to the Rushvale/Calhame Link road was supplied to Denis Boyd dated the 22nd of February 2011 at £700,000 cost. I really don't know what you've included in that. Is that on pure cost, is it a construction cost, is it a design cost, is it like the main road itself where there's another 40% costs described in some other manner? Is it really 700,000? Is it a million? I have no idea, because I heard it at the early stage of the proceedings the road was going to cost 108, but there was £45,000 for landscaping, drainage etc. I don't know what has been included here and what has not. I asked you for the compensation for Boyd's farm, Hall's farm and 7 Calhame Road, 9 Calhame Road, 1 and 3 Calhame Road and Caldwell's farm; where you carve up the farms with this road going through. Look, I understand you're not going to give that information to me, I'm not pressing for it, but I believe you could confidentially give that information to the Inspector, and I would request that that information is provided by Road Service to the Inspector. I have no desire to compromise your position, but I believe you should provide it so that the Inspector can fully assess the real cost of this road.

I run out of mathematical equations at the bottom end, to try to work out how much this is costing per kilometre saved, because I don't have all the facts. You hold them; I want you to tell us what this is costing.

I then want to describe to you a typical journey along this link road compared to an in/out. I have chosen the longest deviation, which is the one to Larne, and I just want to take you through this to see what's involved. Starting at the bottom end of the Rushvale Road, where most of the residents of the Rushvale Road live, and I believe

there are ten houses in total on the Rushvale Road, that's how many houses that are actually affected by this. I have to travel west on the Rushvale Road and blend onto the A8 if I am going on the in/out option. I will not have to stop, it will be a blending lane onto the A8, I will probably get into the traffic flow fairly easily and I will travel to the Hillhead Road roundabout where I will probably have to stop or give way depending on how busy that roundabout is, almost 360 round the roundabout and I'm on the A8 to Larne; no other stops.

If, however, I'm going to use the link road and I'm starting where the predominance of houses are at the bottom of the Rushvale Road, I will have to travel east on the Rushvale Road, I will come to the new link road. I don't know whether that's going to be a 'stop' or a 'give way', I can't tell, I'm not a road building expert, it's probably going to be a give way, but it's quite probable I will have to stop.

I will then turn left onto the link road and I will travel north to the Calhame Road and I will have to then stop and give way. I will turn left onto the Calhame Road and travel west to the Legaloy Road link. I will then have to stop and give way and I will cross oncoming traffic coming off the A8. I will now have to travel north along the Legaloy Link road to Legaloy junction, I will approach a roundabout, I will stop, I will give way, I will then traverse the roundabout and I will then cross the major bridge which is being constructed at the Legaloy Road junction, over the A8, and I will now be stopping in the middle of the road and I will be giving way to traffic coming up from Ballyclare to turn right to head towards Larne.

Route one - I have one stop or give way, and I negotiate one roundabout.

Route two - I have five stops or give ways, negotiate one roundabout, and twice I have to cross oncoming traffic. To say it is a complex journey would be an under-statement.

The in/off option is an average diversion of 3.7 kilometres. The Rushvale Link road reduces this to 2.09. Building the Rushvale Link road reduces the average diversion only by 1.62 kilometres.

Now I would like to make a point here that I heard this morning of a very valuable presentation from people on the Rushvale Road, and they talked about having done a survey. Was this number pointed out to the people who completed that survey; that this road was being built to save them an average journey time of 1.62 kilometres? Or was the worst case example explained to them?

I don't know what the incremental cost of building this link road is. You must know, you must supply that to the Inspector. It is certainly more than £450,000 per kilometre. I think it's probably more than the A8 is per kilometre, I don't know. Road Service Policy and Procedures Guide (I don't even know what that stands for) but it states that a round trip of 5 kilometres should be considered acceptable and on the first day of the Inquiry here I believe a figure was quoted, in England, of up to 8 kilometres being acceptable. Why are you putting a link road in to save 1.62 kilometres; when your own procedures and guides say that 5 is acceptable? Are all other residents along the A8 corridor receiving the same level of compensation? Now I happen to have a friend lives on the Ballygowan Road, at the very northern end of the Ballygowan Road. His average diversion is 6.6 kilometres. He is receiving no alternative routes, and not even being considered in any way for the problems that are being incurred, and I believe there are five or six houses at the northern end of the Ballygowan Road none of whom are going to get a link road or any other convenient way to travel to Larne.

Look, we have neighbours here, the Caldwell's. I wasn't sure what they were

going to bring up at their presentations, so I referred to it as businesses, but the truth is this really refers to the livery business on the Rushvale Road. I have complete sympathy with them. The A8 dualling is a major impact on us all, it has an impact for them. But spending 'Y' million pounds on a link road, to potentially solve a potential issue that their customers might have, or other residents at the Rushvale Road might have, I cannot find the logic in it. If you look at the business case, I mean, I've come to the Inquiry trying to propose alternative solutions. Have you considered, has the Road Service paid for a Business Agent to look at this business and help to grow it, if it is affected? Have you thought of ways to promote the businesses in the hinterland of its location to attract people from an area where there is no impact from the A8? Have you offered free signs and advertising to the business, at the Hillhead Road roundabout, and the Ballynure roundabouts? Have you considered giving them a small marketing allowances for two to three years to help them rebuild their business if there's an impact? From what I can see the business is not heavily advertised, it has no website, indeed I can't find it in the Yellow Pages. It's probably a tough little business to run, and I could understand why the people might not be advertising and promoting their business, but surely the Road Service has more to offer in a modern world than just building another road?

Now I know you're road building people, and you might think all the answers to a business problem are building roads but, believe me they're not, and I do not believe for one minute that the impact on this business cannot be alleviated without building a road. As to the other Rushvale Road residents, I have total sympathy with them, but I want everyone else down the A8 looked at and compensated in the same way as them, if that's the case. I do not see why there should be preferential treatment.

I now want to move on to the Rushvale Link road and look at the west down and the impact it has on the Calhame Road. Forget my amateurish drawings. I am an engineer at heart, but I'm not a civil engineer! This is the current position.

The figures extracted from your strategy report, there are currently 490 cars coming west along the Calhame Road exiting straight. A small hamlet, I guess 800 people in it, fairly busy little road. Okay, it's not to the standards of major roads, I understand that, but it's still a 'B' road, it's gritted, there's 490 people who come to the end of the Calhame Road, 280 turn left, 170 go west and 40 go south - or sorry, the other way, 280 go south, 170 go west, 40 go north. And there's 630 comes in this road from the south, you would think looking at that, that there's a very big hold up round Straid somewhere that disappear into, but it's just the way people choose to travel.

Now what have I got, in my opinion a complete and utter shambles. I establish there's 490 people coming down from Straid. On your figures I'm going to have 240 coming in from the Rushvale Link road, blending in with the 490 at probably a give way; producing 710 people travelling now along the Calhame Road where there used to only be 490. They're cutting across the entrances to number 1, number 3 and number 7 and as they approach the Legaloy Link road this 710 splits; with 390 having to turn right across oncoming traffic coming off the A8 at speed with only a hundred metres, actually a hundred metres between that road and the A8. And they're coming off there, they've been travelling at I guess 70 miles an hour, it's a particularly straight part of the road, and they come into a slip road. Now they know they should be down to 60, indeed they should probably be down to 30 or 40 coming round that bend, but I've already had cars in my garden from people travelling quickly off that road. These 390 now have to cross an oncoming flow of 400 cars, 80 of them are turning right onto the Legaloy Link and they're also faced with another 110 on your own figures, coming up the Legaloy Road link, coming to the end of it, of which 560 I think are going to be

turning left, and 260 are going to be turning right. Most of your junction strategy documents, and I know they refer to a dual carriageway, prohibit the use of turn rights. You have designed two turns rights into a two hundred metre stretch of road. I just do not think that is a very clever design. There are safety issues. You're probably going to tell me you'll put in ghost islands so that the people can turn in safely, and that will result in more land taken from Mr Graham across the other side of the road. Now you've probably vested enough road to do that. But I think that you've just - to solve a simple problem of 1.62 kilometres - you have produced a complete and utter shambles at the end of the Calhame Road. Traffic adjacent to numbers 1, 3 and 7 Calhame Road increases by 41%. It goes from 1120 to 1580.

You have a major cross traffic flow at the Rushvale Link road, 240 cars crossing onto an oncoming flow of 490. You have a major cross traffic flow at the Legaloy link, 390 cars turning north onto the Legaloy Road, 260 cars exiting the Legaloy Link road travelling west, and 320 cars approaching the Legaloy Link road from the A8 coming off at speed. There are only 96 metres, from what I can measure, between these two junctions. This is a major traffic intersection, major cost, major safety issue; and you're saving 1.62 kilometres. You have introduced two right turns onto a road that has none at the moment. Indeed, all you've managed to achieve is take the in/off, turn right on the current A8 and push it onto the Calhame Road, because people coming down from Belfast at the moment turn right to come into the Calhame Road. Certainly by putting in this beautiful A8 you've solved that problem, but I believe you've created two more, not one, but two.

I now want to look at the impact on the lower Calhame Road in general. You've increased traffic flows by 41%, quite significantly more than that at peak times. You have introduced two cross flow traffic positions, a safety issue. The residents on the Calhame Road have already largely accepted the Legaloy Link road, and the massive interchange that will be visible from all of these properties down to the Legaloy exchange, the Legaloy exchange. I can see no justification for asking them to accept another 230 cars. You will have increased noise pollution. We will have increased light pollution.

These crossroads will all need illuminated. I believe under safety standards you will have to spend a fair amount of money at this junction to sort this out. You will have to install major road signs up the Calhame Road to advise people of two lefts, two rights, straight aheads, Larne Roads, Belfast Roads and there is absolutely no benefit to the existing road using on Calhame Road.

We set out about five days ago to conduct a survey along the Calhame Road to see how much the residents on the Calhame Road actually understood what was happening at the end of it. Now I'm not surprised by what we found. Once we went about two hundred metres away from the road, frankly, people had no idea. There had been no face-to-face contact or discussion with the residents along the complete length of the Calhame Road. Frankly they were horrified to see the proposals that were being laid down. Now that is not a great surprise to me, because if I lived four hundred yards off the A8 I would know in the back of my mind something was happening, but not in my back garden, why would I care, I have plenty of other things to worry about; so I wouldn't have got concerned. We have told those people the complete position of what's going and we have over 100 people signed a petition to have this link road stopped. (*Petition submitted to the Inquiry*) As I say, consultation on this link road, John McGill did his best in coming out to us, but my first knowledge of this link road was in September 2010. At that stage you had been working on this road design for almost two years.

I believe the link road lies on land outside the original scope of the A8, and you can probably find some method where you can say that: 'Ah well, it qualifies because I can do this and I can do that.' The truth is that the people went to that first Inquiry saw that it wasn't being involving that area and had no cause for concerns, subsequently you pushed a link road through here?

It results in major property devaluation at number 7 and number 11, and I want to look at those specifically now. The worst affected - and we'll move number 11 into this as well. This is John Simpson, and John is here, and Margaret beside him. They brought this property a number of years ago. They would have been aware that the A8 was going to be dualled, but living 250 metres back off the A8, they never imagined for one minute that you were going to land another road round the back of them. They paid good money for the property. They saw it as their retirement property in a nice peaceful quiet rural setting; and what you're doing is you're going to destroy it. It has beautiful 270 degree views over rural countryside. It has a high level lounge which looks directly down towards the Legaloy Link road, and now it's going to be looking out at a monstrosity at the end of the Legaloy Road. So their views to the north are completely destroyed by the Legaloy Bridge. Their views now to the east and to the south are a road which, in places, is now six metres above - or two metres (six feet) above the field in which they live, with embankments, fencing, complete destruction of the countryside at that point. The road's now evident on three sides of their property. The property as I say is set in a hollow and we have real, real concerns about the drainage issues in this area with a link road coming through. And you will probably give me chapter and verse about how well it will be built, and all the drainage problems will be solved. One year after construction you walk away and you leave the people sitting with a mess. There's little point in coming back to them, after the problem has occurred, to fix it. There would be light pollution, car headlights will be approaching that house from the rear, which is coming from the south they will be approaching it from the east coming from Straid, and they will approaching it in the west. About another hundred metres up the Calhame Road, if you go and look, there is a major pig farm. The man who owns that contracts out all his slurry across these roads. I don't know if you are you've seen these tankers, but he's going to be coming down that road and he's going to be using that link road extensively, because it wonderfully opens up a whole hinterland to him up north. The noise levels are going to incurred all night long these things happen, and silage is drawn all night long, complete destruction, in my opinion of number 7 and indeed Wilson Logan's property at number 11; the road splits between them. It is just a disgrace I think what you are doing to peoples' homes as they settle into their retirement, all to save 1.62 kilometres.

The proposed Rushvale Link road I consider is a sledgehammer to crack a nut. Spending goodness knows how much on this link road for one mile, in my opinion is outrageous. The Calhame residents have been very accommodating with everything that they have accepted on the Calhame Road and, indeed, in our own properties we have worked together to find a good solution - I'm not going to stop the A8, but I'll try and find a compromise. But frankly this is the straw that broke the camel's back and stirred us into action. I think you're probably going to save about a minute, when you look at all the stops and starts that you've introduced. Wow! Can you not find more creative ways to solve the problem? We recommend that the in/off road at the Rushvale Road is reinstated immediately, as proposed by Arup, and proposed again by Arup at the beginning of June. The land is vested, and I don't believe you have an issue with the in/off.

I am aware that you used five criteria. You look at environmental aspects, you look at economic aspects, you look at safety aspects, you look at accessibility aspects, and you look at integration aspects. I think those are the five criteria. If I take the first one, environmental. Do you consider that putting a 700 metre road through rural countryside, destroying five fields, fields on which there are otters, bats, badgers, do you really believe that you are addressing the environmental issues by putting that road through, compared to an in/off? I don't think you are. Economic - do I need to say any more? Where is the economic justification for this? Have you actually even worked out the fuel consumption used by the people using this road in terms of saving 230 people about kilometres 1.62 per year? I estimate that you would have a thirty year pay back. Let me tell you this, in the business that I run, if someone bought me a capital requisition for £700,000 with a thirty year pay back, I would be asking them to consider their position. Safety, slip roads onto the A8 I don't believe are a safety concern, you would not have proposed them if they were a safety issue. Look what you've done on Calhame Road. Do you think it's a safe road design? Do you think it's a safe solution? Accessibility, I think I understand what this means, and I think you do score on that point, I think you make accessibility better to the tune of 1.62 kilometres. You maybe would want to explain that more to me, but I don't really know what I fully understand what accessibility means, but I think you are achieving accessibility by 1.62 kilometres. And in the final criteria you use a thing called integration, which I think is about the overall flow from Belfast to Larne. I can't comment on that, I don't think it's relevant in this case. I consider out of the four conditions that you used for making the decision, you have failed on three of them.

I would quote to you our Right Honourable Prime Minister, I believe the Road Service are civil servants and I think you are obliged to work within the remits of our elected representatives and he himself has said that: *'The beauty of our landscape, the particular cultures and traditions that rural life sustains, these are national treasures to be cherished and protected for everyone's benefit, not just for conservation nor just for tourism, but for our sense of identity and well-being'*.

Consider what you are doing to peoples' lives, farm lands, farm incomes, wildlife, risks and safety by putting through this link road. I would respectfully ask you to reconsider what you've done.

I have summarised all my points in the document here and what I have done for you is I've tried (and as you could imagine) in a very objective manner, to take the Rushvale in/off road and looked at what's the positives for it, what's the negatives for it. For the sake of time I'm not going to go through all these, Mr Robb, you can read these at your leisure. I've then gone to looking at the link road. I've looked at what's for it in a most objective manner as I can, and I've looked what's against it. Unfortunately the against the road goes on to a second page as you will expect. They are here for you, I can e-mail them to Joanne if she wishes, it's not a problem. Look, I have tried to be as brief, as concise, maybe I got a little bit carried away now and again, you could accuse me of being but, forgive me, I feel passionate with it. I have lived all my life in the countryside. My folks are farming, this is largely a farming community. I have great sympathy for the people, on the Rushvale Road and I have no intention to harm anyone's business. We are neighbours and we have to live together in the long term, and I don't want this to become a devicist thing between two roads, but I want you to seriously reconsider what you're proposing because of the destruction you're causing. Thank you'.

Making the initial response to Mr Gault's presentation, Mr Hutchinson commented that some very good and genuine points had been made in a most professional manner. The figures that Mr Gault had used had been provided by RS and would not be contested.

Explaining the RS case and the different options, Mr Furneaux said that at the preferred route announcement the access for the Rushvale Road was a left in/left out. That was based on junction strategy work done in advance, that identified that RS would limit the access to left in and left out. Written correspondence was subsequently received from a number of residents in Rushvale Road asking that a greater level of access should be provided as the diversions were considered excessive,

The diversion lengths and traffic flows were revisited and compared with other side roads on the scheme. Though other side roads on the scheme have longer diversions, they generally have lower flows of traffic, or they may have traffic that can be re-routed earlier, that doesn't lead to as long a diversion. From that RS concluded the diversions were at the upper lengths of some of the side roads on the A8. Individual residential properties with access issues were not considered in the same light, associated with the fact that a side road that connects to the strategic road network picks up a number of properties as opposed to an isolated property.

Following that RS considered the provision of a bridge, an underpass, or a link road junction to Calhame Road. The bridge and underpass would be expensive, in the region of £1.3 to £1.5 million. The bridge would have a visual impact and would require land from some of the properties at the end of Rushvale Road, and there would be issues with getting access to those properties because of the level of the embankment on the approach. Similarly, with an underpass there would be a similar level of issues with properties in constructing a cutting. It would also require some element of pumping to pump the drainage out, and would be significantly lower than the existing ground level given the problems with ground water.

In terms of a link road RS had two options. One was the one that went straight across connecting the bend in Rushvale Road to Calhame Road. The second was one that stayed closer to the A8, came off from the end of Rushvale Road and then looped round the properties at the end of the Calhame Road to join at the point where the proposed link road is shown. This would be longer by the nature of the route and also would enclose the properties at the end of the Calhame Road a lot tighter than the proposed layout.

Based primarily on those two elements the direct route was considered the best option and also the width of the road would be kept down to a minimum. Accesses would have to be provided across but there were measures to be explored to reduce the severance which would be created by that link.

Following the Pre Inquiry Meeting RS contacted residents of the Calhame Road and Rushvale Road in order to identify the support or the objection to the link road. Fourteen people were contacted, of which five outlined support for the link road as it was shown, eight outlined that they would prefer the removal of the link road and provision of the left in/left out, and one had no preference.

That suggested that there wasn't an overwhelming case to remove the link road, there wasn't unanimous support to take it away and so it came back to the representations that were made previously by the land owners at the end of Rushvale Road.

Mr Gault wanted to know why the link road was being proposed when the deviation was only 1.62km. RS guidelines suggested that a diversion of 5km was acceptable in these types of circumstances, yet the small volume of traffic on Rushvale Road appeared to justify the considerable expenditure which would be involved.

Mr Hutchinson replied that RS did attempt to keep diversions below 5km and an 8km diversion had been discussed earlier in the Inquiry. Eliminating diversions altogether would be fantastic. The Department wanted to be equitable to all the land owners on all the other side roads and he could see the case that Mr Gault was making. It was a very difficult issue to resolve.

Referring to the Ballygowan Road, Mr Gault pointed out that from the north end of that road a return trip to Larne would be a deviation of 6.6km and he believed a precedent was being established which could be applied right along the road.

There were about ten dwellings on both Ballygowan Road and Rushvale Road. The traffic flow on Ballygowan Road was 35 vehicles and 185 vehicles per day used Rushvale Road. If the traffic visiting the livery stables was removed, the volumes on the two roads would be similar. This suggested that the proposed link road was being proposed to serve the livery stables business.

Mr Hutchinson reaffirmed that RS had only recorded the total number of vehicles using Rushvale Road and that the livery stable business had not been featured in the decision making process.

At this point Mr Lawrence Caldwell commented that since their farm was slightly detached from the A8, it had not featured in the original RS proposals nor had a visit been made by Dr McIlmoyle. The livery business only became a matter for discussion once the construction of the Rushvale Link was proposed.

Mr Denis Boyd

At this point Mr Denis Boyd (39 Seskin Road) made an input to the Inquiry based on a prepared statement. This is reproduced in full below with some minor adjustments to reflect the translation of the spoken word into written format.

'I am glad of the opportunity to try to put my case. I bought this land in 2003, all part of the process of trying to increase the size of my business, trying to drive it forward from where we were. It was 15.2 hectares in five good sized fields, as can be seen on the map. Access was two gates directly coming in from the A8, and two gates coming off the Rushvale Road. There was a hard roadway across part of it, and I bought it right through so as I'd easy access to get through to all the fields. It gave me a very handy, workable piece of land and good access to it. I have water troughs in all four fields and a natural water supply in the fifth field; that's the field where the retention pond is in for. The fields were all fenced off individually. You could go there, you could work stock yourself, move them back and forward, not a problem at all. The size of the fields left them easy to cut for silage, you get two cuts of silage off them, and then graze the grass after with cattle and sheep and there wasn't really a big problem. When this road was first proposed, I attended one of the public meetings up here in Corr's, and I put one of the Arup personnel over the plans that were shown and I was told that really this was not going to affect you, you're sort of free and away here, so I thought 'happy days, we're on a winner here if nothing else'.

Then it started to go sort of pear shaped on me. Firstly, I was told there was going to be a retention pond and a bit of accommodation land, at the end of the Rushvale Road, the two darker orange bits as mentioned there. But then by September 2010 I was presented with this proposed link road coming through the land. It was going to sever the ground, cutting it in two, diagonally through the fields. At the back there's two rectangular fields, big fields of 5.41 hectares between the two of them. They're fairly steep, but there's some flat ground at the top made them, which made them all right, they're handy to work with. The flat ground at the top was going to be taken away with the proposed link road, leaving me a triangular field on the other side of the road, cut off completely. And instead of having two rectangular shaped fields, I was going to be

left with three what I called very awkward shaped fields. One was across the road, and it's a long way away from the two good square fields that I started off with.

If I look at the implications that the proposed link road is going to have on the farm now. As regards my journey into it, I live up above Straid village. To get access to the land at the minute I come down the Calhame Road, onto the A8 and up the main road (as I call it) in the Rushvale Road and I went to my ground. As well there's that field there, the C on the ground. Field C had a gate into it coming in directly off the main road, and the same with field B coming in directly off the main road. Field B, there's a gateway there, and there's a gateway into field C just to the right side here, nearly beside the houses there. Easy access, no problem. But coming down there, if I take the longest out round to where my lane comes in off the Rushvale it left me a 9.2 kilometre round trip. If we went for a left in/left out route for the Rushvale Road entrance, I would come down the same, up the main road, up the slip road into the Rushvale. The difference then would be on my return journey home, I would have to go onto Rushvale, on to Lisglass, up Irish Hill down into Straid. Overall not a long distance, if it's any change, about 10 kilometres distance. If I went for the link road in, I come down the Calhame Road, I come up in the link road, I access my ground. About a return distance if I go back the same way, 8 kilometres.

But because I'm trying to increase my business and drive it forward, I want to keep land, I don't want to lose land, so I'm prepared to travel the extra distance up over the hill to try and keep this farm in one piece. In the issues caused by the link road and the by the pond and the accommodation pond there's a loss of 1.6334 hectares or 12% of this piece of land. The two fields at the back, D and E, are severed, one roughly 50/50 and another 80/20. The hedges will have to be removed to make these fields workable for me, but because I'm in countryside management where we're there to upkeep the countryside and look after the countryside I just can't go in and take these hedges out, I have to apply for permission to do so. This is all to stop this destruction that's going on through the countryside with this road as I look upon it.

The field that's the 50/50, the field E, there's a fairly steep incline in it. When the road cuts through this field it leaves the work that's to be being carried out in this field across the slope in the ground. So therefore this leads to a safety hazard. At the minute I work the field up and down, but you have to go across the slope I've no place to work it to. I've no flat ground left to turn on, it is definitely a safety hazard. The link road then splits me off to where the figure 208 is across the road. To get stock to it, as I said earlier I move stock myself on this piece of land which is not a problem. It's going to take two or three of us here to shift stock. I'm going to need pens constructed on each side of the road way so as I can hold the stock together to get it straight across the road because the cars are coming, about 460 vehicles per day, which is another problem, another safety aspect too, which is more expense and more land destruction.

On the maintenance side, because of what's being introduced onto my land, I'm going to have another 998 metres of fencing. This is Arup's figures on the accommodation works. After one year I become responsible for this extra fencing, more responsibility, more time being consumed looking after it and more cost.

With drainage, although Arup have assured me that the drainage will be left in a no worse condition, to leave it in a no worse is not good enough. If anything, it has to be left in a better position. But I can't believe that it's going to be no worse because of the disturbance and the permanent presence of this new road through the property. Many of the original drains that are installed over

many years, I don't know about, Arup don't know about. A contractor comes in, goes through with a digger or a dozer, he doesn't see drains, he'll not see stone drains, some of these are just stones, they're not clean stones and pipes, they are just old stones.

So even down where the retention pond is in C, I see this as a major problem, because that would be a damper piece of the property, and if you're sinking a retention pond in there, and it's rising up to field level height or whatever, my drains are not going to get out, it's going to block up, back up the fields and instead of one year, I could be looking at a problem three, four, ten years down the line. So I would ask if the contractor can look after this for a longer period, say up to ten years, to give everything time to settle back into place again. The retention pond takes another 0.8074 hectares to be precise. Why is this needed when there's one on the exact opposite side of the road. Other than that, this pond I'm told is there to collect a stream and a sheugh that run down into that corner. That corner, where it crosses that road at present, leads to flooding, because the culverts were put in there when the original A8 was done some forty or fifty years ago, were never big enough. It's a flat piece of land and the outfall wasn't that good and it blocks up. There are two pipes through the road and I think one is permanently blocked. I fail to see why we need two ponds directly opposite each other on the roadway. I'm told that there are fifteen of these ponds planned for the length of the A8, and that seven of them so far have been deemed unnecessary. Is this one of the ones that's deemed unnecessary, or is it still going to go ahead?

My Nitrates Directive, it's going to have big implications for me. If I lose this land, it's a reduction in land, which leads me to higher loading per hectare. At present the nature of the loading on my farm is 168.84 kg per hectare. We are allowed up to 170. If I lose this land to the link road taking out that area, as I stand at the minute, without increasing stock, my loading becomes 171.62 over the limit. I either then have to go try to buy more land which is beside me, rent more land which would be beside me, or apply to the Department for a derogation. Either way, it is more hassle for the future.

The Agricultural Impact Assessment was carried out in March 2009 and did not fully address the issue of the link road. The report would need to be reviewed more thoroughly to consider the overall the impact. It doesn't take into consideration the farm. It gives me my stock numbers, but it doesn't give me any way out of this other than saying it might have a slight adverse affect on my property. I consider the whole report poor, scant and badly put together.

The average age of a farmer in Northern Ireland is 57/58 years of age. I'm in the fortunate position I have a son who's 22 years of age in the business with me. I want to encourage him, to see a future in farming, and be there for him, but if they take land away you can't do that. So in conclusion, I contend along with others here today, that this link road is detrimental to me personally as the land owner, it's detrimental to the environment and it's elemental to the community, and totally unnecessary.

Responding to a question from Mr McGuinness, Dr McIlmoyle said that a further way to improve the nitrate count would be to export slurry. As had been stated earlier in the Inquiry, this was worth £40 - £50 per tanker load and farmers who were well below the 170kg of organic nitrogen would be only too happy to have £40 delivered to their doorstep.

Rental included conacre land and provided there is access to it for the disposal of slurry this reduced the load of nitrates for the farmer or land owner who had supplied the slurry onto the land where the owner has accepted it.

Dr McIlmoyle confirmed that during his visit to the farm on the 13th March 2009, he had been provided with details of all the stock held by Mr Boyd at that time.

A further discussion then took place involving Mr Boyd, Dr McIlmoyle and Mr McGuinness on the subject of slurry. Dr McIlmoyle said that whilst slurry had a value he has not said that people would buy it and in most cases it was delivered free of charge. It was not dumped any more as it was a substitute for compound fertilised selling at around £300 per tonne.

Derogation allowed an increase in slurry loading from 170kg per hectare to a maximum of 250kg, though this involved more 'red tape' including better record keeping and having the land tested every four years. 149 applications had been submitted up to the 31st March 2011.

Mr Boyd replied that the whole drive in agriculture, supported by the UFU was to reduce red tape and whilst others may have applied for derogation he was not keen to take that route.

Mr Boyd then questioned the need for a constriction pond on his land and since this led to a virtually identical discussion and explanation to the one provided to Mr Michael Craig (Objector No.164) earlier in the day, it will not be repeated here.

Wilson Logan

Mr Wilson Logan (11 Calhame Road), used both the relevant drawing and photographs to illustrate how close the proposed Calhame Link would come to both his and Mr Simpson's property and what the negative impacts would be.

He pointed out that the link road would be more than 2m high, immediately at the back of his house and he would therefore be looking into an embankment with vehicles travelling along the top. The traffic volumes would be greater and these vehicles would create both air and light pollution. He was prepared to accept that he would have to lose a view when the Legaloy Link and the major junction were created but the Calhame Link would be a different matter.

As he worked at night, he need to sleep during the day and this would become much more difficult with the link road in place. He was also concerned that should the drainage be disturbed and not picked up, water would simply back up towards his property.

In relation to No.7, Arup had admitted that he would be in a similar situation, the impact of the proposed scheme would be substantial adverse, reducing moderate by 2031. What measures were being proposed which would lead to this reduction?

Responding, Mr Furneaux explained that the embankment would be required to take out the existing dip in the ground and there was also a watercourse that passed that point that had to go under the link road.

In terms of the watercourse and drainage, a cut-off ditch on the bottom side of the link road would pick up run off and discharge it to the watercourse system in order to prevent any back up of water behind the scheme.

Mr Power added that hedgerows would be planted along the entire length of the new link road and the embankments associated with the adjacent overbridge would be extensively planted. The assigned significance would drop after 15 years, reflecting the maturing of the vegetation.

Mr Logan suggested that a hedge planted at the bottom of a six foot high embankment would not provide any screening at all. Mr Power thought that at the detailed design stage it could well be that a decision was taken to plant the embankment as well as providing the hedge.

Mr Logan was also concerned that he would lose part of his front garden and an established hedge on a stone built 'dyke' to provide sight lines. What was the replacement barbed wire fence going to look like? Mr Hutchinson replied that RS would be more than happy to enter into discussions about accommodation works which could be provided.

With regard to noise, Mr Power said that the dominant noise source in this area would be the A8 so the acoustic contribution of the link road would be very minor in compared to the 10,000 plus vehicles on the dual carriageway. The side road would be unlikely to generate the requirements for noise mitigation or insulation in its own right. The assessment of the impact on the property took into account all the changes attributable to the scheme over 360 degrees and picked up all the changes attributable to the scheme. The maturity of the planting was the main reason for the reduction in the impact over the longer term.

Mr Logan did not accept this. He saw the main change being the creation of the link road to the back of his property which would carry around 230 vehicles per day. This would include tractors and heavy lorries and was unacceptable.

Furthermore, working in the freight industry Mr Logan was of the opinion that the traffic volumes on the main line would continue to fall as a large amount of the traffic was now going through Belfast and Dublin rather than Larne.

John Simpson

Mr John Simpson (7 Calhame Road) made a short input to the Inquiry on the afternoon of Tuesday 21st June.

He used a slide to illustrate the fact that the gable end of his home would be by his estimation 30m from the proposed Calhame Link road. He understood that there would not be low noise surfacing on the link. However, this would not be an issue, as vehicles would be travelling slowly close to his property and the main noise would be from vehicles accelerating on both sides of the junction. Irrespective of what the models were saying, he believed that there was going to be substantial noise, vibration pollution and light pollution, due to the fact that the link would be so close.

He also said that he anticipated problems with drainage, as he understood that there was no provision for any sort of drainage from the link. He would be at the low end and all the water was going to come off into what was already a wet stretch of field.

Responding Mr Hutchinson said that though there were a number of options and the details had not been worked out at this stage, there would be drainage on the link road in addition to the linking in of existing field drains.

Inspectors' Comments (Calhame Road Residents Association)

In his initial response to Mr Gault's presentation, Mr Hutchinson commented on the '... very good and genuine points [which] had been made in a most professional manner'. He went on to add that RS would not be contesting the figures which had been used as they had been provided by the Department.

Though a number of points of detail were discussed in the subsequent exchanges, no major challenges were made by RS to the Calhame Road Residents Association case.

Whilst the presentation of detailed analysis on topics such as traffic numbers, the associated traffic flows etc., is useful in the validation of a particular point of view, it is also essential to draw back a little in order to identify the jugular issues.

At the time of the Preferred Route Announcement, the proposal for Rushvale Road was left-in/left-out, as the costs associated with either an underpass or an overbridge to make a connection with Drumadowney Road were considered excessive. In addition, there would have been land loss and access issues with either solution, a bridge would be visually intrusive and an underpass would require pumping.

Following the Preferred Route Announcement, written correspondence was received from a number of residents on Rushvale Road requesting a greater level of access, as the diversion lengths associated with the proposed left-in/left-out were considered to be excessive.

This prompted a review of traffic flows on Rushvale Road with comparisons being made with other side roads on the scheme. The conclusion was reached that whilst other side roads would have longer diversions, they would in general have lower traffic flows, or opportunities for traffic to be re-routed earlier.

The plans were amended to include the creation of the Rushvale Road - Calhame Road link and following the Pre-Inquiry meeting, fourteen people drawn from both roads were asked for their opinion on the alternatives. Five supported the link, eight preferred the left-in/left-out and one person had no particular preference. RS considered that even though slightly higher number of people wanted the link removed, the case was not overwhelming and so the revised proposal was allowed to stand. The distinct impression was formed at the subsequent Inquiry by the Inspectors that RS would be content to go with either solution.

Having been notified of the change, the Calhame Road Residents Association focused their attention on the impact which the Calhame - Rushvale link would have on their way of life on a daily and hourly basis and the results of their deliberations and discussions are set out in the well argued and supported case above. In addition, the 118 signed letters of petition obtained from households and businesses in the Calhame, Straid area added weight to their concerns.

Whilst the alternative case made by Mr Peter and Mr Lawrence Caldwell (OBJ_124/5) for the creation of the link is understood and very reasonable, it is considered that the potentially adverse impacts on those living on Calhame Road and especially on the members of the Calhame Road Residents Association are such that the left-in/left-out at Rushvale Road should be reinstated and the proposed Rushvale - Calhame link removed from the scheme.

This has proved to be one of those classic cases where those charged with the responsibility of making recommendations on a RS proposal have no choice but to seriously disappoint one group by lending support to the aspirations of another. Unfortunately, that is the nature of the task.

Mr Gault's comment that he did not wish the opposing views to become a divisive issue between the residents of the two roads is noted and it is hoped that this very positive observation will indeed lead to the continuation of good relationships.

See Sections 10 and 11 – Proposed Rushvale Road – Calhame Road Link.

Inspectors' Recommendations (Calhame Road Residents Association)

- It is recommended that the original intention to make a left-in/left-out connection at the interface between Rushvale Road and the A8 is reinstated and the proposed Rushvale - Calhame link road is removed from the scheme.

9.160 Nelson Rea

Reference Number OBJ_160
Date of Objector's Correspondence 3rd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.160.1 Plot 9.36 is not needed as this falls outside the area required for the road and was not mentioned previously.

Plot 9.38 there is ground which is in excess to required road.

Plot 10.04 there is ground in excess to required road.

9.160.1.1 The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

9.160.2 Plot 10.05 is not needed as this falls outside the proposed area required for road. If subsequently not needed after the road has been built and offered back to me I require roadside access for this field and adjoining.

9.160.2.1 The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. The land identified within Plot 10.50 is required for two purposes: some of the land is required as essential for the construction of the road and the other land is to facilitate the diversion of a stream across the A8 Dual Carriageway. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.

9.160.3 A livestock handling pen will be vested and suitable alternative would be in plot 10.06 near roadside boundary.

9.160.3.1 It is not the Department's policy to provide cattle handling facilities. If a cattle handling facility is lost, LPS will normally take the loss into account in their assessment of compensation. Compensation matters have been discussed earlier.

9.160.4 At plot 9.38 and plot 10.06 I am currently able to walk livestock across the road. This will not be possible because of barrier in middle of dual carriageway. I will have increased travelling time and distance.

There will also be an increased distance to travel approximately 4.5 miles each time to check livestock on a daily basis. I currently use a small jeep which has a limited use taxation class and thus will no longer be feasible to use as I currently can travel only 1.5km. I will have to tax jeep as a higher cost.

9.160.4.1

The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. For safety reasons, the proposed A8 dual carriageway has purposely been designed to not permit at grade traffic to turn right across the carriageway. All right-turning manoeuvres will be undertaken at the main junctions along the route. The Design Manual for Roads and Bridges (DMRB) contains the design standards for the provision of private access onto all purpose trunk roads. These design standards restrict the provision and spacing of accesses. TD 41/95: Vehicular Access to All Purpose Trunk Roads states '*There is a potential saving in accidents where there is a reduction in the number of lightly trafficked direct accesses and minor junctions made directly on to each trunk road*'. The Department is therefore satisfied that the proposed access arrangements are on balance the most appropriate arrangement in this instance.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast

9.160.5

I have access to land in front of house no.105 Belfast Road and this must be retained to access property.

9.160.5.1 The Department can confirm that there are no proposals to restrict access over the land in front of no. 105 to the landowner's property.

Inspectors' Comments (Nelson Rea)

The concerns of the Objector and the RS responses set out above have been noted

9.161 Margaret Simpson

Reference Number	OBJ_161
Date of Objector's Correspondence	1st March 2011

Though the specific objections defined under this reference number have been withdrawn, see Calhame Road Residents Association (OBJ_159).

9.162 Mr and Mrs William Mills

Reference Number	OBJ_162
Date of Objector's Correspondence	3rd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.162.1 The criteria used to select the preferred route were flawed and as such the conclusion reached in respect of the preferred route is incorrect.

9.162.1.1 The Government's White paper "A New Deal for Transport: Better for Everyone" published in 1998 introduced the New Approach to Transport Appraisal (NATA) as the standard appraisal process for all transport schemes in the U.K. The process and criteria outlined in NATA are based around the Government's five over-arching objectives for transport of environment, safety, economy, accessibility and integration. Additional detailed guidance on the appraisal of transport projects is provided within the Web-based Transport Analysis Guidance (WebTAG) which is published by the Department for Transport (DfT). Additional supporting analyses of practicality, affordability and acceptability have also been used in the appraisal process for the A8 Dualling. WebTAG outlines that for highway schemes, the Design Manual for Roads and Bridges (DMRB) shall be used to provide the necessary information for a NATA appraisal. DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of roads within the U.K. The DMRB defines a three stage scheme assessment process, providing a clear structure for the development and staged reporting of road schemes. NATA provides a multi-criteria appraisal methodology which enables options to be appraised within the scheme assessment process, and to be summarised and reported in an Appraisal Summary Table (AST).

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the DMRB and WebTAG. Each stage of the assessment process has used this methodology and an AST has been produced. The selection of the preferred route has strictly adhered to this process. The preferred route was the most favourable in terms of the balance across the Government's five key objectives for transport, and thus the Department is satisfied that the correct route has been selected.

9.162.2 The proposed road will have a dramatic impact on the economy of Ballynure and the surrounding agricultural landscape that vastly outweighs any perceived benefits

9.162.2.1 The economic assessment for the scheme has been undertaken in accordance with the published best practice and guidance provided in the DMRB and WebTAG. This assessment considered the financial benefits, through journey time savings and accident savings, against the costs of providing the new dual carriageway, which included land and compensation costs. The eligibility of individuals to compensation is outlined in legislation. This assessment has shown a positive economic return set against the capital investment in the scheme. However, as with any large infrastructure project of this type, there is the potential for impact to individual businesses or at a community level.

The scheme assessment process considered both online and off-line options for the dual carriageway at Ballynure. An online option would require an all-movement junction with Lismenary Road and Riverside. However, the provision of additional junctions or gaps in the central reserve represent safety concerns and therefore the remaining accesses would be either closed or restricted to left-in left-out. This would impose diversions on those wishing to use the local businesses, especially those along the existing A8. The off-line option provides the opportunity to retain the existing all-movement accesses within Ballynure for local residents and businesses. The proposed junction strategy includes vehicular access from the improved A8 at either end of the village: from the A57 (Templepatrick Road) junction and the Ballybracken Road junction. In addition, public transport links will be maintained within the village for those wishing to use local services, local residents and landowners. During detailed design, the Department will seek to provide relevant signage along the A8 for local services and facilities.

In addition, the community and private assets element of the Environmental Statement considers the existing land use pattern, provides an assessment of the areas of land lost to the scheme and assesses the impact on land use and the community. The key community facilities considered, based on the DMRB guidance, include: doctors, hospitals, age person homes, schools, shops, post office, churches and recreational areas. This assessment highlights the potential for impact upon the businesses varies from improved links to the A8 for business along Church Road to adverse impacts associated with the reduction in passing trade for business along the existing A8. It is acknowledged that traffic through Ballynure will be significantly reduced; however, the Department considers this will have benefits to the local community that are associated with improved access to facilities within the settlement which may lead to increase usage.

From the early stages of development the Department has sought to reduce as far as possible the land required for the scheme and the impact on agricultural land. To this end, the strategy taken forward is a predominately online scheme which makes the best use of the existing road infrastructure. 60% of the scheme is online and the only locations where the proposed scheme leaves the existing road corridor is at the two settlements of Bruslee and Ballynure, where bypasses were shown to perform better in terms of the Government's five key objectives for transport. This strategy has resulted in existing road forming approximately 22% of the total land requirements for the scheme. However, as with any large infrastructure project of this type there will always be an impact on land outside of the highway boundary. To minimise the impacts associated with rural land acquisition for this scheme, the Department have endeavoured, where practicable, to preserve farm assets and provide accommodation works to mitigate impacts. The impact upon individual farms has been assessed as varying from negligible to significant adverse impact, however the overall impact upon agricultural in Northern Ireland has been assessed as negligible.

The landscape and visual assessment, completed as part of the environmental impact assessment, considered impacts upon the local agricultural landscape. It assessed both the impact on the rural landscape, in particular the impact on the different Northern Ireland Landscape Policy Areas (LPAs), and the visual impact on sensitive receptors, such as residential properties. The proposed scheme includes a number of environmental design features to help integrate the proposed road into the existing environment. These include profiling the top and bottom of embankments and cuttings, providing replacement hedgerows and walls, treatment of exposed rock in cuttings (to more naturally integrate the scheme into the landscape), new landscape planting to integrate with existing vegetation, replacement of lost vegetation and the provision of sections of planting to create visual screening of the road.

The landscape and visual assessment acknowledges that there will be an impact on the LPAs around Ballynure. The A8 Dualling passes through the Tardee and Six Mile Water Slopes and Three and Six Mile Water Valley LPAs to the west of Ballynure. The assessment recognises that although the route would remain as a permanent feature in the landscape, by the design year (2031) the landscape planting would have matured and would assist in integrating the road into its surrounding landscape. The design year is defined by DMRB as 15 years after the opening of the scheme.

9.162.3 The agricultural impact assessments carried out in respect of the farms impacted have been incorrectly calculated and as such the impact is underestimated.

9.162.3.1 McIlmoyle and Associates are professional qualified Agricultural Consultants employed by Roads Service on the A8 dualling scheme to provide expert advice in terms of agricultural issues. McIlmoyle and Associates are very experienced and Dr McIlmoyle is a Fellow of the British Institute of Agricultural Consultants. They have completed Agricultural Impact Assessments for numerous other road schemes, and provided consultancy services on a wide range of agricultural issues across Europe.

The agricultural impact assessment for this scheme has been completed in two parts. Firstly McIlmoyle and Associates produced baseline reports for

all the agricultural businesses along this section of the A8. In doing this, they sought to hold discussions with the respective landowners and obtained copies of the relevant Department for Agricultural and Rural Development (DARD) farm maps. The landowners were then sent their baseline report and invited to comment on its accuracy. McIlmoyle and Associates updated these reports where comments were received. An agricultural impact assessment was then undertaken to determine the impact of the proposed scheme relative to the baseline information previously gathered. McIlmoyle and Associates used their professional judgement to assess the impact using a set of defined impact ratings (as outlined in the individual reports). The findings were written into individual agricultural impact assessment reports which were then issued to the respective landowners.

The Department maintains that the process adopted for the assessment of agricultural impact is robust and is satisfied the impacts have been correctly assessed.

9.162.4 The statistics used by the department's consultants to calculate the impact of the proposed road are wrong.

[Clarification sought from Mark Patterson in relation to which statistics. It was subsequently confirmed that the point related to the suggest improvements in travel time and the improvements in safety.]

9.162.4.1 The statistics and information used within the assessment process have been collected in accordance with accepted best practice as set out within the DMRB and WebTAG. Any surveys commissioned by Roads Service (e.g. ground investigations, traffic surveys, topographical surveys or ecological surveys) for the project were undertaken by suitably qualified organisations following best practice and published guidelines. Other data (e.g. accident statistics and archaeological records) was sourced through consultation with other organisations and government bodies and is therefore considered to be reliable and accurate.

WebTAG and DMRB provide guidance on undertaking traffic forecasting and economic assessments for transport schemes. This guidance has been followed in the development of the A8 traffic model.

SATURN (Simulation and Assignment of Traffic to Urban Road Networks) software was used to develop the A8 Traffic Model. One of the main characteristics of SATURN is that it is applicable to both urban and rural areas allowing the modelling of peak hour congestion in reasonable detail. The journey time savings have therefore been calculated in accordance with best practice and using standard software.

The safety impacts of the proposed scheme have been assessed quantitatively and monetised using COBA (COst Benefit Analysis) software. COBA is a standard software package approved by the Department for Transport (DfT) for use in modelling the benefits of transport schemes. This assessment has shown the proposed scheme will deliver accident benefits.

9.162.5 The proposed road will have a much larger aesthetic and environmental impact on the countryside than that identified by the schemes environmental statement.

9.162.5.1

Part V of The Roads (Northern Ireland) Order 1993 sets out the statutory requirements for the assessment of the environmental impacts of road schemes. This requires the Department to determine using the Annexes to 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 97/11/EC and Directive No. 2003/35/EC of the European Parliament and Council, whether or not a relevant project should be subject to an Environmental Impact Assessment.

For the A8 dualling scheme, the Department determined that the project met the requirements of Annex I of the Directive and that an Environmental Statement should be prepared. The Environmental Impact Assessment was carried out, and an Environmental Statement prepared in accordance with Article 67 of the Roads (Northern Ireland) Order 1993 and the published guidance outlined in DMRB. DMRB provides guidance which reflects both legislative and best practice requirements, and outlines a clear process which is designed to ensure an objective assessment. The Department is satisfied that the relevant legislation has been complied with and that the impact of the scheme has been correctly assessed based on that published guidance.

Mr Mark Patterson made an input at the Inquiry on the afternoon of Monday 20th June on behalf of Mr and Mrs Mills.

He explained that they owned 53 acres of land, a house and a farm building off the Lismenary Road. The RS proposals for the A8 would result in them losing around 5 acres of their holding and to date no details had been received about accommodation works.

A short exchange between Mr Patterson and Mr Hutchinson resulted in it being confirmed that whilst going through Ballynure would be the lowest capital cost option, when all of the five key objectives for transport were taken into account, the Preferred Route bypassing Ballynure was adopted. This caused Mr and Mrs Mills some real concerns, as this decision was based on opinions and assessments over a period of 60 years. Mr Mills was concerned that economic factors had been used in the model which could be wrong. He had personally been involved in two or three cases where injurious affection had been underestimated and that could have an impact on the results of the model. The model was only as good as the information put in and he wished to have it registered that he was questioning the model's accuracy. The point was that if the figures were inaccurate it was possible that the wrong route had been selected.

Responding, Mr Hutchinson said that this had already been covered. However, as each of the various stages were gone through, appropriate information was put in and as the process progressed more information became available on which to base decisions.

With regard to estimates for land take, injurious affection etc., these were all supplied by LPS.

Mr Mills added that since RS had intimated that the difference between the Preferred Route and that going through Ballynure was marginal therefore, a small difference could tip the scales either way.

Responding to a question from Mr Mortimer, Mr Patterson explained that in 2004 when the 'link' road through Ballynure was constructed, he had been involved with LPS and agreed a figure of £47,500 for injurious affection. When this was sent to RS, feedback

was received that RS had not allowed anything like this figure and it was referred back to LPS. LPS subsequently verified the figure and RS had to accept it.

Mr Mills quoted a further example in Ballymena where RS had taken possession of 0.25 acres of land. In conjunction with LPS Mr Mills discovered that the lands were development lands and this resulted in compensation of close to £250,000 being paid as opposed to £2,000 to £3,000 estimated by RS.

In reply Mr Hutchinson said that whilst the differential in capital cost was small, the differential in the economics, the benefit cost ratio was larger.

People had questioned the outcome of the Stage 1 process and as a result, it became the subject of an adjournment debate within the Assembly. Following that, the Department had undertaken a review of the process which had been gone through and RS was content that the right corridor had been chosen, which was to bypass Ballynure. In the Addendum Report, the impact of construction of the dual carriageway through Ballynure was explored in greater detail. This had helped to demonstrate that construction through Ballynure would have a significant impact.

Mr Mills understood that an additional cost of between £10m and £30m would be involved to bypass Ballynure which he believed was considerable and reliant on the model.

Part of the costing for going through the village would be the detrimental impact on two buildings. The first was the blacksmith's building which was only opened very infrequently and he failed to see how it could be construed that this would have a major impact on that business. Secondly, the house on Lismenary Road was no longer there. It had been demolished and the matter was in the hands of an administrator.

Mr Hutchinson responded that his recollection was that the two buildings were only mentioned in the Stage 1 Addendum Report. One of the objectives of that report was to clarify the impact at the Stage 1 level. The impact on both land and properties of a number of different potential layouts through Ballynure had been considered, and particular weight had not been given to the two properties or buildings.

The cost differential at the time of the Stage 1 Report was in the order of £4m to £5m and that was based on the cost point at that time. Comparison with the current estimates could reveal a larger gap. However, again Mr Hutchinson stressed that the capital cost was not the deciding factor. The rules set out by the Treasury had to be followed and Mr Hutchinson was most definitely confident that the RS inputs to the model had been robust.

Referring to the AIA Mr Mills said that he did not accept the conclusions reached by Dr McIlmoyle. Though a second report had been submitted Mr Mills believed that the impact on the farm had been underestimated therefore information which he did not accept was being used as the basis for the model.

Mr Mills then pointed out that the map projected on the screen at the Inquiry was not accurate in that it did not include all the land owned by the Mills family. He said that the whole process was littered with mistakes. It was not good enough. Also he did not accept Mr Hutchinson's explanation that RS had used the information which was recorded in the Land Registry as the missing area was registered many years ago and it was also included on the maps sent to Dr McIlmoyle.

Mr Paterson then made reference to the natural water supply on the Mills farm, explaining that a 1949 windmill was used to pump water which was used throughout the farm and in the dwelling. The windmill would have to be demolished to construct the road and this was a further additional cost that had not been factored in to the RS calculations. Being old, there was a possibility that the windmill was listed, though this had not been confirmed. The landowners did not have and did not want, a mains water

supply and sought assurances that RS would provide a like-for-like replacement such as a borehole or a new well.

In reply Mr Hutchinson said that he was not aware that any extensive accommodation works had as yet been discussed. RS knew that there was a water supply there and that it would have to be replaced in a form acceptable to Mr and Mrs Mills. Though there were other factors to be taken into account he gave a commitment that discussions would take place with Mr Mills with a view to meeting their wishes for retention of a natural water supply.

Mr Patterson wanted to offer congratulations to the Montgomery and Cochrane families for demonstrating the very personal impact, including the stress and trauma which had been caused by the road proposals. This same level of distress was also felt by the Clients he was representing.

Discussions on accommodation works had not materialised and whilst the Mills family enjoyed good relationships with their neighbours, everyone concerned was distressed at the prospect of having to share a single accommodation overbridge. This was not considered an adequate or fair substitute for the separate accesses enjoyed by the three families at present. They had been told that individual bridges could not be provided on economic grounds.

At this point Inspector Jeremy Mills (*Assistant Inspector*) asked Mr James Mills for his views on the RS assertion that if the road was to go through Ballynure it would cause major disturbance to the village. There had not been objections relating to that.

As a number of both general and detailed points were made in response to this question the exchanges are recorded below, with some minor adjustments to reflect the translation of the spoken word into written format.

Mr James Mills:

'Well, I'm glad you made that point. You see, we feel very strongly as local residents, and in particular land owners, the first mention of this road scheme did in no way indicate that there would be an off route corridor. The first consultation that was held, there was no land owners who are objecting here today present at that meeting. And to us that was how Roads Service, first of all, introduced the bypass. Originally it was an upgrade to the existing A8.

Now, if you own a motor car and you go to upgrade it, it means you are going to buy a better one. If you don't own a motor car you can't upgrade it, you have to buy one so it's a new one. So what they have done, they have made a new road but initially they didn't consult us about making the new road, they only consulted us whenever it became apparent that it was a bypass being made. By that time the whole thing had gained momentum and, as has been reiterated here by other objectors, the whole thing had gained so much speed that we were playing catch up. We were never formally involved. And as far as the consultation is concerned, I have to say, it was intimated here that Mr and Mrs Kirk were more than accommodating in every question that had been put to them and every visit that had been made. Knowing those people I would have to say that was what I would have expected. I have to say, that on the first visits that were made to our own property by Arup, we were likewise, until we realised, and foolishly I understood, or I assumed in dealing with a government body, that we would be fairly treated. My opinion has changed big time. I will never in my life trust a government body as to what fair play is, and as to what you will be left no worse off or no better off when we have completed this scheme. I would like every one that is being affected to comment on that as to what their findings were.

(Comment from Mrs Lorraine Robinson - 'I second that'.)

I feel that we have been very, very unfairly treated. We have been more or less told what we are doing. We are tax payers. We are law abiding citizens, and we have been treated like dirt and that's not an understatement. I have to say that when Dr McIlmoyle visited, on the first visit we treated him as we would treat anyone coming onto our property. He was unannounced. He arrived on New Years Day of all days. My wife brought him into the kitchen. We gave him all the information that he required. He didn't once question anything that we said. On his return visit to amend his AIA from the mistakes that were made in the first instance, he more or less accused us of telling lies. He wouldn't accept anything we said. He had to see the evidence for everything. And Chris, I don't know whether he's present, yes, he's sitting there, he can verify that. And on three occasions he was going to leave my office because he felt he was unfairly treated. We were unfairly treated. We were treated like second class citizens who were telling lies.

Now, that I would like to have on record, because that's why we are objecting here today. That's why, as land owners, we are referred to, we are farmers, we are not land owners, we are farmers. We have businesses. I have another outside business, thankfully, but farming is my passion. I look after my land like I look after a baby. And to see it destroyed, it would bring you to tears.'

Mr McGuinness:

'I just want to be clear about one point. On three occasions Dr McIlmoyle was going to leave because he felt he was unfairly treated, is that what you said?'

Mr James Mills:

'Yes, Dr McIlmoyle was turning the tide to him being unfairly treated, whereas it was us who were being unfairly treated'.

Mr Patterson:

'I was present at the meeting and it was a very unsatisfactory meeting.'

Mr McGuinness:

'If needs be Dr McIlmoyle will give evidence if it's helpful. Because allegations are being made about him. I think the evidence so far is that Dr McIlmoyle certainly felt that he was being unfairly treated as well as the feelings that have been taken, that Mr Mills has expressed. If Mr Patterson wants to go further down this line then we can take evidence on exactly what happened at the meeting'.

(Time was not available on the day and the offer for an appointment to be made later in the Inquiry for this to happen was not taken up by Mr Patterson, RS, or Dr McIlmoyle).

Mr James Mills:

'I'd like to add, it's not only Dr McIlmoyle's attitude. I think I referred to it at the start that it was the general attitude of Arup and Roads Service was you felt like you had the proverbial 'D8' coming and you were standing with your hands against the blade.'

Mr Colin Hutchinson:

'At the outset in this project I was very keen that we have a lot of communication and make land owners aware of what we are doing as far as we possibly could the whole way through the process. If there have been meetings, if there have been, if it's felt that you're disappointed with the way that you have been dealt with I can only say that I apologise for it if that has been the case. That's certainly not my perception of the communication we have had on this job. I very much appreciate these processes take years and years and years, probably on average from start to finish five or six years. And the reason I decided at the very early stage that I wanted to have good communications on what we are doing, good relations with the land owners, was because I understand how the biggest problem for land owners is uncertainty, not

knowing what's ahead of them. So trying to give them as much information as we possibly can.

Back when we had our first exhibition we took a large, we called it an area of interest, it was a large area around the whole scheme which was quite wide. We got addresses from the Post Office I think it was and wrote to every single house properly within that area to invite everybody to come along to the exhibition. Obviously in that process we are talking about thousands of properties, it is possible that you do miss one. We also had advertisements in local papers and local shops and so on. And at the exhibition we did actually say that over the coming months this study will examine both on and off line opportunities in improving the A8.

Mr Patterson:

'Mr Jeremy Mills asked a very pertinent question, in my opinion: As a resident of Ballynure, someone that has lived there now for 11 years, lived in the locality for 17 years, the perception is one of amazement that you are going off the road and not going through Ballynure. So that is, as a resident of Ballynure, the perception. Now, most people do not get involved in the detail because they are not impacted by it, as to the reasons behind that, and there's a model involved we've learnt, over the course of the public inquiry, that determines why a cheaper route is ignored. And we are questioning the inputs into that model.'

Now, it touches again on Sammy Wilson's comments last Friday, about a gold standard route. And again a very, very simple consequence, and I'm talking about something that I know nothing about, I'm talking here as someone who lives in the locality, we think it would be totally adequate for this section of the A8 to have gone through Ballynure.'

(Mr Robb commented that references to what other people in Ballynure thought had to be taken as anecdotal, as they were not present to either affirm or refute the opinions which Mr Patterson had put forward).

Mr McGuinness:

'I wonder, Mr Patterson, did any of the residents of Ballynure attend the BMAP hearings? Because in the BMAP there was a suggestion of the bypass on the eastern side, and clearly the suggestion was that Ballynure was going to be bypassed completely. So I wonder whether he or anyone to his knowledge made any representations about BMAP?'

Mr Mark Patterson:

'I didn't make any representations to BMAP. We are residents of Ballynure. What happens on the BMAP and grand policy, to be honest with you, there's a lot of things that go into plans that never happens. We are here today because the process is moving on at great speed and we are very alarmed about it. And we are answering a question: What do people in Ballynure think? And that's the answer.'

Mr James Mills:

'Could I comment that I didn't really answer my name sake's question here. Ballynure has been severed by a road, in layman's terms. If you are not familiar with the area. But that was actually a bypass that was built around Ballynure 50 odd years ago. People have been used to that. People have lived with that. The main part of the village is on one side of the road with shops and Post Office and whatever else you have in the village. The other side of the road is residential, mainly residential. So there is no issue with the severance of the road. There has never been an issue with severance. So the people in the community - now, that's not to say a few so-called blow-ins may not see this as an opportunity to get rid of a road, but generally the people of Ballynure have never had an issue with the road, because they have an

underpass there for pedestrians and so on. And there's accommodation for a wider road. So that answers your question.'

Mr Mills made a second input to the Inquiry on the morning of Thursday 23rd June and began by referring to what he described as a very important meeting at Stormont involving MLAs, on the occasion that the improvements to the A8 were first mentioned. Mr Mills was there in person and claimed that Mr Hall, who attended the meeting in order to deliver the detailed proposals for the Preferred Route had said in part of his statement that - '... The existing A8, if that were to be the considered route, one of the main reasons for not staying online was that the existing A8 passed some shop fronts'.

Mr Mills wanted to know what 'shop fronts' he was referring to in that very important meeting with MLAs as it appeared that he had been looking at the wrong area when he carried out his assessment.

Though it proved not possible to access the records of the particular meeting at the Inquiry, Mr Hall replied that whilst he could not confirm exactly what he had said, he had no problem with those words. There was a fish and chip shop and the shop associated with the petrol filling station, so there was more than one shop frontage.

The point which Mr Mills wanted to make was that with regard to the Economic Impact Assessment, could it not be concluded that the businesses in question would much rather have the road through Ballynure than not have it and not be consulted?

Mr Mills added that he had attended every day of the Inquiry because of the passion he felt about the scheme and the associated destruction of the countryside. He considered Mr Hall's statement at Stormont was very misleading. The Ex-Roads Minister had visited the site and had been shocked with what he had seen. Mr Mills then referred to some of the concerns he had about the scheme which had been raised earlier.

Responding, Mr Hutchinson said that there would be plenty of occasions when the Ex-Roads Minister would have heard the reasons for the RS proposals and these would have been recorded through Hansard. He would have been briefed and been well aware of the arguments in support of the RS intentions. The scheme had gone through a quite lengthy adjournment debate which had covered these issues.

Commenting on the point made by Mr Mills that signs (*directing people on the A8 to the businesses in Ballynure*) were not looked at and did not have any effect, Mr Hutchinson said that such signs were for people travelling along unfamiliar roads and not for people who knew the area.

Inspectors' Comments (Mr and Mrs William Mills)

The impact of the proposed new road on this land holding would be considerable, with both ground being lost, the farm being severed by the main line and a major new road being constructed much closer to the Mills family home and farm.

However, access to the severed lands using the proposed accommodation overbridge which would be shared with the neighbouring Robinsons, (OBJ_132) and the McCanns, (OBJ_069) would mitigate the severance to some degree. Farm vehicle and stock movements between the severed portions would be possible using the new bridge without the need to use the public road network and the travelling distance involved would be comparatively short.

Over the years Mr Mills has created a series of rolled stone unfenced laneways across his lands to facilitate the movement of livestock and farm machinery and it would be important for RS to ensure that this network was linked to the private access leading to the proposed overbridge.

Whilst a separate accommodation overbridge to serve these lands would clearly be desirable from the owner's point of view, it would be difficult to make a recommendation that this should happen both on financial grounds and because a shared overbridge is proposed adjacent to the Mills land boundary

At present the land holding is all contained within one continuous boundary and this is preferable from a bio-security standpoint. Whilst the bio-security risk from the interface with the proposed main line is considered to be small, the risk would clearly be slightly greater on the accommodation overbridge, as both stock and vehicles from each of the three farms would have access to it. However, this is not considered to be a *major* issue.

The proposed new road would be very much closer than the present A8 though the noise from the dual carriageway would be mitigated to some degree by the fact that the new road would be in cutting in this area.

The Mills family attach particular importance to the fact that they have a very old wind powered pump which lifts water from a well into a storage tank from where it is distributed to both to the dwelling house and around the farm. The construction of the proposed dual carriageway would require the removal of this well and though a connection to the adjacent mains water supply would be offered, this would not be considered by the family to be an acceptable alternative to a natural water supply.

A very considerable proportion of the inputs made at the Inquiry by both Mr Mills and Mr Patterson were devoted to challenging the decision by RS to select a Preferred Route bypassing Ballynure to the west, rather than utilising the existing alignment through the village. It is quite understandable that Mr Mills should make the case for a completely on line solution, since his farm would not be severed were this to happen. He confirmed that he would have been reasonably content to give up part of a field bordering the existing A8 to facilitate the widening of the existing road.

This issue was raised by a number of Objectors during the Inquiry and having reviewed the evidence it has been concluded that RS should construct the new road to bypass Ballynure to the west. For further reading on this subject see Section 11, The Proposed Preferred Route and OBJ_180, Graham Johnston.

Inspectors' Recommendations (Mr and Mrs William Mills)

- RS to agree a draft schedule of accommodation works with the land owner, including the need to connect the private means of access to the existing internal laneway network.
- In recognition of the importance of a natural water supply to the Mills family, a borehole or similar facility to be provided to ensure the continued availability of this resource.

9.163 Mr and Mrs John Marshall Hill

Reference Number	OBJ_163
Date of Objector's Correspondence	3rd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.163.1 The criteria used to select the preferred route were flawed and as such the conclusion reached in respect of the preferred route is incorrect.

9.163.1.1 The Government's White paper "A New Deal for Transport: Better for Everyone" published in 1998 introduced the New Approach to Transport Appraisal (NATA) as the standard appraisal process for all transport schemes in the U.K. The process and criteria outlined in NATA are based around the Government's five over-arching objectives for transport of environment, safety, economy, accessibility and integration. Additional detailed guidance on the appraisal of transport projects is provided within the Web-based Transport Analysis Guidance (WebTAG) which is published by the Department for Transport (DfT). Additional supporting analyses of practicality, affordability and acceptability have also been used in the appraisal process for the A8 Dualling. WebTAG outlines that for highway schemes, the Design Manual for Roads and Bridges (DMRB) shall be used to provide the necessary information for a NATA appraisal. DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of roads within the U.K. The DMRB defines a three stage scheme assessment process, providing a clear structure for the development and staged reporting of road schemes. NATA provides a multi-criteria appraisal methodology which enables options to be appraised within the scheme assessment process, and to be summarised and reported in an Appraisal Summary Table (AST).

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the DMRB and WebTAG. Each stage of the assessment process has used this methodology and an AST has been produced. The selection of the preferred route has strictly adhered to this process. The preferred route was the most favourable in terms of the balance across the Government's five key objectives for transport, and thus the Department is satisfied that the correct route has been selected.

9.163.2 The proposed road will have a dramatic impact on the economy of Ballynure and the surrounding agricultural landscape that vastly outweighs any perceived benefits.

9.163.2.1 The economic assessment for the scheme has been undertaken in accordance with the published best practice and guidance provided in the DMRB and WebTAG. This assessment considered the financial benefits, through journey time savings and accident savings, against the costs of providing the new dual carriageway, which included land and compensation costs. The eligibility of individuals to compensation is outlined in legislation. This assessment has shown a positive economic return set against the capital investment in the scheme. However, as with any large infrastructure project of this type, there is the potential for impact to individual businesses or at a community level.

The scheme assessment process considered both online and off-line options for the dual carriageway at Ballynure. An online option would require an all-movement junction with Lismenary Road and Riverside. However, the provision of additional junctions or gaps in the central reserve represent safety concerns and therefore the remaining accesses would be either closed or restricted to left-in left-out. This would impose diversions on those wishing to use the local businesses, especially those along the existing A8. The off-line option provides the opportunity to retain

the existing all-movement accesses within Ballynure for local residents and businesses. The proposed junction strategy includes vehicular access from the improved A8 at either end of the village: from the A57 (Templepatrick Road) junction and the Ballybracken Road junction. In addition, public transport links will be maintained within the village for those wishing to use local services, local residents and landowners. During detailed design, the Department will seek to provide relevant signage along the A8 for local services and facilities.

In addition, the community and private assets element of the Environmental Statement considers the existing land use pattern, provides an assessment of the areas of land lost to the scheme and assesses the impact on land use and the community. The key community facilities considered, based on the DMRB guidance, include: doctors, hospitals, retirement homes, schools, shops, post offices, churches and recreational areas. This assessment highlights the potential for impact upon the businesses varies from improved links to the A8 for business along Church Road to adverse impacts associated with the reduction in passing trade for business along the existing A8. It is acknowledged that traffic through Ballynure will be significantly reduced; however, the Department considers this will have benefits to the local community that are associated with improved access to facilities within the settlement which may lead to increase usage.

From the early stages of development the Department has sought to reduce as far as possible the land required for the scheme and the impact on agricultural land. To this end, the strategy taken forward is a predominately online scheme which makes the best use of the existing road infrastructure. 60% of the scheme is online and the only locations where the proposed scheme leaves the existing road corridor is at the two settlements of Bruslee and Ballynure, where bypasses were shown to perform better in terms of the Government's five key objectives for transport. This strategy has resulted in existing road forming approximately 22% of the total land requirements for the scheme. However, as with any large infrastructure project of this type there will always be an impact on land outside of the highway boundary. To minimise the impacts associated with rural land acquisition for this scheme, the Department have endeavoured, where practicable, to preserve farm assets and provide accommodation works to mitigate impacts. The impact upon individual farms has been assessed as varying from negligible to significant adverse impact, however the overall impact upon agricultural in Northern Ireland has been assessed as negligible.

The landscape and visual assessment, completed as part of the environmental impact assessment, considered impacts upon the local agricultural landscape. It assessed both the impact on the rural landscape, in particular the impact on the different Northern Ireland Landscape Policy Areas (LPAs), and the visual impact on sensitive receptors, such as residential properties. The proposed scheme includes a number of environmental design features to help integrate the proposed road into the existing environment. These include profiling the top and bottom of embankments and cuttings, providing replacement hedgerows and walls, treatment of exposed rock in cuttings (to more naturally integrate the scheme into the landscape), new landscape planting to integrate with

existing vegetation, replacement of lost vegetation and the provision of sections of planting to create visual screening of the road.

The landscape and visual assessment acknowledges that there will be an impact on the LPAs around Ballynure. The A8 Dualling passes through the Tardee and Six Mile Water Slopes and Three and Six Mile Water Valley LPAs to the west of Ballynure. The assessment recognises that although the route would remain as a permanent feature in the landscape, by the design year (2031) the landscape planting would have matured and would assist in integrating the road into its surrounding landscape. The design year is defined by DMRB as 15 years after the opening of the scheme.

9.163.3 The agricultural impact assessments carried out in respect of the farms impacted have been incorrectly calculated and as such the impact is underestimated.

9.163.3.1 McIlmoyle and Associates are professional qualified Agricultural Consultants employed by Roads Service on the A8 dualling scheme to provide expert advice in terms of agricultural issues. McIlmoyle and Associates are very experienced and Dr McIlmoyle is a Fellow of the British Institute of Agricultural Consultants. They have completed Agricultural Impact Assessments for numerous other road schemes, and provided consultancy services on a wide range of agricultural issues across Europe.

The agricultural impact assessment for this scheme has been completed in two parts. Firstly McIlmoyle and Associates produced baseline reports for all the agricultural businesses along this section of the A8. In doing this, they sought to hold discussions with the respective landowners and obtained copies of the relevant Department for Agricultural and Rural Development (DARD) farm maps. The landowners were then sent their baseline report and invited to comment on its accuracy. McIlmoyle and Associates updated these reports where comments were received. An agricultural impact assessment was then undertaken to determine the impact of the proposed scheme relative to the baseline information previously gathered. McIlmoyle and Associates used their professional judgement to assess the impact using a set of defined impact ratings (as outlined in the individual reports). The findings were written into individual agricultural impact assessment reports which were then issued to the respective landowners.

The Department maintains that the process adopted for the assessment of agricultural impact is robust and is satisfied the impacts have been correctly assessed.

9.163.4 The statistics used by the department's consultants to calculate the impact of the proposed road are wrong.

[Clarification sought from Mark Patterson in relation to which statistics. It was subsequently confirmed that the point related to the suggested improvements in travel time and the improvements in safety.]

9.163.4.1 The statistics and information used within the assessment process have been collected in accordance with accepted best practice as set out within the DMRB and WebTAG. Any surveys commissioned by Roads Service (e.g. ground investigations, traffic surveys, topographical surveys or ecological surveys) for the project were undertaken by suitably qualified organisations following best practice and published guidelines. Other data (e.g. accident statistics and archaeological records) was sourced through

consultation with other organisations and government bodies and is therefore considered to be reliable and accurate.

WebTAG and DMRB provide guidance on undertaking traffic forecasting and economic assessments for transport schemes. This guidance has been followed in the development of the A8 traffic model.

SATURN (Simulation and Assignment of Traffic to Urban Road Networks) software was used to develop the A8 Traffic Model. One of the main characteristics of SATURN is that it is applicable to both urban and rural areas allowing the modelling of peak hour congestion in reasonable detail. The journey time savings have therefore been calculated in accordance with best practice and using standard software.

The safety impacts of the proposed scheme have been assessed quantitatively and monetised using COBA (COst Benefit Analysis) software. COBA is a standard software package approved by the Department for Transport (DfT) for use in modelling the benefits of transport schemes. This assessment has shown the proposed scheme will deliver accident benefits.

9.163.5 The proposed road will have a much larger aesthetic and environmental impact on the countryside than that identified by the schemes environmental statement.

9.163.5.1 Part V of The Roads (Northern Ireland) Order 1993 sets out the statutory requirements for the assessment of the environmental impacts of road schemes. This requires the Department to determine using the Annexes to 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 97/11/EC and Directive No. 2003/35/EC of the European Parliament and Council, whether or not a relevant project should be subject to an Environmental Impact Assessment.

For the A8 dualling scheme, the Department determined that the project met the requirements of Annex I of the Directive and that an Environmental Statement should be prepared. The Environmental Impact Assessment was carried out, and an Environmental Statement prepared in accordance with Article 67 of the Roads (Northern Ireland) Order 1993 and the published guidance outlined in DMRB. DMRB provides guidance which reflects both legislative and best practice requirements, and outlines a clear process which is designed to ensure an objective assessment. The Department is satisfied that the relevant legislation has been complied with and that the impact of the scheme has been correctly assessed based on that published guidance.

Mr Patterson made an input at the Inquiry on the afternoon of Monday 20th June on behalf of Mr John and Mrs Margaret Hill and he began by explaining that the proposed road would impact on their holding to the extent of just under one hectare of land.

Two AIA Reports had been prepared by Dr McIlmoyle and Mr Patterson did not accept the findings. The second version was only delivered last week so there had not been much time to assess the contents. Mr Patterson said that he had made the request for an updated AIA as part of his formal objection dated 3rd March.

Mr Patterson pointed out that he did not have any accommodation works to comment on, even though a meeting to discuss this matter had been promised by RS. He went

on to say that there had been no information provided on whether the gas pipeline was going to be moved closer to the family home and if so, how was that going to be dealt with.

Issues surrounding the pipeline had been raised earlier in the Inquiry and Mr Hutchinson reaffirmed that RS did not have powers under the Roads Order to vest lands for the diversion of Utilities. The Department was keen to have engagement with the Gas Company as soon as the Inquiry was completed, with the intention of taking their design proposals to a stage where there would be at least an indication of where the altered pipeline would be. This would mean that discussions could take place with the landowners who would be impacted.

In conclusion, Mr Patterson said that he and his Clients wanted it on public record that they disagreed with the conclusions of AIAs. They had attended the Inquiry to express their fears about the impact the proposed scheme would have on the landholding. They did not want these matters to be belittled when discussions with LPS were eventually started after the Public Inquiry was long gone.

Conacre was a major issue for the Hills and it needed to be properly reflected in their compensation.

Inspectors' Comments (Mr and Mrs John Marshall Hill)

The concerns of the Objectors and the RS responses set out above have been noted. See Sections 10 and 11 - The Preferred Route.

Inspectors' Recommendations (Mr and Mrs John Marshall Hill)

- RS to discuss possible accommodation works with the land owner.
- RS to bring forward discussions to enable BGE to begin dialogue with land owners on the revised alignment of their high pressure supply pipe and the associated construction timings.

9.164 Michael Craig

Reference Number

OBJ_164

Date of Objector's Correspondence

4th March 2011

The Department has considered the correspondence referred to above and responds as follows:

- 9.164.1 You have proposed a drainage pond area to the rear of my property with a flood run off (overspill) area sloped across a field to a stream on the perimeter of my property. I wish to express concerns regarding the extra water that this stream will be expected to facilitate during flood conditions. In past adverse weather conditions the river has bust it banks and overflowed into my garden. I would be greatly concerned that the development of a drainage pond overspill facility will force more water into the stream/river and increase the flooding to cause damage to my house rather than just a small section of my garden. I would like you to consider this aspect in your design and would like the opportunity to discuss your**

‘proposed drainage pond and overflow facility’ plans behind my house in more detail, and, any plans for development of the river.

9.164.1.1 The design of the proposed carriageway and land drainage has been developed in consultation with Northern Ireland Environment Agency Water Management Unit and Rivers Agency. The operation of the scheme will require the discharge of carriageway run-off into existing watercourses. The scheme design includes petrol interceptors and attenuation ponds to minimise the risk of pollution and flooding associated with the highway drainage. Other drainage measures have been incorporated into the design to ensure works to upgrade the existing road, and specifically the existing culverts beneath the road, does not alter the movement of water and the existing flood pattern. The Department are committed to consulting with affected landowners and will discuss the proposal as the design is developed further.

Mr Craig made an input to the Inquiry on the morning of Tuesday 21 June and began by explaining that he lived at 3 Rushvale Road and there was a small river at the back of his dwelling which flooded in storm conditions. RS were proposing to construct a storm water facility and he was worried that water would flood into his house.

Replying, Mr Hall explained that at present the stream goes under the A8 in pipes which are not big enough to cater for the flow of water. This meant that in very wet weather conditions the water backed up on the eastern side of the road and caused flooding in the field there. As part of the proposed scheme, a new culvert would be installed under the road which would be much larger than at present and have a greater water carrying capacity.

However, if the water on the eastern side was to be allowed to flow away too quickly through the larger culvert in very wet weather, this would have the potential to cause flooding further downstream at Ballynure. Therefore a ‘constriction pond’ would be created in the field on the eastern side, with either a weir or gate to control the discharge under the road. The land in the area of this pond would be re-profiled slightly to enable better control of flood waters and this was a requirement of the Rivers Agency.

The design was based on a one in one hundred year flooding event, to which RS had added 20% to take into account climate change and global warming. Whilst the intention in the plan was to prevent the back up of water towards Mr Craig’s property, RS was not in a position to say that there could never be a future extreme weather event with the potential to cause him flooding problems, even though the design was aspiring to do just that.

Mr Hutchinson confirmed that should it be demonstrated in the future that there had been a flaw in the design, RS would be obliged to review the situation.

Inspectors’ Comments (Michael Craig)

The concerns of the Objector and the RS responses set out above have been noted.

9.165 **Robin McGladdery and Samuel J Marks**

Reference Number

OBJ_165

Date of Objector’s Correspondence

3rd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.165.1 The area of land which is proposed to vest is excessive and is not fully required to deliver the proposals

9.165.1.1 The Department acknowledges that land is to be vested at this location. From the early stages of development the Department has sought to reduce as far as possible the land required for the scheme and the impact on agricultural land. To this end, the strategy taken forward is a predominately online scheme which makes the best use of the existing road infrastructure. 60% of the scheme is online and the only locations where the proposed scheme leaves the existing road corridor is at the two settlements of Bruslee and Ballynure, where bypasses were shown to perform better in terms of the Government's five key objectives for transport. However, as with any large infrastructure project of this type there will always be an impact on land outside the existing highway boundary.

The land identified with the draft vesting order is required for the construction of the main carriageway and the new junctions with Lisglass Road on either side the dual carriageway. The Department therefore does not consider the area of vested lands to be excessive.

9.165.2 The line of the Road as depicted on the plans provided bisects our clients' land severing 1 portion from the other resulting in a significant impact. Impact on residual lands – the proposal has an unacceptable impact upon those subject lands which it is not proposing to vest, rendering several areas of the subject lands incapable of reasonably beneficial use.

9.165.2.1 The Department acknowledge the proposed scheme will bisect this land. Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

For lands retained, the Department will seek to agree a schedule of accommodation works with landowners prior to the commencement of the scheme, based on the principle of like-for-like replacement.

Accommodation works are works that are undertaken by the Department on private land to assist with the continued use of the land and reduce the injurious affection and/or disturbance. Where these can be agreed with a landowner and the costs fall within the District Valuer's estimate of compensation, that would otherwise be payable, the works will be undertaken as part of the scheme. As outlined above, any matters related to compensation will be dealt with by LPS.

9.165.3 Impact on residential properties – the proposal has an unacceptable impact upon extant and approved residential properties on our clients' lands.

The proposed line of the road runs directly through a site which has the benefit of planning permission ref: U2005/0692/F, and which has lawfully been commenced.

9.165.3.1 The Department acknowledge that the proposed road runs directly through a site with planning permission. The Department and their representatives, Arup, have endeavoured to keep Mr McGladdery and Mr Marks updated of the options being considered throughout the development of the scheme, and where practicable taken on board their views and comments. As outlined above any compensation matters in relation to compulsory acquisition of any land are dealt with directly by LPS.

9.165.4 The alternative access arrangements which are proposed for the Lisglass Road are unacceptable and lack detail, as a result our clients reserve the right to comment further on receipt of further details if forthcoming. Without prejudice to the generality of the foregoing, improved access must be provide for in the design on the Lisglass Road adjacent to the 'left off' slip road coming from Belfast onto the Lisglass Road and similarly on the Lisglass Road between existing A8 and the proposed 'left on' slipway going toward Larne.

Impact upon established uses – the proposal has an unacceptable impact upon such uses which include, inter alia, residential and agricultural uses.

9.165.4.1 The Department will be providing access from the Lisglass Road based on their current agricultural use. Any future use, or change of use of lands, will be subject to the appropriate planning permissions and the specifics of access requirements would relate to the form of land use proposed. Without prejudice and without knowing the detail of any future change in use, the Department would not envisage any significant issues in altering or upgrading the accesses, if the fields were used for a modest residential development. The Department are considering the comments provided previously in relation to the accesses onto Lisglass Road and intend to arrange a meeting with the landowners to discuss prior to Public Inquiries.

As outlined above the Department will seek to agree appropriate accommodation works with landowners to mitigate where possible the impact of the scheme. Any compensation matters in relation to compulsory acquisition of any land are dealt with directly LPS.

9.165.5 Environmental impacts – inter alia, the noise, lighting, air quality and landscape impacts of the proposals are unacceptable and will result in loss of property value for our clients.

9.165.5.1

The potential noise impacts upon your property were assessed as part of the EIA for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – ‘Calculation of Road Traffic Noise (CRTN) 1988’ as required by Design Manual for Roads and Bridges. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the noise level on the land between the existing and proposed A8 will range between 56dB and 62dB.
- In the future year (2031) with the scheme and proposed low noise surfacing, the noise level on the same of land will range between 60dB and 70dB.

Street lighting is proposed at the grade separated junctions and roundabouts to improve road safety at the key conflict points within the junctions. The proposed bypass of Bruslee will not be lit.

The air quality assessment undertaken as part of the Environmental Impact Assessment (EIA) concluded no exceedences of the statutory air quality objectives and limit values are predicted as a result of the scheme.

The landscape and visual assessment completed as part of the EIA identified that after completion of the scheme, from the land there would be views towards the new dualled A8. The landscape design at this location has included a visual screen along the new highway boundary, and where possible, mature trees will be retained. The visual impact assessment considers the scale of change, the contrast to the existing, whether the change is permanent and the angle and distance of the proposed scheme. The assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established.

The visual impact for this property has been assessed to be substantial adverse in 2016, remaining as substantial adverse in 2031. This means the assessment has concluded the impact of the scheme would cause a significant deterioration to the existing view.

As outlined above any matters in relation to property value will be considered by LPS as part of their consideration of any compensation claims.

9.165.6

The paucity of detail in the road proposals and the subsequent limited environmental assessment of those proposals prevents any meaningful appreciation of the relationship of the proposed infrastructure to the subject lands. We therefore reserve our position such that we may respond to more detailed information when it becomes available.

9.165.6.1

The level of detail the scheme has been presented at each stage of the assessment process has been in full accordance with the requirements of the DMRB. The Department, therefore, considers the current preliminary

design, which has been used to set the draft vesting orders for the scheme, to be adequate.

Part V of The Roads (Northern Ireland) Order 1993 sets out the statutory requirements for the assessment of the environmental impacts of road schemes. This requires the Department to determine using the Annexes to 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 97/11/EC and Directive No. 2003/35/EC of the European Parliament and Council, whether or not a relevant project should be subject to an Environmental Impact Assessment.

For the A8 dualling scheme, the Department determined that the project met the requirements of Annex I of the Directive and that an Environmental Statement should be prepared. The Environmental Impact Assessment was carried out, and an Environmental Statement prepared in accordance with Article 67 of the Roads (Northern Ireland) Order 1993 and the published guidance outlined in DMRB. DMRB provides guidance which reflects both legislative and best practice requirements, and outlines a clear process which is designed to ensure an objective assessment. The Department is satisfied that the relevant legislation has been complied with and that the impact of the scheme has been correctly assessed based on that published guidance.

Mr Marks and Mr McGladdery made an input to the Inquiry on the Morning of Thursday 16th June. Mr Marks began by saying that one of their objections was the left-on left-off. He could not understand the reason for the left off.

A discussion then took place between Mr Marks and the RS Representatives in which the proposed treatment of the realigned southern end of the existing A8 where it would be diverted to join the Hillhead Road was clarified. The significant point being that the final stretch before Hillhead Road would become one-way, only permitting access *onto* Hillhead Road.

Mr Marks pointed out that the new road would be constructed over a building site located on their land. They had been advised that in order to prove blight, a 'for sale' sign would have to be erected and left for six months. This would be expensive and they understood from a barrister that all the costs associated with the selling process (advertising, a brochure, solicitor's fees etc.) could not be claimed back.

Mr Hutchinson replied that he was advised that because the property had not been completed the blight process would not be used. Under the Planning Order, a Planning Notice would be required. This was similar to the blight process and without giving any commitment to purchase the site at this time, RS would welcome an application through the 'favourable opportunity' route. Certain criteria would have to be met and the finance would have to be available at the time the application was made.

Mr Marks was concerned that due to the new road there would be severance of the farm and that there would be no means of accessing the two parts directly. Though it was understood that the cost of an underpass would come out of compensation, no figures had been provided on what an underpass would cost. As this took the discussion into the realm of the AIA, it was suggested that this would be revisited later.

A further discussion then took place between Mr Marks and Mr Furneaux, in which the proposed one way section linking on to Hillhead Road, together with the treatment of the roads in this general area was explained and clarified. The existing infrastructure would be used to minimise diversions for people living in Bruslee in that they would not

have to drive down to the Coleman's Corner roundabout and make a 'u turn' in order to travel towards Larne.

Inspectors' Comments (Robin McGladdery and Samuel J Marks)

The concerns of the Objectors and the RS responses set out above have been noted.

Inspectors' Recommendations (Robin McGladdery and Samuel J Marks)

- RS to take on board landowners' views and requirements in finalising the schedule of accommodation works, with particular reference to accesses on to Lisglass Road

9.166

Mr and Mrs Gill

Reference Number OBJ_166

Date of Objector's Correspondence 2nd March 2011

Though the specific objections defined under this reference number have been withdrawn, see Calhame Road Residents Association (OBJ_159).

9.167

Stanley Hall

Reference Number OBJ_167

Date of Objector's Correspondence 3rd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.167.1 Agricultural Impact Assessment

9.167.1.1

Mcllmoyle & Associates, are experienced, independent Agricultural Consultants based in Lisburn. Dr W A Mcllmoyle BAgr (Hons), PhD, FBIAC has over 40 years agricultural experience and has provided consultancy services to a world-wide customer base. Working in conjunction with various Consultant Engineers, he has completed Agricultural Impact Assessments on many dualling projects within Northern Ireland over the years.

The agricultural impact assessment for this scheme has been completed in two parts. Firstly Mcllmoyle and Associates produced baseline reports for all the agricultural businesses along this section of the A8. In doing this they sought to hold discussions with the respective landowners and obtained copies of the relevant Department for Agricultural and Rural Development (DARD) farm maps. The landowners were then sent their baseline report and invited to comment on its accuracy. Mcllmoyle and Associates updated these reports where comments were received. An agricultural impact assessment was then undertaken to determine the impact of the proposed scheme relative to the baseline information

previously gathered. McIlmoyle and Associates used their professional judgement to assess the impact using a set of defined impact ratings (as outlined in the individual reports). The findings were written into individual agricultural impact assessment reports which were then issued to the respective landowners.

The Department maintains that the process adopted for the assessment of agricultural impact is robust and is satisfied the impacts have been correctly assessed. However, the Department notes the landowner's concerns and will seek a meeting with the landowner to understand the issues and review, if necessary, the findings and detail of the report.

Inspectors' Comments and Recommendations

See Stanley Hall – (OBJ_168) below

9.168

Stanley Hall

Reference Number	OBJ_168
Date of Objector's Correspondence	4th March 2011

Erica Hall

Reference Number	OBJ_169
Date of Objector's Correspondence	4th March 2011

Sam Hall

Reference Number	OBJ_170
Date of Objector's Correspondence	4th March 2011

Kerrie Hall

Reference Number	OBJ_171
Date of Objector's Correspondence	4th March 2011

Matthew Hall

Reference Number	OBJ_172
Date of Objector's Correspondence	4th March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.168.1

At the first public meeting held in Corr's Corner Hotel your representative clearly stated that no fields would be divided and that you would try and work close to hedges, avoiding where possible no fielding split. You have gone back on your word and undertaking with this proposed link.

9.168.1.1

The Department has endeavoured to minimise field severance where possible and to reduce land take. Inevitably with the standard of dual carriageway proposed and with the revised junction arrangements it is not possible that field severance can be avoided completely.

9.168.2 All of Newtownabbey is green belt and at this same meeting it was clearly stated Green Belt Land would be treated very sensitively. On your original brochure you have an area shaded green belt near Larne and you failed to be aware that all of Newtownabbey was green belted. I pointed this out to yourselves but you seem to be again ignoring the green belt issue in proposing this link.

9.168.2.1 The presentation of Green Belt land on initial brochure varied due to the approach used the respective Planning Departments. The Department, however can confirm the Environmental Statement considers the effect on land use policies and landscape designations, which is reported in Chapter 9 and 17 of the Environmental Statement Volume I. While the Department acknowledges that sections of the road are to be constructed on green belt land, the area plans for Larne and Newtownabbey (Larne Area Plan 2010 and the Belfast Metropolitan Area Plan 2015) clearly identify the A8 road as a future road development and protected route on all maps of the area. The strategic objectives of the Northern Ireland Regional Transportation Strategy and Regional Development Strategy include improving our transport network and key routes. To achieve these objectives these strategic policies afford a degree of flexibility in the design of the road to determine the best route option (the 'Preferred Route'). The Department of Environment (Planning Service) have been consulted throughout this process and did not raise the development of the road within the green belt as an issue.

9.168.3 In 2009 you placed a blight on the countryside along the A8 and around Ballynure until you considered which preferred route round Ballynure and along the A8 you would designate. This placed all property owners under severe stress and anxiety and then in late 2009 you proposed your preferred route lifting the blight of unaffected areas. This was a great relief to myself, wife and family and we were able to get on with planning and running our family farm again.

Since a main contractor has been appointed you have now gone outside the 'blighted area' again placing stress on our family. Our farm at Calhame was outside this new blighted area. I can only assume that the main contractor is proposing this link road to reduce cost or increase profit. I feel discriminated against in this case as I had to live through the possibility of 2 routes going through my land at Ballynure and up the Castle Road, then getting the news the bypass was not affecting this land we were greatly relieved. To come back almost a year later and state that you were proposing this link road is both unfair and unreasonable and shows a lack of forethought and planning.

9.168.3.1 The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB outlines a three-stage process that allows for decisions to be taken at any stage of the process. The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. The provision of the Rushvale Road and Calhame Road link was considered further during design development of the preferred route and the consideration of views expressed by landowners relating to diversions encountered by the proposed junction arrangements. A bridge structure was also considered for the Rushvale Road and was

less favoured due to the relatively high cost and the impact that it would also have had on the landscape and its visual impact. The approach embankments and private accesses would also require land from residential properties along the Rushvale Road. The proposed options for the Rushvale Road is the most favourable in terms of the balance across the Government's five key objectives for transport, and thus the Department is satisfied with proposed arrangements.

9.168.4 On the option around Ballynure full surveys were carried out and proper communication with the landowners was adhered to. This covered environmental issues, birds, bats, historic monuments and other wildlife including badgers and birds of prey. Test holes were also carried out.

9.168.4.1 An Extended Phase 1 Habitat survey following the 'Extended Phase 1' methodology as set out in the Guidelines for Baseline Ecological Assessment and in accordance with the guidelines of the Joint Nature Conservation Committee (JNCC) was conducted throughout the survey area during 2009. This entailed a walkover survey of the scheme assessment area. Following from this, protected species surveys were undertaken which included surveys for Bats, Badgers, Otters, Birds, Herpetofauna and Fisheries. A National Vegetation Classification survey was also undertaken.

9.168.5 On this link road I have not been consulted regarding any of the above and in one case I had to contact the police because one of your agents was trespassing on my land. Since the main contractor has been appointed there seems to be an attitude of just 'railroading' (pardon the pun) the link road through, irrespective of residents feelings, wildlife, the clearly designated green belt area and previous undertaking by yourselves including ARUP.

9.168.5.1 The Department acknowledge that on the occasion noted whereby you contacted the police regarding the Department's agents on your land, the normal protocols for entering land where not adhered to. The Department's agent on this occasion failed to adhere to the correct protocols which required permission of all landowners for survey work to be undertaken.

Consultation has been undertaken with the relevant statutory bodies with regards to environmental issues. This has included Northern Ireland Environment Agency (NIEA), Dept of Culture Arts and Leisure, Department of Agricultural and Rural Development, Department of the Environment, Larne Borough Council and Newtownabbey Borough Council, Royal Society for the Protection of Birds, Woodland Trust and Ulster Wildlife Trust. The Department acknowledges that direct consultation with you has not been undertaken with regards to environmental issues. However, there has been opportunity to speak to the Department and their Consultants during the development of the scheme and at the four public consultation events.

A response to your comment on the greenbelt is outlined above in 1.2.

9.168.6 On our land and in the area there are hares, bats, curlew, buzzards and various other raptors as well as a large and varied smaller bird population e.g. bull finches and house martins. All of these may never recover if this so far largely undisturbed area is built over. This field in front of my house, which you have vested, has badgers feeding on it and a number have been

spotted this autumn past. On my farm at Calhame I have at least 2 or 3 badger setts and the badgers roam freely feeding on the grassland in the evenings. There looks like a semblance of a badger sett a short distance from this link road. I have not been made aware that you have taken this into account in proposing this new link road. You are fully aware of this legislation covering and protecting badgers, their setts, paths and feeding grounds.

9.168.6.1

With particular reference to badgers, field surveys identified badger activity throughout the scheme assessment area. During the surveys a number of badger signs were discovered, including setts, paths, latrines, footprints and two badger road casualties. Setts recorded were concentrated in two main locations, which is likely to represent two badger clans. A main sett was located to the south of Ballynure near the A57 junction, with evidence of recent digging and foraging activity around the fields. To the north of Ballynure badger activity was discovered between Lismenary Road and Ballygowan Road, with a concentration of disused setts around Ballybracken Road. Of the setts found, only the one to the south of Ballynure was classified as a main or well-used sett. However, all have the potential to be used intermittently throughout the year as the badgers move around their territories. Badgers have been recorded on both sides of the A8 and a number of paths/push-throughs were recorded, where the animals cross this main road. This is documented in the Environmental Statement Volume 1, Chapter 8 and illustrated on survey drawings in Appendix C (Nature Conservation) of the Environmental Statement Volume II. An assessment of the construction and operation of the A8 on badgers is included Chapter 8 of the Environmental Statement.

Forty-five bird species were recorded within the scheme assessment area, although not all of these were considered to be breeding. Buzzards were seen soaring mainly over farmland to the west of the A8 and although no signs of nests were seen; it is possible that a pair could be nesting in the local area. Reed bunting, lesser redpoll and linnet (United Kingdom Biodiversity Action Plan (UKBAP) species) were also found within these habitats, as well as good numbers of snipe, willow warblers and sedge warblers in the surrounding scrub. Goldcrests, coal tits, and goldfinches were present in and around small forestry plantations and areas of scattered deciduous trees within the scheme assessment area. Small numbers of song thrushes and mistle thrushes were also recorded. Other bird species present and breeding close to the road in hedgerows and scrub included the common species robin, wren, blackbird, dunnock, great tit and blue tit. Overall the breeding bird assemblage present within the scheme assessment area is considered to be of local value.

No bat activity was identified within the vicinity of the Calhame Road.

The Code of Construction Practice (CoCP) outlines the general best practice measures which will be adhered to by the contractor. This code is outlined in chapter 5 of the Environmental Statement. Surveys for species will be undertaken prior to any site clearance works. Should species be found, appropriate measures will be undertaken to mitigate any adverse effects.

As outlined in the Environmental Statement, the overall effects on protected species including otters, badgers and bats during the construction phase would be moderate adverse and short-term. They

include potential loss of habitat, injury and death and are considered significant. The scheme design includes environmental design measures to reduce the potential for adverse effects. These measures include bat 'hop-overs', a bat friendly culvert, mammal fencing and underpasses. During operation these effects would be minor adverse.

Breeding birds and fisheries may also experience short-term minor adverse effects during construction. Measures outlined within the CoCP including appropriate timing of works and pollution prevention measures would aim to minimise effects. The operation of the scheme would have a negligible effect.

9.168.7 I refer to your drawing number A8_S3_9141 , it is inaccurate. Wilson Logan's house is in the wrong position, the field with plot 2.64 is also incorrect, I don't own all of this area. How can you vest land from me which I don't own? This just further confirms to me the cavalier attitude in which this ill conceived link road has been approached.

9.168.7.1 The area identified within Map A8_S3_9141 identifies Plot 2.64 to be part of Folio AN47462 and Lands Registry information shows this registered to Architectural Engineering and Manufacturing Design Company Limited. The information for the location of Wilson Logan's house is based on the topographical survey which was undertaken and we believe it to be in the correct location.

9.168.8 I pointed out previously under PP21 I have the potential to have 2 sites for my sons or daughter along the Calhame Road. I have employed a planning consultation to take this issue further when this goes to public enquiry. I have already dealt with these issues in my objection to the farm impact report and would refer you to this objection. This large field is used for cutting silage and grazing in the autumn time. This link road will therefore reduce my capacity to grow silage, not only by the loss of land but the sectioned off 'field' that is left on the other side of the proposed road is not suitable for large machinery to operate in, again I have dealt with this in my objection to the farm impact assessment and I would refer you to this.

9.168.8.1 The Department cannot comment on future planning applications.

The Department acknowledge that the scheme will have an impact on the agricultural use of the retained lands. Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, in so far as money can do this, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court

55-66 Upper Queen Street
Belfast
BT1 6FD

- 9.168.9 **Plot 2.64 is directly in front of 2 houses and I understand this is for a light sign. This should not be so close to residential property as it causes light pollution and there are a number of trees blocking the view of this area. You did undertake to remove this from my field and I can but assume the main contractor has reinstated it.**
- 9.168.9.1 The Department and their agents did not undertake to remove the sign at Plot 2.64. The Department undertook to review the location for the sign and whether it was required. The preliminary design has identified the requirement for a sign for the Calhame Road/Legaloy Road/Rushvale Road Junction and therefore land has been identified within Plot 2.64 in the Draft Vesting Order.
- 9.168.10 **I feel discriminated against in that at Dunturkey you have failed in my request to have an easier access to my land via a link road from the Legaloy Road rather than from the new Carrick link road. This Rushvale link Road has been proposed so that another local land owner can access his land without making a detour at a greater cost to himself.**
- 9.168.10.1 The Department acknowledge the proposed scheme will have an impact on access to land. However, the proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. For safety reasons, the proposed A8 dual carriageway has purposely been designed to not permit at grade traffic to turn right across the carriageway. All right-turning manoeuvres will be undertaken at the main junctions along the route. The Department is therefore satisfied that the proposed junction arrangements are on balance the most appropriate layouts in this instance.
- 9.168.11 **A bridge should be build at the end of the Rushvale Road to avoid the increase of traffic of this Calhame Road up to 150 additional cars per day. This increase traffic is going to affect Straid village greatly by keeping the Rushvale/Drumadowney Road open the existing traffic will not be coming up the Calhame Road.**
- 9.168.11.1 As outlined above the proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. A number of access arrangements for Rushvale Road were considered following the Preferred Route announcement. Particular attention was given to the resulting diversion lengths for the options, and the associated costs for each option. The result of this further work was the inclusion of the Rushvale Road link and

the removal of the left-in left-out at the end of Rushvale Road. The Department acknowledge the proposed layout severs land, although the standard of the proposed link will be appropriate to allow multiple field accesses. The Department therefore consider that, on balance, the proposed arrangements are appropriate.

9.168.12 The Calhame Road is building on a bog further along with large drops on either side and it would be foolhardy to suggest that this road is capable of taking this increase traffic without major upgrading.

9.168.12.1 The Department will consider the requirements for improvements to minor roads as part of their ongoing maintenance programme and local road improvement programme. The Department does not consider that there is a requirement for 'major upgrading' of the Calhame Road.

9.168.13 The cost of maintaining this road long term has to be considered. By creating 2 new hedges in my field I have the further expense of having to maintain these.

9.168.13.1 As outlined above compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service as outlined earlier.

9.168.14 This field in plot 2.41 is liable to flooding as the drain is piped along the full width. The pipe does not take all the water in heavy rain and the water runs along the hollow and into the drain at the other side. You are raising this road up and therefore creating a dam in this field. The road service are very poor at providing adequate draining as I have experienced on the upgrade along the A8 9 years ago.

9.168.14.1 The design of the proposed carriageway and land drainage has been developed in consultation with Northern Ireland Environment Agency Water Management Unit and Rivers Agency. The operation of the scheme will require the discharge of carriageway run-off into existing watercourses. The scheme design includes petrol interceptors and attenuation ponds to minimise the risk of pollution and flooding associated with the highway drainage. The design of the scheme has developed a model of the current flooding for a 1 in 100 year storm. This model has then been used to assess the impact of the proposed works on the extent of flooding. The Department does not consider that the scheme will adversely impact on existing flood patterns.

9.168.15 The amount of land taken is much larger than what is required to build this link road. You are cutting across a steep hill and the land take could be reduced greatly if it did not cut into this hill. I also have a health and safety issue going down this steep incline and cutting across at an angle with large machinery. If a machine does start sliding I currently have a flat area to let the machinery run onto safely.

9.168.15.1 The preliminary design, which has been developed at this stage, has identified the land essentially required for the construction of the works. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

The Department would proposed to address the steepness of land by regarding of earthworks. Department will seek as part of accommodation works discussions to meet with the landowner to understand his concerns and whether works can be accommodated.

9.168.16 At your first public meeting you also assured me and the general public that home owners and their close proximately to any new road development would be given strong consideration, i.e. where possible stay away from dwellings. This is not the case as this new link road is very close to residential property, creating noise, dust and light pollution. 3 residents on the Calhame Road are losing part of their gardens to accommodate this link road. Again another broken undertaking that I can only put down to the main contractor in the interest of profits.

9.168.16.1 The proposed Rushvale Road-Calhame Road link has been discussed above.

9.168.17 This link road opens up my farm from a security point of view, we have very little road frontage and I have secured my main entrance with electric gates to keep undesirables out and livestock in. My farm dwelling, buildings and equipment storage areas are now within easy viewing distance from this new link road due to its proximity to our dwelling and yard and because of its raised elevation.

9.168.17.1 The Department acknowledge the scheme includes the proposed link, which is approximately 250m from the farm dwelling and buildings. A hedgerow is proposed on the link road which will provide some screening to your dwelling once the hedge is established.

9.168.18 Safety is now an issue as I enter the Calhame Road from my drive way, you are estimating an increased amount of traffic on this road and straightening this bend slightly, this increases the speed on this road. Cars approaching from RHS as I enter the Calhame Road come very fast and they will be moving faster as they approach this new section of roadway. At present this is already a problem. The proposed link road coupled with the other link from the Legaloy will mean that two new openings will be breached very close to this sharp corner. Increased road safety has been muted as a major reason for building the new road and yet it seems to have been sidelined in this case. Surely in the name of road safety this link road is ill conceived as it will cause more traffic to converge on an already dangerous sharp corner which offers poor visibility. If the link from the Legaloy was also positioned to run parallel and close to the main road traffic would flow more freely, there would be better visibility approaching the corner and no need for traffic to stop and start before joining the Calhame thus decreasing the noise levels etc for the residents. The pig farm situated on the corner has three entrances. The farm is used by many local farmers and contractors who collect slurry. These emerging vehicles plus all the other farm vehicles, increased road usage plus the new road configuration proposed could potentially result in a major accident.

9.168.18.1 The Rushvale Road and Legaloy Road junction arrangements have been designed in accordance with the Design Manual for Roads and Bridges (DMRB) and hence adequate provision has been made for visibility.

9.168.19 Land at Dunturkey:

You have failed to supply me with new road layout maps so I can see what distance I will have to travel to access my land, what roundabouts and

junction I will have to negotiate. I feel this totally unfair and I cannot provide objection to these proposal between Calhame and Dunturkey. I have a vested interest in these road layouts as I will incur a large additional cost in travel and time in managing my 32 hectares at Dunturkey. I have dealt with this in some detail in my objection to land impact assessment and I would refer you to this objection.

9.168.19.1 The Environmental Statement and Draft Vesting Order and Direction Orders contain maps in relation to the wider scheme details. A draft orders public exhibition event was also held at Corr's Corner Hotel on the 25 and 26 January 2011 where the maps where displayed and information was available for those attending. The Environmental Statement, Draft Vesting Order and Direction Order were also available mad available at Roads Service's offices and local council offices and CD's available on request to Roads Service.

The documents in relation to the road scheme are also available at the following address;

<http://www.roadsni.gov.uk/roadimprovements/index/schemes/a8belfastlarn e.htm>

The Department also met with the landowner during an accommodation works meeting prior to the draft orders exhibition and the layout of the scheme and access arrangements were discussed. The Department is happy to provide a copy of scheme layout plans to the landowner if required.

9.168.20 **This land will devalue my property substantially as I now only have access via a private road. No proposal have been made to myself how I am going to turn large cattle lorries, tractors and trailers etc. at my new cattle crush collecting pen. Again I have dealt with this in my objection to land impact assessment and I refer you to this.**

9.168.20.1 It is not the Department's policy to provide cattle handling facilities. If a cattle handling facility is lost, LPS will normally take the loss into account in their assessment of compensation. Compensation matters have been discussed earlier.

Access proposals within the landowner's boundary will be delivered through accommodation works for the scheme. Dialogue to date with affected landowners has helped the Department develop a draft schedule of accommodation works which the Department will seek to agree with landowners along the scheme. Where practicable the Department will look to take on board the landowner's views and requirements in finalising the schedule of accommodation works. The Department is therefore happy to further discuss the details of the proposed access and turning facilities.

As outlined above compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service as outlined earlier.

9.168.21 **Less than 9 years ago, I suffered land taken along this stretch of road and was informed that the next scheme would be on the other side of the road, permanent hedge, gates, cattle drinker, stile and drains were all completed to leave a permanent job. It is poor planning and lack of foresight that you broken promises made all those years ago.**

- 9.168.21.1 In the early 2000's a study was commissioned to examine capacity enhancement along the A8. At that time, the available budgets for this route improvement were limited and the improvement measures that were identified and delivered at that time were based on the budgets available. This resulted in a proposal which minimised cost by maximising the use of the existing infrastructure, but importantly also enabled a phased delivery of the proposals to facilitate works as funding became available. This study consequently recommended a bypass to the east of Ballynure. The improvement measures currently being proposed were not previously possible due to the limitations on funding at that time and the necessity to provide the upgrade of the A8 utilising a phased approach.
- The present study re-examined a large range options for the dualling of the A8. The Stage 1 assessments considered corridor options including a bypass to either side of the village, and options were also examined to consider improving the road through the middle of Ballynure. This latter option was rejected at Stage 1. The Stage 2 assessment considered the eastern and western bypass options in greater detail. All options, at both stages, were assessed against the Government's five key objectives for transport and, on balance, the best overall performing option was taken forward at each stage.
- 9.168.22 **In 2009 when the proposed preferred route was announced it was shown that very little land would be taken again since the main contractor has been appointed the road layout has changed and additional land has now been vested.**
- Are ARUP not capable of designing roads. If not why are they employed. It looks as if the main contractor is designing this road to suit his cost and profit. Maybe they should have been appointed at the very beginning instead of ARUP.**
- 9.168.22.1 The Department can confirm the road has been design in accordance with the Design Manual for Roads and Bridges (DMRB). DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB outlines a three-stage process that allows for decisions to be taken at any stage of the process. Following the publication of the preferred route in August 2009 the design of the scheme has been developed and refined further to reduce the impact of the scheme on the environment and local landowners, and deliver a more cost effective solution for parts or elements of the scheme. It has also considered initial input from members of the public, local landowners and residents. The Department accepted that in places this has required additional land than suggested at the Preferred Route announcement.
- 9.168.23 **I also note Mr Ivan Jackson's land is being vested to provide access for this road. His health has already suffered due to the new bypass built 8 years ago and now you are planning additional stress on him and his family by proposing the new dead end road.**
- 9.168.23.1 The preliminary design which has been developed has considered the impact on both land and residential properties and the design developed to minimise the impact where feasible. The design of the dual carriageway has been determined considering a wide range of issues, including; the proximity of residential properties, the horizontal alignment of the dual carriageway, and environmental impacts. The Department have sought to

minimise the land required for the scheme, although as with all infrastructure projects of this scale it is not possible to deliver the proposed improvements within the existing highway boundary. The Department are therefore content, on balance considering all issues, that the proposed design is correct.

9.168.24 Why are some residents, i.e. the B&B, getting direct access onto the new dual carriageway and the next neighbour is not? I feel that I could have issues sharing this new dead end road with two residents, dirt from tractor wheels, having to block the road when turning or loading and unloading livestock. Is this road going to be fully maintained by the DOE? I have not been advised. Security will be an issue as I have sure you will be screening this dead end road from the main carriageway therefore my livestock will be more liable to theft on this secluded dead end road.

9.168.24.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. For safety reasons, the proposed A8 dual carriageway has purposely been designed to not permit at grade traffic to turn right across the carriageway. All right-turning manoeuvres will be undertaken at the main junctions along the route. The DMRB contains the design standards for the provision of private access onto all purpose trunk roads. These design standards restrict the provision and spacing of accesses. TD 41/95: Vehicular Access to All Purpose Trunk Roads states *'There is a potential saving in accidents where there is a reduction in the number of lightly trafficked direct accesses and minor junctions made directly on to each trunk road'*.

To provide access at every property would lead to increased safety issues with vehicles potentially blocking the visibility of other vehicles. DMRB TD41/95 states *'New direct accesses shall only be sited where they do not encroach on the visibility requirements of adjoining direct accesses or junctions in regular use. This determines the minimum spacing of new accesses'*. The Department is therefore satisfied that the proposed access arrangements on balance are the most appropriate. The existing access laneway will be a public road, subject to the same regulations as any other local road, and therefore would remain within the ownership of the Department, which would include required maintenance.

9.168.25 Taking the aforementioned I feel that standards and undertakings given have be changed or not met during this process and that I have been discriminated against in the treatment of my property. A bridge can be built at the end of the Rushvale Road removing this large blot on the landscape through a green belt area. None of the resident on the Calhame Road want nor need this link. The land taken can be reduced at Dunturkey allowing me access of a hard shoulder and thus avoiding building a dead end road.

- 9.168.25.1 The incorporation of the Rushvale Road-Calhame Road link has been discussed above. The Department acknowledge the proposed link impacts on your land, however they consider the proposals on balance provide the best layout.

Matthew Hall

Mr Matthew Hall (9 Calhame Road) made an input to the Inquiry on the afternoon of Tuesday 21st June and he began by explaining that he intended to continue to explore the issues raised by the Calhame residents, before turning to the specific issues of the Hall family.

Referring to the presentation made earlier by Mr Gault, he obtained confirmation from Mr Furneaux that the *total* cost of constructing the proposed Calhame Link would be £700,000 and the cost of constructing a bridge or underpass to cross the A8 at the end of Rushvale Road would be in the order of £1.3 - £1.5m. The bridge or underpass option would be significantly more than the link, on top of the left-in / left-out costs at the end of Rushvale Road.

The point Mr Hall was making was that the bridge was discounted on the grounds of visual impact, economic cost, environmental damage and land take. How was this so important at the end of Rushvale Road yet the link road was being proposed even though the same impacts were going to be incurred (with some variations) by its construction? The impact of the link road would be huge in comparison to the left-in/left-out option so the latter would be the most favourable. This conclusion would be in line with one of the objectives of the Stage 3 Report.

Mr Hall was still unclear as to why the link was being proposed when a 5km diversion was acceptable and Mr Hutchinson responded that RS had compared the side road diversions along the scheme in order to be equitable to all residents on all side roads and to keep diversions to a minimum. The arguments raised against the original plan were accepted and RS looked to provide the most economic solution possible. The matter had generated a great deal of debate and It was a very difficult decision. However, having taken a number of factors into account, RS believed that the construction of the link road would be the correct approach.

A further short discussion then took place between Mr Hall and Mr Hutchinson, the conclusion being that the main reason for making the change from left-in/left-out at the end of Rushvale Road to the construction of the Calhame link had been the objections which had been raised by the residents of Rushvale Road. Mr Hall suggested that the Preferred Route should not be changed even if people object to it.

Mr Hutchinson replied that on previous schemes, there had been no indication of how junctions would be constructed at the Preferred Route Stage. Much more detail had been provided on this scheme in order to show what the impact of the proposed junctions might be. Whilst it was indicative at the Preferred Route Stage the designs were reviewed and changes were made before the publication of the Draft Orders.

Mr Stanley Hall (Father of Matthew) intervened at this point and had a discussion with Mr Hutchinson. The result of this was confirmation by Mr Hutchinson that the plans would not have been changed to include the Calhame Link, had it not been for the representations of the Rushvale residents.

Mr Hall claimed that he had not been consulted about the change and Mr Gault said he was brought a drawing showing the change, which he had not taken to be consultation. Mr Logan had received his drawing through the post.

Mr Hutchinson responded that he had issued instructions that consultation should take place and each land owner should be shown the options under consideration. It would have been silly for RS to go out to the land owners without the two options for the alignment of the link.

In a discussion between Mr Matthew Hall and Mr Power, Mr Hall drew out the point that when considering environmental impacts which could occur either during construction or operation, a 500m corridor had been defined each side of the scheme. Mr Hall pointed out that 'Wylie's Fort was an archaeological site located about 120m from the proposed link road and was outside the original scheme assessment area. He believed that the environmental impact assessment corridor had not been expanded to take account of the inclusion of the Calhame Link. The studies which had been undertaken by RS had not been thorough enough to gauge the impact of the link road on the environment.

Mr Power responded that the RS methodology and approach had been discussed all the way through with the NIEA, Natural Heritage. They had continually been consulted and had raised no concerns in relation to nature conservation. In addition, there was a commitment to undertake pre-construction ecological surveys because in the intervening period creatures could move around and there would be subtle changes in the environment.

Page 187 of the ES showed that an assessment had been made, not only of the impact of the main line on the rath and souterrain features but a specific reference had also been made to the Rushvale Link. The same applied to the Addendum Noise Assessment and Phase 1 Habitat Survey, where in both cases the study area had been extended to include the link. Where appropriate, the underlying baseline surveys had gone well beyond the 500m and at Stage 3 RS would work on a case by case basis.

An exchange took place between Mr Hall and Mr Power on the subjects of the bat population, with Mr Hall challenging the RS assertion that there were no bats on the Calhame Road. Mr Power said that the whole area was assessed well beyond the 500m, the first stage being a field walk-over looking at the potential for bats and no activity was observed in the vicinity of Calhame Road. As mentioned in the ES roost surveys are then undertaken at properties identified as having the potential to house bat colonies. He believed that the surveyors had indeed covered the ground in question. Mr Hall said that Mr Stanley Hall received only one walk-over study and that was in relation to water.

This exchange continued for a considerable time and to move to end this particular extended discussion Mr Hall made the following summarising points.

The Roads Order stated that 'the Preferred Route is designed to specified standards It will be assessed in sufficient detail for all potential environmental impacts to be considered and assessed.' If RS was trying to find bats in its pre-construction survey it was already too late. If the study was not within 500m of the link road the requirement has not been met. The proposed link road would have major environmental impacts that RS hadn't even seen, let alone been able to quantify properly and deliver to the public in a robust way to improve their confidence in what will happen to these species.

Mr McGuinness commented that the ES was not intended to identify every single location where bats or badger sets etc. were to be found. It had identified the particular species that were in the general location and he claimed it was a robust assessment in compliance with Article 67 of the 1993 Order.

Mrs E. Hall wanted to make the point that this was a very species rich area that had originally been under the Green Belt which was now being sensitively farmed by both

Mr Boyd and her husband with reference to the Countryside Management Scheme. Badgers and otters had been found and most of the species there, which the Halls saw all the time were protected. Their land backed onto the scheme and they were concerned because they believed that the environmental impact on this area would be very great.

In response, Mr Power referred to Page 107 of the ES which contained the RS assessment of the scheme with reference to bats. The data from surveys, individual survey points and best practice was used to arrive at the overall conclusions on the impact of the scheme on the bat population.

Extensive mitigation had been incorporated into the proposals for the scheme for otters and other protected species and Mr Power confirmed that a specific culvert identified by Mrs Hall would be constructed to cater for otters. It would also be usable by badgers. A further two otter culverts at sensible intervals were identified on a drawing covering the immediate area, together with otter fencing. This plan was based on present movements, with the intention of channelling otters to safe crossing points.

The DMRB sets out the principles of environmental design and what needs to be done to mitigate potential adverse impacts. In some cases betterment over the current situation would be provided.

In reply to a question from Mr M Hall concerning the measures which would be taken in terms of otter fencing, otter culverts, measures to prevent badgers being killed , bat hop-overs etc. on the proposed Calhame Link, Mr Power said that no ecological mitigation was being proposed. It would be allowed to be permeable, as it had low traffic volumes, especially at night, when most of these species would be crossing. However, it was an issue that could be revisited at the detailed design stage.

Mr Power also clarified for Mrs Hall that in connection with the proposed culvert at Rushvale Road, the term 'gate' meant a 'baffle' or 'weir' to restrict the flow of water and not a physical gate.

Mrs Hall expressed concern that a proposed temporary settlement pond would discharge contaminated water in to a culvert designed to allow the passage of otters and badgers. It was explained that the purpose of this pond was to ensure an acceptable quality of discharge to the local river system.

Mr Power pointed out that the Construction Code of Practice had a specific section on otters and particularly picked up on the construction issues near watercourses. It also included the avoidance of disturbance and blockage together with the maintenance of safe passage during construction works. These Codes of Practice would be agreed by the NIEA, incorporated into the contract documentation and become part of the Environmental Management Plan.

Mr Stanley Hall then reaffirmed most of the points which had been made earlier by Matthew Hall, the key point being that he believed that the proposed Rushvale Link had not been afforded the same standard of surveys and investigations as had been given to the main line.

A further problem had been that other Government Agencies, such as the Health and Safety Executive, would not provide information to members of the public if they were aware that the matter was to do with the construction of the new road and they had been asked to look at the issues for RS. The Roads Order prevented this from happening.

Referring to the AIA Reports, Mr Stanley Hall was of the opinion that these had been one of the biggest and most contentious parts of the Inquiry so far and a very poor public relations exercise on behalf of RS. People had been totally disappointed with what they had received in their AIAs. Dr McIlmoyle had prepared what RS had asked him to produce, so this was an issue for the Department rather than Dr McIlmoyle. At

the first public meeting the expectation had been built up with landowners and farmers that a professional person would be employed to produce a robust, detailed and relative report. That had not been delivered.

Responding Mr Hutchinson said that the appointment of Dr McIlmoyle was the result of an open procurement exercise and he had a wealth of experience in this type of work.

Quoting from the DMRB, Mr Hall believed that the suggestion that 'retaining as much land as possible in agricultural use was no longer a priority' was not a good way to build relations with the local farmers.

Replying to challenges by Mr Hall on the AIAs, Mr Hutchinson said he believed that the reports were robust and that they had achieved their intended purpose. All aspects were covered, including severance, injurious affection, the size of the farm and how viable it would be in the future. It was used by the Environmental Team to establish land use and other sub-objectives and fed through to LPS in order for RS to be given an estimation of land costs. Up dating would no doubt take place in the future.

Mrs Hall then made reference to the visit that had been made by Dr McIlmoyle without an appointment, the day after Boxing Day and she claimed that he had not studied anything about them before the visit. Mr Stanley Hall wanted to know if RS considered this to be a professional approach

Responding to Mrs Hall's comments, Dr McIlmoyle said that he had called at around 10:00am on the 30th December 2008 and not the day after Boxing Day. He confirmed that he did not have an appointment but thought he had probably tried to ring beforehand. When in the area he had a list of names and it was a matter of trying to find who was in and who was not. Sometimes it was not possible for the person to see him, in which case he would call back at a more suitable time. It was no different for a sales representative selling feed stuffs, fertiliser, etc. arriving unannounced in the yard.

He had not opened an envelope, as there wasn't one. He had a roll of maps with him and he had asked the owner if his DARD maps were available. These were looked at in terms of the Arup drawings which showed where the proposed scheme would cross the Hall land. The likely impact of the scheme and the affect on the farm business was discussed in great detail. From Dr McIlmoyle's recollection, the meeting in the house lasted between 1 - 1.5 hours, at which point he left the house accompanied by Mr Hall. He had walked the land and photographs (catalogued in the ES) were taken by Dr McIlmoyle between 11:47 and 12:46. He left the premises at 12:45pm.

Dr McIlmoyle rejected the challenges to his professionalism. He said had spent a lifetime in the agricultural industry and thought of little else. He knew how the impact of the scheme would be perceived on farms and farm businesses and was sympathetic to that. He was an Independent Consultant who had to abide by the terms of the British Institute of Agricultural Consultants of which he was a Fellow. He did not arrive on Mr Hall's farm representing RS or Arup.

Responding to Mr Stanley Hall, Dr McIlmoyle confirmed that his report dated 15th February 2011 was the most recent. He added that following the first meeting with Mr Hall on the 30th December 2008, he had received a call from him in the Spring of 2009 which resulted in a further meeting with Mr Hall, the purpose being to go through the report. As a result, Dr McIlmoyle made some amendments to include various items which had been drawn to his attention and the Report was re-issued.

Quoting from the report, Mr Hall said that 'there would be a small area of land lost to the Preferred Route ... but this is not likely to affect the management, performance and future viability of the farm'. Dr McIlmoyle confirmed that this would be about 1.5 hectares in total and would be a combination of the land lost to the proposed Calhame Link and also at Dunturkey.

Mr Hall made the point that following the Preferred Route Announcement the decision had been made to take further land needed to create the link road and also works at the Ballynure junction. He wanted to know why these two areas not been referred to in the report? Responding, Dr McIlmoyle said that he did not feel that it was relevant as the 1.5 hectares represented only about 1.5% of total land area of the farm business.

Mr Hall said that since the report was written at the Preferred Route Stage, it had not taken into account the additional land takes which were proposed at Stage 3. How could anyone assess the impact on the Hall farm when the report did not deal with the areas affected?

Dr McIlmoyle did not think that the question was relevant to his report. The land take had been considered along with any severance and included in the conclusions. This was all taken into account when concluding how adverse the impact would be on the farm business. The impact of any subsequent changes made to the scheme would be reassessed and the original conclusions concerning the initial impact modified if this was considered necessary.

The discussion then continued for some time around the same subject area, at the end of which Mr Hall submitted a separate Farm Impact Report to RS and the Inspectors. This had been prepared at Mr Hall's own expense with the intention of showing what he felt (and he thought other farmers would feel) should be covered in such a report.

Mr Stanley Hall had two questions for Dr McIlmoyle on the morning of Wednesday 22nd June. Firstly, was the proposed link road shown as severing Mr Hall's farm or not? The answer given was; 'Yes, it shows severance of field number 17'.

Secondly, did Dr McIlmoyle's report refer to the severance of field 17? The reply was that it did not and he did not consider it to be relevant.

Having made the point once again that he was an Independent Consultant and not part of the RS Team, Dr McIlmoyle confirmed to Mr McGuinness that following his two meetings with Mr Hall and having taken the possible severance into account, he was content that he had all the information to come to a decision as to what the affect would be on the overall farm business.

Mr Hall wanted to know how Dr McIlmoyle could claim to have had all the information from 2008/2009, when the severance which would be caused by the Calhame Link was not shown until 2010. The reply was that the baseline information had not changed and a review of the impact on the business as a result of any changes could be made without further meetings or visits.

Mr Hall believed that his AIA was not complete as it excluded both severance and the possible land take from the farm. Therefore, two out of the four issues defined in the DMRB guidelines had not been addressed.

Mr Hutchinson was of the opinion that all the information relating to the EIA including severance and land take had been given to LPS for them to make their assessments. The RS obligations had been fulfilled and Dr McIlmoyle was not required to provide the information Mr Hall was referring to, as it was already available within the Arup Team.

Mr Matthew Hall

Mr Matthew Hall made a further input to the Inquiry on the morning of Wednesday 22nd June. He read from a prepared statement which is reproduced below in full, with some minor adjustments to reflect the translation of the spoken word into written format.

'Good morning, members of Roads Service, Inspector, I come with comments from the whole family today.

We have taken considerable time at this Inquiry because we found fault with such a range of issues, relating to the Rushvale and Calhame Link Road. Indeed we feel as a family we have made best use of our time focusing on the issues that concern us the most. These are the logic of this road and why it is being considered, the absence of prior and proper environmental study and the use of incomplete Farm Impact Assessments. Studying the details of this link road have greatly undermined the faith I have in Roads Service as a professional, competent body. I believe, and this belief has been firmly reinforced by yesterday's inquiry, that regarding this link road their responsibilities to the public and the countryside in which they live have not been fulfilled totally. If it is built, I will have no confidence this link road will be constructed for the right reasons or in the right way with regards to the environment. As has been shown, this is far from the most favourable solution available, but a left in/left out exists as an option for the Rushvale Road.

To conclude our input into this inquiry, myself and other Calhame residents have found serious fault with the financial justification for it, submitting to this inquiry, an average costing of £450,000 per km for a road reducing travel distance by 1.62 km. These figures the Roads Service have been unable to challenge or undermine. In terms of accessibility, diverging distances for the left-in/left-out are well below those imposed by the residents along the A8. This road, therefore, represents a very special case. The statements I and other Calhame residents have brought forward have, in my opinion, scratched the surface on the issue of environmental study and fairness with which they have been conducted. But I do not possess the time, training or resources to explore them. Without these we have still managed to expose serious inadequacies. Personally I would be interested to find someone with legal training in a judicial setting and see what they would find.

This morning when I came in I had a look at the boards at the back of the room, including the second front on the left, on the end at the back, which describes stage two, route option assessment. On that board I quote it states: 'This stage developed a range of route options within preferred Stage 1 corridor based on key engineering and environmental constraints. This culminated in the announcement of the preferred route in August 2009'.

If I can move now to the DMRB, section 3, part 4, chapter 5 and you can see on the screen there. Paragraph 5(1) (b). So as I have stated then, the Stage 2 Assessment was designed to gather key environmental constraints, as it states here, severance 'where scheme may create a barrier existing wildlife habitats and corridors'. And as we have just discussed there are major gaps in the EIA. Therefore, key environmental restraints have not been gathered in this key assessment area, as we discussed yesterday, concerning bat issues. I believe the Roads Service have not fulfilled their responsibilities as per the DMRB. So yesterday I think we personally brought that into question.

I have attended this inquiry prior to yesterday and to see other people's submissions and see how the Inquiry generally worked and operated and was quite shocked to see the DMRB being used as a stick to almost silence and blind ordinary people who have come here to make quite reasonable inquiries in a quite reasonable manner. And obviously the Roads Service have their arguments to make, but I was quite shocked that it was conducted in that way. I find it disappointing that you cannot give me solid arguments and solidly support yourself using the same document that you have used against residents along the A8.

To return then to the environmental impacts of this road. I have already covered economic impacts. It states in the Scheme 1 Assessment Report prepared by the Roads Service: 'As part of the planning strategy for rural Northern Ireland they promise to protect and enhance the natural man made environment to accommodate change while maintaining the character of the countryside'. The link road will be built very

close to a farm, a building that's been in place since the original A8 was built back during plantation times. So further ruining a sense of place and blocking interrupted views. We can add this major environmental impact to the environmental impacts mentioned yesterday.

When one considers the Calhame issue, this link road will obviously have an impact on accessibility. I don't think it was fully explored from the Calhame end. As was mentioned this link road may have been designed to improve accessibility from the Rushvale end, but at the Calhame end we have six private accesses and that compounds the problem of safety and congestion as mentioned yesterday in Mr Gault's presentation. Residents will also be affected and that hasn't been mentioned as yet. The feeling I encountered, once they were told about the road, was overwhelmingly against it. Every person I met in the village signed a petition against this link road, agreeing having seen the map and traffic flow data, taken from Roads Service own figures, that this road will increase congestion and reduce safety in the locality.

In terms of safety, this road is extremely problematic, creating what he called a conflict point. It's been drawn to my attention by an expert in this field that there will be a conflict point created here, further reinforcing common sense that if you view that junction as an ordinary road user, the conflict point between these two junctions. The fact that this link road will concentrate traffic very close to a corner located beside the Gilmore residence, which has two private accesses, commonly used by farm machinery. The fact that this link road will also concentrate traffic very close to a swinging left corner used by traffic on the carriageway. The link road itself will be ungritted, straight and on a downward slope into the Calhame Road. Personally I feel it will make my use of the Calhame Road more dangerous, saying nothing for the 220 road users who are expected to use it coming down that road.

With regard to safety, Rushvale Road is quite a narrow road, there is just about room for two vehicles to pass and it also has no road markings. This area is outside the Roads Service's development area, so this will, according to their plans, remain unchanged. We will now have this quality of road blending into a 6.5m wide road with high standard surfacing. Combine that with greater width, it's a potential track for people to use at high speed coming down the hill onto it and it's very likely to be a boy racers' track.

That's all the issues I have in terms of safety, Mr Inspector. That concludes everything I have to say having summarized the points that we brought forward on economy, accessibility, safety and the environment'.

Responding for RS, Mr McGuinness did not have any questions or comments on Mr Matthew Hall's presentation, as he felt that they had been covered the previous day.

Mr John Craig (3 Rushvale Road) explained how the original left-in/left-out came to be changed by RS as a result of the strong objections made by the residents of Rushvale Road, the result of which was the current Calhame Link proposal.

The objections to the original left-in/left-out concept had not been fully explored at the Inquiry and he suggested that whilst Mr Gault and Mr Hall had tried to diminish the views of the residents and users of Rushvale Road they had not dealt with their objections.

Due to other commitments Mr Craig was not able to take advantage of the offer to set out his objections at the Inquiry the following day but he accepted the offer from Mr Hutchinson for the Inspectors to be provided with copies of the correspondence which

had been received by RS at the time. This correspondence would be taken into account in compiling the Inquiry Report.

Mr Matthew Hall made a further input to the Inquiry on the afternoon of Wednesday 23rd June and began by asking what documents RS would be submitting to LPS in order for them to calculate the compensation due to individual land owners.

Mr Hutchinson confirmed that LPS would be responsible for calculating the compensation due. The land owner who had land vested would issue a claim to LPS, who would assess the claim and then enter into discussions with the land owner and/or his Agent. He pointed out a little later on, that the Department paid reasonable Agent's fees associated with this process.

Responding to a query from Mr Hall as to what information is supplied by RS to LPS to use in the process, Mr Hutchinson replied he was not really the right person to answer that question as he was not a Valuer. However, his experience was that LPS would request information such as what the impacts were, accommodation works which had been provided and how much land had been taken - updated if necessary. They then applied their own experience. In summary LPS looked at the situation as it was beforehand and afterwards from a value point of view. They also used information from the AIA and if on receipt of a claim, LPS required further information from an Agricultural Consultant that would be provided by RS. LPS could also choose to source their own information.

Seeking to clarify the situation, Mr McGuinness said that LPS were a Statutory Agency, independent of RS and they had to make decisions lawfully and properly. LPS had consultations with the landowner based on the information they had and the landowner (and their Agent) was provided with the opportunity to make their own submissions

Mr Hall replied that once the information had been passed to LPS it became the responsibility of the land owners to argue with LPS about the size of their compensation. This required time, resources and a level of expertise on the part of the land owner which they might not have. The point of drawing up AIAs was to avoid this so that the true extent of the impacts on farms could be given to LPS.

Mr Hutchinson added that to put the situation in context, there were two distinct elements. Firstly, there were the impact assessments and the assessments which LPS had done for RS to provide the economic estimates for the scheme. LPS would reassess the situation again and take into account any changes when the Vesting Orders were published. In carrying out any valuation, LPS sought the appropriate advice and expertise to provide them with the information they require.

Turning his attention to consultancy services, Mr Hall (Arup) said that RS had made use of Consultants, experts in their field, to gather information which would then be used to inform the decision making process and in particular to measure the impact of the proposed scheme. Referring to published RS documentation he gave an overview of the process involved in the selection of Dr McIlmoyle. The process also involved establishing what information would be gathered to establish the scale of the impact on individual farms.

Copyright and confidentiality clauses meant that the entire intellectual and property rights became the property of Arup, so all information collected by Dr McIlmoyle had therefore to be kept confidential. He had also been required to conform to a format set out by Arup, so effectively he was not independent and Arup had total responsibility over him and his work. In spite of this Mr Hall contended he had been used as a buffer between Arup and RS at the Inquiry.

Responding, and turning initially to the issue of copyright and confidentiality, Mr McGuinness said that the clause was used regularly when an expert was being appointed to produce reports. If copyright was not obtained, then the Department would not be entitled to reproduce it without the permission of the Expert.

On the subject of confidentiality, it had to be borne in mind that tendering was a commercially sensitive process.

Mr Hall restated his belief that the Department was responsible for planning, briefing, controlling, supporting, informing and evaluating Dr McIlmoyle's work having hired him to inform the decision making process.

Having read out the section from the appropriate documentation dealing with the scoring system (slight, moderate, etc.) Mr McGuinness believed that it was not unusual that there would be such a system and that the parties agreed how it was to be done. The suggestion that because someone commissions someone else to complete a report means that the person commissioned was not professionally independent was not acceptable to Mr McGuinness.

Mr Hall replied that the point he was making was that the Department has assumed the responsibilities of an employer over Dr McIlmoyle and that his information had been used to inform the RS decisions.

Mr McGuinness said that this was not correct because requiring someone to produce reports which would be made available to someone else was not an employee / employer relationship. It was rather a self employed professional to an employer arrangement and there was no evidence or suggestion that Arup required Dr McIlmoyle to do anything in particular apart from produce a report that addressed certain headings.

Following the adjournment for lunch Mr Hall expressed concern that a photograph (projected on the screen) had been taken without the knowledge or permission of the Hall family. There were issues of trespass here, together with health and safety concerns to do with dangerous animals in fields.

Mr Power responded that a check would be necessary to establish the exact location as to where the photograph was taken.

All other surveys were undertaken by professionally qualified members of the Arup Ecological Team. Mr Hall suggested that these qualifications must be quite diverse, as a watercourse which was claimed to have been surveyed was in fact in a pipe deep underground and a survey would have been quite impossible.

A discussion then took place on how Dr McIlmoyle's work had been evaluated and whether it conformed to DMRB standards. Having quoted from the RS documentation, Mr Hall suggested that DMRB standards had not been followed and the result of this was that AIAs were not carried out properly and therefore farmers would lose out later when it came to mitigation and compensation. Four main areas needed to be covered in *any* assessment of agricultural land and that included severance.

Quoting from the relevant section, Mr Hutchinson said that with regard to the EIA, it was presented in accordance with the DMRB, guidance, best practice, professional experience etc. It had never been said that Dr McIlmoyle had carried out the EIA or written or authored the ES.

Mr Hall wanted to know what mitigation measures were being proposed against severance. Again, following a quote from the DMRB, he suggested that Mr Stanley Hall's AIA did not include details of the quantity of the scheme land take, the impact on individual farms and any agreed mitigation.

A quite lengthy exchange then took place involving Mr Hall, Mr McGuinness and Mr Hutchinson around the same general subject area and whilst the details of these

discussions have not been recorded here, the transcripts have been carefully studied as part of the process of reaching conclusions and recommendations.

Mr Stanley Hall made a short summary of his concerns about the proposed scheme, saying that he believed that Dr McIlmoyle's Report was not complete in that two of the four issues identified in the DMRB (land take and severance) had not been addressed. The consideration of severance then led on to how severance issues were going to be addressed.

He then asked that the contents of an alternative AIA which he had commissioned should be considered alongside Dr McIlmoyle's Report as part of his evidence.

Responding Mr McGuinness said that it was simply another report that purported to be an AIA. It was not professional evidence indicating what should be in an AIA and it was not evidence that Dr McIlmoyle had failed to meet the required criteria.

Inspectors' Comments (Stanley Hall)

The contributions made by the Hall family (in particular Mr Matthew and Mr Stanley Hall) at the Inquiry were among the most comprehensive and detailed of the entire seven day process at Corr's Corner Hotel. It was clear from the outset that very considerable amounts of time and effort had been expended in the assembly of their case and they presented their evidence with total sincerity and considerable passion.

Whilst recognising the importance of detailed analysis in order to provide a solid foundation for a particular point of view, it is also very necessary to stand back a little in order to identify the core issue/s. In so doing it became very clear that though the Halls had some concerns about the impact of the proposed scheme on their land holding at Dunturkey, the AIA, etc., their main focus of attention was the late amendment of the plans by RS to construct a connection between Rushvale and Calhame Roads, otherwise known as the 'Calhame Link'.

This matter has been explored in some depth under OBJ_159, Calhame Road Residents Association, where the recommendation has been made that the left-in/left-out connection at the interface between Rushvale Road and the dual carriageway should be reinstated and the proposed Rushvale - Calhame link road removed from the scheme. Therefore no further comment will be made on this particular matter here.

Inspectors' Recommendations (Stanley Hall)

- RS to provide Mr Hall with road layout maps relating to his lands at Dunturkey.

9.173 F P McCann Limited

Reference Number

OBJ_173

Date of Objector's Correspondence

4th March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.173.1 It is unnecessary to locate the proposed junction as shown in the draft orders.

It appears that readily available alternative layouts exist. These would require the vesting of adjacent agricultural land rather than commercial premises. We would query why the layout has been altered from that shown at time of Preferred Route Announcement. What parameters have caused the change? What alternatives have been considered? How have all the alternatives been evaluated?

9.173.1.1

The Government's White paper "A New Deal for Transport: Better for Everyone" published in 1998 introduced the New Approach to Transport Appraisal (NATA) as the standard appraisal process for all transport schemes in the U.K. The process and criteria outlined in NATA are based around the Government's five over-arching objectives for transport of environment, safety, economy, accessibility and integration. Additional detailed guidance on the appraisal of transport projects is provided within the Web-based Transport Analysis Guidance (WebTAG) which is published by the Department for Transport (DfT). Additional supporting analyses of practicality, affordability and acceptability have also been used in the appraisal process for the A8 Dualling. WebTAG outlines that for highway schemes, the Design Manual for Roads and Bridges (DMRB) shall be used to provide the necessary information for a NATA appraisal. DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. The DMRB defines a three stage scheme assessment process, providing a clear structure for the development and staged reporting of road schemes. NATA provides a multi-criteria appraisal methodology which enables options to be appraised within the scheme assessment process.

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the DMRB and WebTAG. Each stage of the assessment process has used this methodology. The development of the scheme has considered different locations and layouts for the proposed junction. The proposed layout is considered to perform the most favourably in terms of the balance across the Government's five key objectives for transport of environment, safety, economy, accessibility and integration.

The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

During the development of the scheme options to locate the all-movement junction at Deerpark Road or Park Road were considered, with left-in left-

out accesses provided for the quarry and residential opposite. During discussions with FP McCann they highlighted their desire for an all-movement junction. These views were considered alongside the other factors outlined above, and on balance the Department consider the proposed location is correct. Alternative layouts in the proximity of the existing quarry entrance were considered, although they had increased environmental impact, a higher capital cost and increased safety concerns associated with alterations the traffic flows on existing roads.

The proposed layout has been developed since the Preferred Route Announcement to include a roundabout to provide a safe and relatively flat access point for vehicles accessing the quarry. This approach provides for all movements onto the new A8 dual carriageway at this location and as such reflected the preference outlined in discussions with FP McCann. In addition the bridge location has been moved further north to reduce the impact on the residential properties. The Department is of the opinion that the form and the location of the junction provides an appropriate level of access and that current proposal is considered acceptable.

9.173.2 The lands proposed for vesting are excessive, even if the engineering layout remains the unaltered.

9.173.2.1 The preliminary design has been developed to identify the land required for the construction of the works. The land identified is required for the construction of the proposed junction and the realignment of the Larne River around the outside of the proposed junction. Any land vested for the scheme that is redundant and not required following the completion of the scheme can be offered back to the previous owner. Where agreement cannot be reached with this landowner, it can then be offered to other landowners and sold on the open market.

9.173.3 It is our view that full and proper consideration of the economic impacts of the proposals has not been carried out. We understand that sustainability is a key objective of major infrastructure schemes. The adoption of a proposal that detrimentally impacts on or jeopardises the economic viability of a leading local business with considerable export activity, and its customer base and supply chain, appears to be the least sustainable solution for the proposed junction.

9.173.3.1 The Department has considered sustainability throughout the development of the scheme. Sustainability is commonly considered to be focused around three key elements; social, environment and economy. These are closely aligned to the Government's five key objectives for transport of environment, safety, economy, accessibility and integration, which have been used throughout the assessment process. In addition the project is registered with CEEQUAL.

CEEQUAL is an assessment and awards scheme for improving sustainability in civil engineering and the public realm. It aims to deliver improved project specification, design and construction and to demonstrate the commitment of the civil engineering industry to environmental quality and social performance. The Scheme rigorously assesses performance across 12 areas of environmental and social concern.

In terms of supporting the economic viability of this local business, a proposed junction has been provided for all movements to and from the new dual carriageway and to provide direct access. The Department have

engaged in discussions with FP McCann and the current proposal includes changes taken on board from the outcome of these discussions. Where practicable the design has been developed to minimise the impact, e.g. the access has been designed to tie in prior to the existing weigh bridge.

The economic assessment for the scheme has been undertaken in accordance with the published best practice and guidance provided in the DMRB and WebTAG. This assessment considered the financial benefits, through journey time savings and accident savings, against the costs of providing the new dual carriageway, which included land and compensation costs. The eligibility of individuals for compensation is outlined in legislation. This assessment has shown a positive economic return set against the capital investment in the scheme. However, as with any large infrastructure project of this type, there is the potential for impact to individual businesses or at a community level.

9.173.4 The vesting of lands as shown in the draft order will have a serious impact on our existing operations. Curtailment / re-configuration of our access road will require significant co-operation and management during the construction phase. The lack of consultation and the way in which our concerns have been treated to date raised significant concerns as to how our ongoing interests will be respected and accommodated.

9.173.4.1 The Department has appointed an Integrated Delivery Team to undertake the construction phase of the project and both the Department and this team will work to ensure co-operation and management through this phase and to minimise impacts on the ongoing interests at this location. The Department has consulted through a number of methods, including two meetings and a written correspondence to date, and will continue to liaise on the issues of co-operation and management at this location during construction phase.

9.173.5 The vesting of lands as shown in the draft order will have a significant impact on vehicle circulation routes within the retained lands, raising concerns in respect of the management of the health and safety of our employees, customers and visitors.

The lands that will be vested if the orders are enacted as draft are included within recently permitted developments (Planning Ref: F/2009/0077/F and F/2007/0478/F) for restoration and expansion of value-added activities (pre-cast production and storage, workshops and asphalt production) that are required to secure the long term viability of our operations at Loughside. Implementation of permitted developments has already been commenced. The benefits of the measures carried out to date will be significantly reduced and may require alteration if land available for the existing permitted developments is curtailed.

The potential for future business expansion will be severely restricted.

9.173.5.1 With regards to each of the issues raised, the Department have been in discussions with FP McCann and have taken on board points raised and this is reflected in the proposed arrangement. However, the Department are willing to meet again to further understand the issues as raised and were possible consider appropriate mitigations. The Department will also seek to agree a schedule of accommodation works with landowners prior to the commencement of the scheme, based on the principle of like-for-like replacement. Accommodation works are works that are undertaken by the

Department on private land to assist with the continued use of the land and reduce the injurious affection and/or disturbance. Where these can be agreed with a landowner and the costs fall within the District Valuer's estimate of compensation, that would otherwise be payable, the works will be undertaken as part of the scheme.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

The Department are unable to comment on the potential for future expansions. Where the necessary permissions are in place they will be considered by LPS in their assessment of compensation claims.

9.173.6 We would request an early meeting with you to assist in identifying mutually acceptable alternatives.

9.173.6.1 The Department and their Consultants has met with FP McCann on two occasions to date to discuss the proposals at this location, and also corresponded through letters and emails. The Department are willing to meet, and intend to arrange a further meeting or meetings prior to the Public Inquiries.

Mr Kevin Cassidy from F. P. McCann Limited, made an input to the Inquiry on the morning of Wednesday 22nd June. This took the form of a prepared statement which is reproduced below.

'We welcome the proposal to improve the transport infrastructure in the area and do not object to the A8 scheme *per se*;

We recognise that standard methodologies and processes exist for the design, assessment and appraisal of highway schemes and that the junction strategy requires a balanced approach. We welcome the proposal to locate an all-movement junction in the vicinity of Loughside Quarry;

However, we hold strong concerns that implementation of the current proposals will have significant detrimental economic impacts on our current and future operations at Loughside Quarry. We further consider that the scheme objectives could have been achieved through adoption of reasonably available alternative proposals that would

avoid these impacts. The lands in the vesting order are excessive, even if the engineering layout remains unaltered.

It is our view that full and proper consideration of the economic impacts of the proposals has not been carried out. We understand that sustainability is a key objective of major infrastructure schemes. The adoption of a proposal that detrimentally impacts on or jeopardises the economic viability of a leading local business with considerable export activity, and its customer base and supply chain, appears to be the least sustainable solution for the proposed junction;

The vesting of lands as shown in the draft Order will have a serious impact on our existing operations. Curtailment / re-configuration of our access road will require significant co-operation and management during the construction phase. The lack of consultation and the way in which our concerns have been treated prior to the draft order being published raises significant concerns as to how our ongoing interests will be respected and accommodated;

The vesting of lands as shown in the draft Order will have a significant impact on vehicle circulation routes within the retained lands, raising concerns in respect of the management of the health and safety of our employees, customers and visitors;

The lands that will be vested if the Orders are enacted as drafted are included within recently permitted developments (Planning Ref: F/2009/0077/F and F/2007/0478/F) for restoration and expansion of value-added activities (pre-cast production and storage, workshops and asphalt production) that are required to secure the long-term viability of our operations at Loughside. Implementation of the permitted developments has already been commenced. The benefits of the measures carried out to date will be significantly reduced and may require alteration if the land available for the existing permitted developments is curtailed.

Our objection is all the stronger because we consider that significantly less detrimental alternatives, located on less valuable adjacent agricultural land are readily available. Indeed early scheme proposals showed such alternatives; furthermore the preferred route announced did not show the land at Loughside quarry being impeded;

Any communication with us prior to lodgement of our objection seems to have been treated by the Road Service as presentation to us of proposals that are *fait accompli* rather than open discussion of our interests, requirements and concerns. When the existence of planning permission to develop the affected lands was drawn to the attention of ARUP engineers in May 2010, it was readily apparent to us that they had been previously unaware of this and the fact had not even featured in their appraisal of junction layout options and/or impact on scheme cost.

The existence of planning approvals and importance to us of the subject lands was made known for a second time to ARUP & DOE representatives at a site visit on 12 November 2010. This appears to have been ignored in compilation of the draft Orders. It seems that our requirements have not been properly taken into account and that we have derived little benefit from the limited consultation that took place prior to the announcement of the public inquiry. Road Service representative Mr Millar more recently admitted that the Planning Service had not alerted his department of the said planning approvals.

It was therefore evident that our concerns had not been properly taken into account and that we have derived little benefit from the limited consultation that had taken place prior to the draft orders being made. When we demonstrated that the lands are already being used and explained our future plans to your representatives at the site meeting on 12 November 2010, we noted a great reluctance to even consider amending the proposed junction layout. They were dismissive of our comments, and seemed to care little about the impact on us of the proposals.

Following the submission of our objection, Roads Service & ARUP have met with us on two occasions and presented proposals (yet to be confirmed to us in writing) for an alternative junction design which would result in a reduced land take. It is difficult to understand why these were not tabled earlier in the process, given the speed with which the latest draft proposals were prepared. Whilst welcome as an improvement, the latest proposals show that approximately 1.5 acres of land within the quarry is still due to be vested. We consider there to be additional alterations that could reduce the proposed land take (e.g. steepening of embankment side slopes and culverting of the existing stream) and suggest that a little more time and detailed assessment should allow further improvement. We would also wish to be better informed on the detailed proposals in respect of reconfiguration and ongoing maintenance of the shared access road immediately adjacent to the relocated quarry entrance’.

Responding, Mr Hutchinson strongly contested that there had not been serious consultation. Correspondence had been received from F. P. McCann for a number of years concerning their aspirations for the junction layout at that location and these aspirations had now been taken on board.

He did not see that the shared access arrangements would be an issue as they could be resolved as part of the discussions on accommodation issues.

Inspectors’ Comments (F P McCann Limited)

The concerns of the Objectors and the RS responses set out above have been noted.

Inspectors’ Recommendations (F P McCann Limited)

- RS to continue discussions on the revised plans and accommodation works with the Company, with a view to reaching mutually acceptable solutions.

9.174 Stephanie Irwin

Reference Number	OBJ_174
Date of Objector’s Correspondence	2nd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.174.1 I find this new by-pass round Ballynure absolutely ludicrous. Let’s spend £113 million pound, for what, to save 3 minutes on journey time. Joe Bloggs leaves Larne to drive to Belfast, gets through the bypass at Ballynure saving himself 3 minutes journey time, then he gets to Sandyknowes roundabout, where he sits in traffic for 10 minutes. Obviously the DRD have really thought this through.

9.174.1.1 The existing road carries between 11,500 and 17,000 vehicles per day and, by the opening year (2016), is likely to suffer from operational problems such as inconsistent flow conditions and unreliable journey times, especially during peak periods. This flow comprises both local and strategic traffic. The provision of a dual carriageway along this section will

alleviate this problem and provide ample capacity both at design year (2031) and well beyond.

The existing road forms junctions with a high number of side roads and private accesses. It has a high proportion of fatal accidents. With traffic levels continuing to grow and anticipated expansion of local industry, traffic congestion will increase and road safety is likely to deteriorate. The proposals to dual the A8 would remove the issues associated with platooning of traffic, thus reducing driver frustration and improving the safety performance of the route for all road users. The scheme seeks to improve journey times for this 14km stretch of road. The traffic model indicates a saving of approximately 35% savings (up to 5 minutes) during peak hours, and approximately 25% savings (up to 3 minutes) during off peak times of travel.

The development, assessment and design of the scheme has been undertaken in accordance with the accepted best practice by using the Design Manual for Roads and Bridges (DMRB) guidance as well as the New Approach to Appraisal web based Transport Assessment Guidance (WebTAG) introduced by the Governments White paper "A New Deal for Transport : Better for Everyone". The Government's five over-arching objectives for transport - environment, safety, economy, accessibility and integration form the basis for the assessment process which is aimed at achieving the most favourable balance between these five objectives. This process provides a standard approach for all highway schemes and ensures the interests of the wider general public, alongside individuals and specific site constraints are considered. The economic assessment undertaken in accordance with WebTAG and DMRB guidance has shown the scheme provides value for money with a benefit to cost ratio of approximately 1.8.

9.174.2 Why can the road not be widened, after all, there were plenty of property vested years ago for a road widening scheme. The Government has also spent money vesting these properties and now want to waste more money vesting other property.

9.174.2.1 From the early stages of development the Department has sought to reduce as far as possible the land required for the scheme and the impact on agricultural land. This included the consideration on online options through Ballynure. To this end, the strategy taken forward is a predominately online scheme which makes the best use of the existing road infrastructure. 60% of the scheme is online and the only locations where the proposed scheme leaves the existing road corridor is at the two settlements of Bruslee and Ballynure, where bypasses were shown to perform better in terms of the Government's five key objectives for transport. This strategy has resulted in existing road forming approximately 22% of the total land requirements for the scheme. However, as with any large infrastructure project of this type there will always be an impact on land outside of the highway boundary. To minimise the impacts associated with rural land acquisition for this scheme, the Department have endeavoured, where practicable, to preserve farm assets and provide accommodation works to mitigate impacts. The impact upon individual farms has been assessed as varying from negligible to significant adverse impact, however the overall impact upon agricultural in Northern Ireland has been assessed as negligible.

- 9.174.3 **During the bad spell of weather the A8 was a mess for weeks, how do you propose to keep the new road gritted during bad weather.**
- 9.174.3.1 Roads Service policy for the inclusion of roads on the gritting schedule is based on maintaining the links between key settlements. The decision to grit a road is based on traffic flows (typically greater than 1,500 vehicles per day), site specific issues, bus services and key links to settlements. The new dual carriageway will be gritted following the completion of works.
- 9.174.4 **It is hard to believe that if you own property and land and your name is on the deeds that the Government has the right to come along and take this off you. Yes, you will get compensation but it isn't the full market value. My brother in law inherited his house on Church Road, Ballynure. He spent many years restoring the property, now his property will be destroyed. He will lose a large section of his garden and have a flyover at the bottom of the garden. This is his home, not a house, his home. How would you feel if your home was going to be destroyed?**
- 9.174.4.1 Legislation in Northern Ireland gives many authorised bodies the power to acquire land compulsorily where the landowner or occupier is not willing to sell by agreement, or where it is not practical for the effective planning of large schemes to acquire the land by agreement. Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm
- Alternatively guides can be requested by writing to;
- Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD
- 9.174.5 **The road that should be going ahead would be the Shore Road between Greenisland and Carrickfergus. Having worked in Carrickfergus for many years, I now that people sit in traffic for half an hour each morning and evening trying to get through the bottle neck there. The properties on the Shore Road have been vested and everyone has moved out, now the Government are saying the road widening there is not taking place. Carrickfergus is a growing town with many new developments, there is a large development currently being constructed at Hartley Hall on the Shore Road. When the houses are finished there could be an extra 1000 cars on the Shore Road.**
- 9.174.5.1 The Regional Development Strategy: Shaping Our Future (RDS) places an emphasis on the development of a modern integrated transport system. Its

stated longer-term vision for transportation is “to have a modern, sustainable, safe transportation system which benefits society, the economy, and the environment and which actively contributes to social inclusion and everybody’s quality of life”. The RDS also defines five key transport corridors, including the Eastern Seaboard Key Transport Corridor, which includes this section of the A8. The RDS is currently undergoing a ten year review; the revised strategy document supports similar principles and identifies the Eastern Seaboard as one of the four economic corridors.

At its meeting on 17th July 2007, the North South Ministerial Council noted the Irish Government’s intention to make available a contribution of £400m to help fund the major roads programme within Northern Ireland. This included the A5 Western Transport Corridor and the A8 between Belfast and Larne. The Northern Ireland Executive confirmed its acceptance, in principle, to take forward these two major road projects. The dualling of the A8 is identified within the Investment Strategy for Northern Ireland (2008-2018) as a key milestone. The Investment Strategy also recognises that delivering better infrastructure is vital in helping to achieve the priorities for the economy, society and environment. The Budget 2011-15 outlines the Executive’s agreed spending priorities. This has identified the A8 dualling as one of several road projects to be taken forward and has allocated the required funds.

The consultation period for the Draft Budget 2011-2015 was held between the 15th December 2010 and the 16th February 2011. Following that consultation period the Executive considered the responses and the revised Budget 2011-15 was announced and passed by the Assembly in March 2011. This Budget sets out the Northern Ireland Executive’s spending plans for the four year period from April 2011 to March 2015.

9.174.6 The money could be better spent on our Schools and Hospitals.

9.174.6.1 As outlined above the Budget 2011-15 sets out the Northern Ireland Executive’s spending plans for the four year period from April 2011 to March 2015. A public consultation period for the Draft Budget 2011-2015 was held, and following that period the revised Budget 2011-15 was announced and passed by the Assembly in March 2011.

Inspectors’ Comments (Stephanie Irwin)

See Mrs Wilhemina Kirk Irwin (OBJ_142).

See also Sections 10 and 11, - The need for the Proposed Road Improvements and The proposed Preferred Route.

9.175 Kerin Irwin

Reference Number

OBJ_175

Date of Objector’s Correspondence

2nd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.175.1 I am writing to you to express my total opposition to the proposal of your Department to upgrade the A8 under your current proposed scheme for the following reasons.

The unnecessary destruction of the environment and countryside to facilitate the new road, especially at bypasses around Bruslee and Ballynure. I believe that there will be a massive adverse impact for wildlife, fish and trees in the area. This I believe has been underestimated by your experts.

9.175.1.1 The Government's White paper "A New Deal for Transport: Better for Everyone" published in 1998 introduced the New Approach to Transport Appraisal (NATA) as the standard appraisal process for all transport schemes in the U.K. The process and criteria outlined in NATA are based around the Government's five over-arching objectives for transport of environment, safety, economy, accessibility and integration. Additional detailed guidance on the appraisal of transport projects is provided within the Web-based Transport Analysis Guidance (WebTAG) which is published by the Department for Transport (DfT). Additional supporting analyses of practicality, affordability and acceptability have also been used in the appraisal process for the A8 Dualling. WebTAG outlines that for highway schemes, the Design Manual for Roads and Bridges (DMRB) shall be used to provide the necessary information for a NATA appraisal. DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. The DMRB defines a three stage scheme assessment process, providing a clear structure for the development and staged reporting of road schemes. NATA provides a multi-criteria appraisal methodology which enables options to be appraised within the scheme assessment process, and to be summarised and reported in an Appraisal Summary Table (AST).

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the DMRB and WebTAG. Each stage of the assessment process has used this methodology and an AST has been produced. The selection of the preferred route has strictly adhered to this process. The preferred route was the most favourable in terms of the balance across the Government's five key objectives for transport, and thus the Department is satisfied that the correct route has been selected.

Part V of The Roads (Northern Ireland) Order 1993 sets out the statutory requirements for the assessment of the environmental impacts of road schemes. This requires the Department to determine using the Annexes to 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 97/11/EC and Directive No. 2003/35/EC of the European Parliament and Council, whether or not a relevant project should be subject to an Environmental Impact Assessment.

For the A8 dualling scheme, the Department determined that the project met the requirements of Annex I of the Directive and that an Environmental Statement should be prepared. The Environmental Impact Assessment was carried out, and an Environmental Statement prepared in accordance with Article 67 of the Roads (Northern Ireland) Order 1993 and the

published guidance outlined in DMRB. DMRB provides guidance which reflects both legislative and best practice requirements, and outlines a clear process which is designed to ensure an objective assessment. The Department is satisfied that the relevant legislation has been complied with and that the impact of the scheme has been correctly assessed based on that published guidance.

9.175.2 The inconvenience created by the new road for local residents and landowners to get access onto the new road and for farmers whose land is divided by the new road.

9.175.2.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

9.175.3 The waste of money to carry out this project could be better spent elsewhere.

9.175.3.1 The Regional Development Strategy: Shaping Our Future (RDS) places an emphasis on the development of a modern integrated transport system. Its stated longer-term vision for transportation is “to have a modern, sustainable, safe transportation system which benefits society, the economy, and the environment and which actively contributes to social inclusion and everybody’s quality of life”. The RDS also defines five key transport corridors, including the Eastern Seaboard Key Transport Corridor, which includes this section of the A8. The RDS is currently undergoing a ten year review; the revised strategy document supports similar principles and identifies the Eastern Seaboard as one of the four economic corridors.

At its meeting on 17th July 2007, the North South Ministerial Council noted the Irish Government’s intention to make available a contribution of £400m to help fund the major roads programme within Northern Ireland. This included the A5 Western Transport Corridor and the A8 between Belfast and Larne. The Northern Ireland Executive confirmed its acceptance, in principle, to take forward these two major road projects. The dualling of the A8 is identified within the Investment Strategy for Northern Ireland (2008-2018) as a key milestone. The Investment Strategy also recognises that delivering better infrastructure is vital in helping to achieve the priorities for the economy, society and environment. The Budget 2011-15 outlines the Executive’s agreed spending priorities. This has identified the A8 dualling as one of several road projects to be taken forward and has allocated the required funds.

The consultation period for the Draft Budget 2011-2015 was held between the 15th December 2010 and the 16th February 2011. Following that

consultation period the Executive considered the responses and the revised Budget 2011-15 was announced and passed by the Assembly in March 2011. This Budget sets out the Northern Ireland Executive's spending plans for the four year period from April 2011 to March 2015.

- 9.175.4 **I find the reasons you give for upgrading the A8 hard to believe when the traffic is decreasing on a monthly basis.**
- **Congestion will continue to increase,**
 - **In 2016 the A8 is likely to suffer operational problems, and**
 - **In 2031 journey time reliability and driver stress are adversely impacted.**

9.175.4.1 The department acknowledges that traffic flows and vehicle usage are influenced by the economic climate, including the slowdown of the UK's economy. However, economic downturns are considered to be anomalies and the overall trend, over a number of years, is for traffic volumes to increase. Forecast growth in traffic for this scheme has been based on planning data produced by the Northern Ireland Statistics and Research Agency which predicts increases in population and the number of households.

Inspectors' Comments (Kerin Irwin)

See Mrs Wilhemina Kirk Irwin (OBJ_142).

See also Sections 10 and 11 - The need for the Proposed Road Improvements and The proposed Preferred Route.

9.176 Victoria Irwin

Reference Number

OBJ_176

Date of Objector's Correspondence

4th March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.176.1 You are destroying the fields and some animals are losing their homes.

9.176.1.1 The A8 is an important road. It provides the main connection to the Port of Larne providing links to Belfast and the Republic of Ireland. It is part of the Eastern Seaboard Corridor. Presently this section of the road is of a low standard compared to the rest of the Eastern Seaboard Corridor. The Northern Ireland Executive have identified that the road should be improved to a dual carriageway (a road with 2 lanes in each direction). This will improve connection to Larne and its Port and promote the development of the economy in Northern Ireland.

A lot of work has been done to produce the best design for the dual carriageway. This work has balanced a number of factors including:

- How safe is the scheme?
- What is its impact upon the environment?

- What is the cost of the scheme and does it provide value for money?
- How well does the scheme fit with policy?
- How easy it is to get onto the scheme and does the public benefit as a result?

The proposed scheme largely follows the line of the existing road with 60% of the scheme being online. The new road only leaves the existing road line at the two settlements of Bruslee and Ballynure. At these settlements bypasses were shown to perform better in terms of the Government's transport appraisal criteria.

The Department are satisfied that the dual carriageway that is being proposed is, on balance, the best overall design.

Improving this road to a dual carriageway is a very big task and this cannot be done without needing to use additional land. The area the road passes through is mainly used for farming and therefore the Department has accepted that some impact to the surrounding fields will result.

In developing this road scheme, many studies have been carried out to understand what animals and plants live along the existing road and in the area. The Environmental Impact Assessment for the scheme included lots of surveys which found signs of many animals. The most important of these being badgers, otters, bats and salmon because these animals are protected species. We are making sure we look after these animals both while the new road is being built and when the new road is open. The new road will have badger and otter fencing along the road and underpasses under the road. The fencing will stop the animals wandering onto the road where the cars and lorries are, and the underpasses will allow them to safely cross the road. Trees and shrubs are also being planted along the road to provide safe crossing points for the bats. Fish beds and resting up pools within watercourses are being provided to help fish swim up and down and protect fish stocks.

The works at the A57 junction will impact upon an existing badger home which is called a sett. The proposed works will provide a replacement sett for the badgers to live in which will be close to its original location.

Minimising the environmental impact of the scheme is important to the Department and as described above we have included a number of features to protect wildlife.

9.176.2 You are going to be cutting down a lot of trees and we need trees to give oxygen.

9.176.2.1 It is unavoidable that a scheme of this size will have an impact on trees and hedgerows and in some cases we will need to remove them to build the road. Wherever possible, however, the Department seek to design the road away from constraints including houses and mature trees, but in this case it has not always been possible to avoid some established trees and hedgerows and these will be lost as a result of the scheme.

However, the Department are committed to replacing all existing boundary hedgerows that will be lost with new hedgerows all along the scheme. In addition, in various locations along the scheme new trees, known as 'mitigation planting' will be provided for a number of reasons including

- Screening the new road from houses,

- Connecting areas of trees to each other to benefit the animals
- Providing trees for bats to forage around and to guide them safely over the new road above the cars and lorries.

Therefore it is acknowledged that some trees will be lost, but we will provide new trees in replacement.

9.176.3 The price of £113 million just to save three minutes travel time is not such a good idea. Think of all the sick people in the world, we could get them better with £113 million pounds.

9.176.3.1 The proposed road scheme will improve journey times along the road for all vehicles which travel along it. This journey time saving varies from up to 5 minutes, during peak traffic times, and up to 3 minutes for all other times.

Every vehicle which uses the new A8 dual carriageway will have a quicker overall journey. When all these individual time savings are added up for every car for the next 60 years, it results in a large overall time saving. This overall time saving is one of the ways we measure whether a scheme is worth building. We compare all the benefits of the scheme over a 60 year period to what the cost of the scheme is and we produce a 'benefit to cost ratio' (BCR). If the BCR were less than 1.0, this would mean the cost of the scheme was greater than the benefits, and a scheme would not go ahead if that were the case. This scheme has a BCR of 1.8. This means that for every £1.00 of cost, the scheme delivers £1.80 of benefit to the economy. The A8 Dualling therefore provides value for money.

The Northern Ireland Assembly has identified this road scheme as being important for the economic development of the Province. The scheme is included in an important document called The Regional Development Strategy: Shaping Our Future (RDS). The RDS sets out the Government's policies on the development of transport in Northern Ireland.

This scheme is also considered important by the Irish Government who support the development of improved transportation links between the Republic and Northern Ireland. As a result, the Irish Government has made a commitment to make available a contribution of £400 million to help fund the major roads programme within Northern Ireland. This money is for two road schemes: the A5 Western Transport Corridor and the A8 between Belfast and Larne.

Governments decide how to allocate their budgets based upon their policies at that time. Both the Irish and the Northern Irish Governments support the construction of the A8 dualling and are committed to providing the required funding.

9.176.4 You are cutting through my uncles ground and my gran's farm. I grew up in Ballynure and I lived in that house and I always played in the big garden and I don't want to see it destroyed.

9.176.4.1 Unfortunately it is not possible to build a large road scheme, such as this, without some additional land, and this land is required for the proposed road.

Inspectors' Comments (Victoria Irwin)

See Mrs Wilhemina Kirk Irwin (OBJ_142).

See also Sections 10 and 11, - The need for the Proposed Road Improvements and

The proposed Preferred Route.

9.177 Geoff and Elizabeth Jamison

Reference Number	OBJ_177
Date of Objector's Correspondence	4th March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.177.1 As a lifelong resident of the Lismenary Road, I am wiring to you to express my abhorrence at the continuation of the proposed A8 Dual Carriageway scheme.

In this age of austerity it beggars belief that the Roads Service will spend £113 million on something that quite frankly is not needed. Surely it makes sense to make do and mend the road that we already have, some of which are in an atrocious state. And by the way, why was the Lismenary Road recently resurfaced if it going to be dug up again for a flyover? (Such a wanton waste!)

9.177.1.1 The Regional Development Strategy: Shaping Our Future (RDS) places an emphasis on the development of a modern integrated transport system. Its stated longer-term vision for transportation is "to have a modern, sustainable, safe transportation system which benefits society, the economy, and the environment and which actively contributes to social inclusion and everybody's quality of life". The RDS also defines five key transport corridors, including the Eastern Seaboard Key Transport Corridor, which includes this section of the A8. The RDS is currently undergoing a ten year review; the revised strategy document supports similar principles and identifies the Eastern Seaboard as one of the four economic corridors.

At its meeting on 17th July 2007, the North South Ministerial Council noted the Irish Government's intention to make available a contribution of £400m to help fund the major roads programme within Northern Ireland. This included the A5 Western Transport Corridor and the A8 between Belfast and Larne. The Northern Ireland Executive confirmed its acceptance, in principle, to take forward these two major road projects. The dualling of the A8 is identified within the Investment Strategy for Northern Ireland (2008-2018) as a key milestone. The Investment Strategy also recognises that delivering better infrastructure is vital in helping to achieve the priorities for the economy, society and environment. The Budget 2011-15 outlines the Executive's agreed spending priorities. This has identified the A8 dualling as one of several road projects to be taken forward and has allocated the required funds.

The consultation period for the Draft Budget 2011-2015 was held between the 15th December 2010 and the 16th February 2011. Following that consultation period the Executive considered the responses and the revised Budget 2011-15 was announced and passed by the Assembly in

March 2011. This Budget sets out the Northern Ireland Executive's spending plans for the four year period from April 2011 to March 2015.

Improving the existing infrastructure is a maintenance issue and is an ongoing activity subject to separate budget considerations. Regardless, maintenance of the existing road would not improve the capacity of the road network and therefore would deliver the ultimate aims for this scheme.

9.177.2 The need for this monstrosity seems to be based on the fact that up to 170000 vehicles use this route daily. I would like to see more detailed figures as this seems grossly exaggerated. The current problem area is only a few hundred yards through Ballynure which over the years have never been properly addressed. There are numerous roundabouts along the A8 in places that are much less congested than Ballynure. Why was there never any attempt at a roundabout, a flyover or an underpass?

9.177.2.1 The existing road carries between 11,500 and 17,000 vehicles per day and, by the opening year (2016), is likely to suffer from operational problems such as inconsistent flow conditions and unreliable journey times, especially during peak periods. This flow comprises both local and strategic traffic. The traffic figures quoted are Annual Average Daily Traffic (AADT) flow, which reflects the average of the variations in flow across the full week, including Saturday and Sunday, and throughout the year. AADT figures are used as a standard means of presenting traffic flows in a consistent way.

There are a number of permanent automatic traffic counters (ATCs) across the road network. The following permanent counters are located on this section of the A8 under consideration and the average daily traffic volumes at these counters for each month are enclosed:

- Site 135 – located north of Ballynure on the climbing lane section just north of No. 20 Larne Road
- Site 233 – located north of Coleman's Corner roundabout

In addition to the permanent ATC's a number of other traffic surveys were undertaken in Spring 2008 to provide additional data for other locations on this section of the A8 for the development of the traffic model used in the scheme assessment process. This traffic model has been developed and validated in accordance with published guidance.

The objective of this scheme was to improve the entire section of the A8 between Coleman's Corner roundabout and the B100 Ballyrickard Road with the aim of completing the dualling of the Eastern Seaboard Corridor. Therefore isolated works were not considered as part of this study. However, the option to widen the existing carriageway through Ballynure was considered as part of the Stage 1 'Corridor' Assessment and the subsequent addendum report which also considered both a flyover and an underpass for Ballynure. An online solution was assessed to perform worse in terms of accessibility, through severance of the village, and safety. A number of eastern bypass options were also considered at Ballynure. The western bypass option, which has been developed into the proposed scheme, performed better in terms of overall economic performance, and because it led to a reduction in traffic flows through Ballynure, performed best in terms of safety and accessibility. The environmental performance was considered to be similar.

The use of roundabouts at the most trafficked junctions serving the adjacent strategic network was considered for all the main junctions along the route. Consequently, roundabouts were incorporated into the design for the Hillhead Road junction, and the Shane's Hill Road/Ballyrickard Road. A roundabout was, however, discounted in favour of a grade separated junction for the Templepatrick Road junction because it performed better in terms of safety and economy. Roundabouts for the remaining junctions were rejected because of the increased delay that successive roundabouts would impose on the mainline traffic. This would have reduced the journey time saving benefits of the scheme by imposing journey time penalties at each roundabout as vehicles would need to slow down or stop to negotiate them. In addition, the DMRB advises that the frequent occurrence of roundabouts should be avoided on rural roads.

9.177.3 Overall, the priority seems to be given to the commuters who pass through our village, not to the residents. They will supposedly save three minutes on their journey time and local businesses such as the chip shop and filling station, who rely on traffic, will suffer.

9.177.3.1 As a result of the scheme, it has been assessed that journey times will benefit by approximately 35% savings (up to 5 minutes) during peak hours, and approximately 25% savings (up to 3 minutes) during off peak times of travel, over the length of the scheme.

The assessment of this road scheme has been undertaken in full accordance with prescribed guidance which is intended to establish, on balance, the most favourable transport solution. This assessment has considered all road users and those likely to be affected by the proposals. The Government's White paper "A New Deal for Transport: Better for Everyone" published in 1998 introduced the New Approach to Transport Appraisal (NATA) as the standard appraisal process for all transport schemes in the U.K. The process and criteria outlined in NATA are based around the Government's five over-arching objectives for transport of environment, safety, economy, accessibility and integration. Additional detailed guidance on the appraisal of transport projects is provided within the Web-based Transport Analysis Guidance (WebTAG) which is published by the Department for Transport (DfT). Additional supporting analyses of practicality, affordability and acceptability have also been used in the appraisal process for the A8 Dualling. WebTAG outlines that for highway schemes, the Design Manual for Roads and Bridges (DMRB) shall be used to provide the necessary information for a NATA appraisal. The DMRB defines a three stage scheme assessment process, providing a clear structure for the development and staged reporting of road schemes. NATA provides a multi-criteria appraisal methodology which enables options to be appraised within the scheme assessment process, and to be summarised and reported in an Appraisal Summary Table (AST).

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the DMRB and WebTAG. Each stage of the assessment process has used this methodology and an AST has been produced. The selection of the preferred route has strictly adhered to this standard assessment process which is used throughout the U.K. The preferred route was the most favourable in terms of the balance across all the objectives

and therefore the Department is satisfied that the correct route has been identified.

The economic assessment for the scheme has been undertaken in accordance with the published best practice and guidance provided in the DMRB and WebTAG. This assessment considered the financial benefits, through journey time savings and accident savings, against the costs of providing the new dual carriageway, which included land and compensation costs. The eligibility of individuals to compensation is outlined in legislation. This assessment has shown a positive economic return set against the capital investment in the scheme. However, as with any large infrastructure project of this type, there is the potential for impact to individual businesses or at a community level.

The scheme assessment process considered both online and off-line options for the dual carriageway at Ballynure. An online option would require an all-movement junction with Lismenary Road and Riverside. However, the provision of additional junctions or gaps in the central reserve represent safety concerns and therefore the remaining accesses would be either closed or restricted to left-in left-out. This would impose diversions on those wishing to use the local businesses, especially those along the existing A8. The off-line option provides the opportunity to retain the existing all-movement accesses within Ballynure for local residents and businesses. The proposed junction strategy includes vehicular access from the improved A8 at either end of the village: from the A57 (Templepatrick Road) junction and the Ballybracken Road junction. In addition, public transport links will be maintained within the village for those wishing to use local services, local residents and landowners. During detailed design, the Department will seek to provide relevant signage along the A8 for local services and facilities.

In addition, the community and private assets element of the Environmental Statement considers the existing land use pattern, provides an assessment of the areas of land lost to the scheme and assesses the impact on land use and the community. The key community facilities considered, based on the DMRB guidance, include: doctors, hospitals, retirement homes, schools, shops, post offices, churches and recreational areas. This assessment highlights the potential for impact upon the businesses varying from improved links to the A8 for business along Church Road to adverse impacts associated with the reduction in passing trade for business along the existing A8. It is acknowledged that traffic through Ballynure will be significantly reduced; however, the Department considers this will have benefits to the local community that are associated with improved access to facilities within the settlement which may lead to increase usage.

9.177.4 Why is there so much emphasis put on the fact that the A8 is part of the an important link between the North, the South and Scotland? Surely the link is now increasingly via Belfast to Scotland. As the Stenaline will soon have a brand new dock, north of Cairnryan, with a shorter journey time, surely that will be the preferred route for sea travellers.

9.177.4.1 The Regional Development Strategy for Northern Ireland 2025, Shaping our Future (RDS) places great importance on the regional gateways, which includes the Port of Larne, as suitable locations for major economic development. The strategy states “Gateways are important interchange

points and the quality of connection from the ports and airports to the internal transport network is crucial for economic competitiveness and the convenience of the travelling public". The RDS outlines an aim to continue to develop the Port of Larne which is the second largest Northern Ireland port. The recently published Draft Revised RDS also outlines that the region has a number of important gateways, including the Port of Larne, through which both people and goods will continue to travel.

The Port of Larne is therefore considered a key element of the Regional Development Strategy and has an important role to play in supporting economic development. The Port of Larne provides the shortest distance between Ireland and Great Britain. In 2009 and 2010 it was the largest port in Northern Ireland in terms of roll-on roll-off traffic, and was the 4th largest in the UK based on the number of freight vehicles. Competition between the two largest ports in Northern Ireland plays a vital role in ensuring that the public, road hauliers and ferry operators have a choice, thus ensuring a competitive and efficient economy.

Whilst it is acknowledged that there has been a short-term reduction in freight movement over the last few years, the port continues to play a significant role. The long-term predictions are that the usage of Northern Ireland ports, including the Port of Larne, will grow as the economy of the province grows. On this basis, and as acknowledged by the recent review of the RDS, the Port of Larne will continue to play an important role in Northern Ireland.

9.177.5 Another travesty is the closing of the Church Road as many people walk this road to Church or to the village. Not only that, but the Six Mile Water is now going through a pipe having an adverse effect on fish and wildlife, presenting them with an impassable barrier.

9.177.5.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

A bridge was preliminarily indicated for Church Road in August 2009 at the Preferred Route Announcement. As a result of further scheme development, the current scheme proposes to stop-up Church Road, to a point west of the proposed A8 dual carriageway, to the Templepatrick Road. Some of the influencing factors for this decision include: the relatively low volume of traffic using Church Road, the proportion of this traffic destined for Ballynure, the limited diversion that would result from a closure of the road and the significant capital cost of providing a bridge. On this basis the Department believe on balance the decision to stop-up Church Road is correct.

The Department acknowledges that the closure of Church Road would result in a 1km diversion for all travellers undertaking a journey along the proposed link road from the west of the proposed scheme to the centre of

Ballynure. However, journeys between Ballynure and Ballyclare, and between Ballyclare and Larne (via the Templepatrick Road) are unaffected by the scheme proposals. In addition, those vehicles on the west of the proposed scheme that current use Church Road to access the A8 will have easier and more direct access via the A57 Templepatrick Road junction. The level of traffic along Church Road will significantly reduce, resulting in an improved environment for residents in that area. It is acknowledged that the closure of Church Road will result in a diversion for the small number of pedestrians of up to 1km. On balance, taking all the factors into account, the Department consider its decision to stop-up Church Road is acceptable.

The proposal to stop-up Church Road includes the provision of a large culvert under the A8 dual carriageway to maintain the Ballynure Water. The Department recognise this is an important salmonid watercourse and as part of the Environmental Impact Assessment, a Fisheries Study and Geomorphology Study were undertaken to fully establish the habitats and fish populations along the section of the Ballynure Water affected by the proposals.

Minimising impact to the ecology of the Ballynure Water is important. A number of features will be incorporated into the design of the culvert structure to provide a more natural environment for fish, and other wildlife, and to mitigate any impacts. For example, the size of the culvert will be large. This will not only increase natural light ingress, benefitting spawning habitats and fish movements along the watercourse, but it will also enable bat passage through the structure. Fish resting pools will be provided at either end of the culvert and the gradient and bed profile and treatment of the culvert will be designed to provide a natural environment for fish. A further measure to protect the local ecology will be that the culvert would be constructed off-line. This will minimise the risk of pollution and sediment entering the watercourse during the construction phase.

9.177.6 From our personal position, our main problem will be noise and vibration as the carriageway will be about a hundred yards from the back of our house, Also, the Lismenary Road in front of us will be raised to a flyover and we don't know how this will affect us as we are near the roadside.

9.177.6.1 The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – ‘Calculation of Road Traffic Noise (CRTN) 1988’ as required by Design Manual for Roads and Bridges. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 47dB occurs on the south-eastern facade of the dwelling.
- In the future year (2031) with the scheme and propose mitigation, the highest noise level of 52dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the south-eastern facade. An increase of 5dB is predicted on this facade. The proposed dual carriageway will be in cutting adjacent to your property. This will provide a degree of natural noise

mitigation from the main carriageway traffic. Low noise surfacing has also been included in the design to reduce the impact.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

The landscape and visual assessment completed as part of the Environmental Impact Assessment identified that, even though your property boundary would be unaffected, there would be small changes to your views towards Lismenary Road. To soften these views, landscape mitigation is to be provided in the form of improvements to the existing hedgerows between your property and the line of sight to the proposed Lismenary Road bridge. The visual impact assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established.

The visual impact for this property has been assessed to be slight adverse in 2016, improving to comparable with the existing situation by 2031. This means the assessment has concluded the impact of the scheme on existing views would be limited.

Average Daily Traffic Volume - Site 135

2007		2008		2009		2010	
Date	Average daily volume	Date	Average daily volume	Date	Average daily volume	Date	Average daily volume
Jan 2007	13172	Jan 2008	13135	Jan 2009	12806	Jan 2010	12460
Feb 2007	13947	Feb 2008	13927	Feb 2009	13554	Feb 2010	13169
Mar 2007	14560	Mar 2008	14108	Mar 2009	13803	Mar 2010	13847
Apr 2007	14801	Apr 2008	14727	Apr 2009	14160	Apr 2010	14285
May 2007	15105	May 2008	15050	May 2009	14074	May 2010	14542
Jun 2007	15125	Jun 2008	14728	Jun 2009	14197	Jun 2010	14358
Jul 2007	13818	Jul 2008	13678	Jul 2009	13514	Jul 2010	13371
Aug 2007	15206	Aug 2008	14630	Aug 2009	14458	Aug 2010	14733
Sep 2007	14922	Sep 2008	14299	Sep 2009	13986	Sep 2010	14100
Oct 2007	14576	Oct 2008	No data	Oct 2009	13707	Oct 2010	13845
Nov 2007	14231	Nov 2008	No data	Nov 2009	13425	Nov 2010	No data
Dec 2007	13424	Dec 2008	12369	Dec 2009	12898	Dec 2010	No data

Average Daily Traffic Volume - Site 233

2007		2008		2009		2010	
Date	Average daily volume	Date	Average daily volume	Date	Average daily volume	Date	Average daily volume
Jan 2007	No data	Jan 2008	5376*	Jan 2009	No data	Jan 2010	9519
Feb 2007	No data	Feb 2008	5549*	Feb 2009	No data	Feb 2010	10603
Mar 2007	No data	Mar 2008	5499*	Mar 2009	No data	Mar 2010	11010
Apr 2007	11609	Apr 2008	5689*	Apr 2009	No data	Apr 2010	11269
May 2007	11838	May 2008	11564	May 2009	11387	May 2010	11411
Jun 2007	11757	Jun 2008	11211	Jun 2009	11480	Jun 2010	No data
Jul 2007	10490	Jul 2008	10203	Jul 2009	10594	Jul 2010	No data
Aug 2007	11684	Aug 2008	11147	Aug 2009	11286	10 Aug 2010 -	No data
Sep 2007	11543	Sep 2008	11013	Sep 2009	11055	24 Sept 10	11318
Oct 2007	11427	Oct 2008	10464	Oct 2009	10782	Oct 2010	No data
Nov 2007	No data	Nov 2008	No data	Nov 2009	10581	Nov 2010	No data
Dec 2007	No data	Dec 2008	No data	Dec 2009	10877	Dec 2010	No data

* Southbound traffic only

Inspectors' Comments (Geoff and Elizabeth Jamison)

See Sections 10 and 11 – The need for the Road Improvements, The Proposed Preferred Route and The Proposed Closure of Church Road.

Reference Number

OBJ_178

Date of Objector's Correspondence

2nd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.178.1 The decision to build the road bypassing Ballynure Village to the west is only the latest proposal with regard to the upgrade of the A8. The original proposal to widen the existing road and this should have been considered properly by the Department, at the initial stages. However, this was only done after considerable pressure being on the Department and carried out Arup the very same organisation who had concluded that a Western bypass was the most suitable. The assessment contains mistakes obvious even to a layman however not obvious to DRD and their consultants.

The main reason provided in DRD documentation for discounting and easterly bypass for Ballynure was that they believed that traffic coming from the Templepatrick direction would still use the old route and turn left into the village. Even to the layman, this reason to discount this option is nonsense.

9.178.1.1 The Governments White paper "A New Deal for Transport: Better for Everyone" published in 1998 introduced the New Approach to Transport Appraisal (NATA) as the standard appraisal process for all transport schemes in the U.K. The process and criteria outlined in NATA are based around the Government's five over-arching objectives for transport of environment, safety, economy, accessibility and integration. Additional detailed guidance on the appraisal of transport projects is provided within the Web-based Transport Analysis Guidance (WebTAG) which is published by the Department for Transport (DfT). Additional supporting analyses of practicality, affordability and acceptability have also been used in the appraisal process for the A8 Dualling. WebTAG outlines that for highway schemes, the Design Manual for Roads and Bridges (DMRB) shall be used to provide the necessary information for a NATA appraisal. DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. The DMRB defines a three stage scheme assessment process, providing a clear structure for the development and staged reporting of road schemes. NATA provides a multi-criteria appraisal methodology which enables options to be appraised within the scheme assessment process, and to be summarised and reported in an Appraisal Summary Table (AST).

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the DMRB and WebTAG. Each stage of the assessment process has used this methodology and an AST has been produced. The selection of the preferred route has strictly adhered to this process. The preferred route was the most favourable in terms of the balance across the Government's five key objectives for transport, and thus the Department is satisfied that the correct route has been selected.

The scheme assessment process considered an online route through the village of Ballynure against the Government's key objectives for transport. Although the online option would be the cheapest to deliver, it performed

poorly in terms of overall economic performance in comparison to the proposed scheme. The environmental assessment concluded that, on balance, over the range of environmental sub-objectives assessed and in the absence of any major designated sites, the online and bypass options performed similarly in terms of the overall Environment Objective. However, an online solution was assessed to perform worse in terms of accessibility, through severance of the village, and safety. A number of eastern bypass options were also considered at Ballynure. The western bypass option, which has been developed into the proposed scheme, performed better in terms of overall economic performance, and because it led to a reduction in traffic flows through Ballynure, performed best in terms of safety and accessibility. The environmental performance was considered to be similar.

9.178.2 The number of vehicles passing through Ballynure daily is decreasing, not increasing. There is not traffic congestion in the area of Ballynure, contrary to the stated 'Need for the Scheme' as stated by DRD. The DRD have stated that by 2016 the A8 is likely to suffer from operational problems such as congestion and unreliable journey times especially, during peak hours. With traffic numbers falling, how could this be so?

The DRD have stated that by 2031, journey time reliability and driver stress will be adversely impacted. How can this be substantiated given falling numbers of traffic on the road, and crystal ball gazing 20 years into the future just does not make sense.

9.178.2.1 The department acknowledges that traffic flows and vehicle usage are influenced by the economic climate, including the slowdown of the UK's economy. However, economic downturns are considered to be anomalies and the overall trend, over a number of years, is for traffic volumes to increase. Forecast growth in traffic for this scheme has been based on planning data produced by the Northern Ireland Statistics and Research Agency which predicts increases in population and the number of households.

9.178.3 The numbers of fatal injuries have also been given as a reason for building the new road. How many of these fatalities can be directly attributed to change or layout issues with the road? I would suggest very few indeed.

9.178.3.1 Historical accidents statistics have been collated for the existing A8. These have been compared against default rates provided within Design Manual for Roads and Bridges (DMRB). This comparison has shown that the proportion of fatal accidents is higher than the typical rates provided within DMRB. The safety impacts of the proposed scheme have been assessed quantitatively and monetised using COBA (COst Benefit Analysis) software. COBA is a standard software package approved by the Department for Transport (DfT) for use in modelling the benefits of transport schemes. This assessment has shown the proposed scheme will deliver accident benefits.

9.178.4 I believe that the adverse impact that the road will bring about, unduly turning the Six Mile Water into an open drain, has been greatly underestimated.

9.178.4.1 Part V of The Roads (Northern Ireland) Order 1993 sets out the statutory requirements for the assessment of the environmental impacts of road schemes. This requires the Department to determine using the Annexes to

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 97/11/EC and Directive No. 2003/35/EC of the European Parliament and Council, whether or not a relevant project should be subject to an Environmental Impact Assessment.

For the A8 dualling scheme, the Department determined that the project met the requirements of Annex I of the Directive and that an Environmental Statement should be prepared. The Environmental Impact Assessment was carried out, and an Environmental Statement prepared in accordance with Article 67 of the Roads (Northern Ireland) Order 1993 and the published guidance outlined in DMRB. DMRB provides guidance which reflects both legislative and best practice requirements, and outlines a clear process which is designed to ensure an objective assessment. The Department is satisfied that the relevant legislation has been complied with and that the impact of the scheme has been correctly assessed based on that published guidance.

9.178.5 From a personal point of view the proposal will destroy my enjoyment of my family home. My house is a 200 year old stone built Farm House with sliding sash windows located in the valley. I inherited the house from my father and mother over a period of years. I have restored it to listed building standard. If the proposal goes forward I will lose a large portion of my garden, I will have a flyover at the bottom of the garden, a dam at the rear of my house and a slip road for the Church Road at the front. Noise, dust, light pollution etc etc will all now affect me in the house.

9.178.5.1 The Department acknowledge that the proposed scheme will have an impact on this property. From the early stages of development the Department has sought to reduce as far as possible the land required for the scheme and the impact on residential properties and agricultural land. However, as with any large infrastructure project of this type there will always be an impact on land outside of the existing highway boundary.

The landscape and visual assessment completed as part of the Environmental Impact Assessment (EIA) identified that after completion of the scheme, from the front of your property there would be views towards the dualled A8, new Church Road link, and proposed embankment. The landscape design for this area has included visual screen planting on the embankment of the proposed dual carriageway. The visual impact assessment considers the scale of change, the contrast to the existing, whether the change is permanent and the angle and distance of the proposed scheme. The assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established.

The visual impact for this property has been assessed to be substantial adverse in 2016, remaining as substantial adverse in the winter of 2031, but reducing the moderate adverse in the summer of 2031 when there are leaves on the vegetation. This means the assessment has concluded the impact of the scheme would cause a significant deterioration in the existing view.

The potential noise impacts upon your property were assessed as part of the EIA for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – ‘Calculation of Road Traffic Noise (CRTN) 1988’ as required by Design Manual for Roads and Bridges and the noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 61dB occurs on the southern facade of the dwelling.
- In the future year (2031) with the scheme and low noise surfacing on the dual carriageway, the highest noise level of 61dB occurs on the eastern facade.

Between the opening year and future year, the highest noise change is predicted to occur on the northern facade, because the changes to the road layout. An increase of 9dB, to a level of 57dB, is predicted on this facade. Low noise surfacing has been provided along the dual carriageway in this location to mitigate the impact. The provision of earth mounds is not considered practicable due to the additional land requirements and topography of the surrounding land.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

Inspectors' Comments (Nicholas Irwin)

See Mrs Wilhemina Kirk Irwin (OBJ_142).

See also Sections 10 and 11, - The need for the Proposed Road Improvements and The proposed Preferred Route.

9.179

Mr Graham Johnston

Reference Number

OBJ_179

Date of Objector's Correspondence

3rd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.179.1 The criteria used to select the preferred route were flawed and as such the conclusion reached in respect of the preferred route is incorrect.

9.179.1.1 The Government's White paper "A New Deal for Transport: Better for Everyone" published in 1998 introduced the New Approach to Transport Appraisal (NATA) as the standard appraisal process for all transport schemes in the U.K. The process and criteria outlined in NATA are based around the Government's five over-arching objectives for transport of environment, safety, economy, accessibility and integration. Additional detailed guidance on the appraisal of transport projects is provided within the Web-based Transport Analysis Guidance (WebTAG) which is published by the Department for Transport (DfT). Additional supporting analyses of practicality, affordability and acceptability have also been used in the appraisal process for the A8 Dualling. WebTAG outlines that for highway schemes, the Design Manual for Roads and Bridges (DMRB) shall be used to provide the necessary information for a NATA appraisal. DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of roads within the U.K. The DMRB defines a three stage scheme assessment process, providing a clear structure for the development and staged reporting of road schemes. NATA provides a multi-criteria appraisal methodology which enables options to be appraised within the scheme assessment process, and to be summarised and reported in an Appraisal Summary Table (AST).

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the DMRB and WebTAG. Each stage of the assessment process has used this methodology and an AST has been produced. The selection of the preferred route has strictly adhered to this process. The preferred route was the most favourable in terms of the balance across the Government's five key objectives for transport, and thus the Department is satisfied that the correct route has been selected.

9.179.2 The proposed road will have a dramatic impact on the economy of Ballynure and the surrounding agricultural landscape that vastly outweighs any perceived benefits

9.179.2.1 The economic assessment for the scheme has been undertaken in accordance with the published best practice and guidance provided in the DMRB and WebTAG. This assessment considered the financial benefits, through journey time savings and accident savings, against the costs of providing the new dual carriageway, which included land and compensation costs. The eligibility of individuals to compensation is outlined in legislation. This assessment has shown a positive economic return set against the capital investment in the scheme. However, as with any large infrastructure project of this type, there is the potential for impact to individual businesses or at a community level.

The scheme assessment process considered both online and off-line options for the dual carriageway at Ballynure. An online option would require an all-movement junction with Lismenary Road and Riverside. However, the provision of additional junctions or gaps in the central reserve represent safety concerns and therefore the remaining accesses would be either closed or restricted to left-in left-out. This would impose diversions on those wishing to use the local businesses, especially those along the existing A8. The off-line option provides the opportunity to retain

the existing all-movement accesses within Ballynure for local residents and businesses. The proposed junction strategy includes vehicular access from the improved A8 at either end of the village: from the A57 (Templepatrick Road) junction and the Ballybracken Road junction. In addition, public transport links will be maintained within the village for those wishing to use local services, local residents and landowners. During detailed design, the Department will seek to provide relevant signage along the A8 for local services and facilities.

In addition, the community and private assets element of the Environmental Statement considers the existing land use pattern, provides an assessment of the areas of land lost to the scheme and assesses the impact on land use and the community. The key community facilities considered, based on the DMRB guidance, include: doctors, hospitals, age person homes, schools, shops, post office, churches and recreational areas. This assessment highlights the potential for impact upon the businesses varies from improved links to the A8 for business along Church Road to adverse impacts associated with the reduction in passing trade for business along the existing A8. It is acknowledged that traffic through Ballynure will be significantly reduced; however, the Department considers this will have benefits to the local community that are associated with improved access to facilities within the settlement which may lead to increase usage.

From the early stages of development the Department has sought to reduce as far as possible the land required for the scheme and the impact on agricultural land. To this end, the strategy taken forward is a predominately online scheme which makes the best use of the existing road infrastructure. 60% of the scheme is online and the only locations where the proposed scheme leaves the existing road corridor is at the two settlements of Bruslee and Ballynure, where bypasses were shown to perform better in terms of the Government's five key objectives for transport. This strategy has resulted in existing road forming approximately 22% of the total land requirements for the scheme. However, as with any large infrastructure project of this type there will always be an impact on land outside of the highway boundary. To minimise the impacts associated with rural land acquisition for this scheme, the Department have endeavoured, where practicable, to preserve farm assets and provide accommodation works to mitigate impacts. The impact upon individual farms has been assessed as varying from negligible to significant adverse impact, however the overall impact upon agricultural in Northern Ireland has been assessed as negligible.

The landscape and visual assessment, completed as part of the environmental impact assessment, considered impacts upon the local agricultural landscape. It assessed both the impact on the rural landscape, in particular the impact on the different Northern Ireland Landscape Policy Areas (LPAs), and the visual impact on sensitive receptors, such as residential properties. The proposed scheme includes a number of environmental design features to help integrate the proposed road into the existing environment. These include profiling the top and bottom of embankments and cuttings, providing replacement hedgerows and walls, treatment of exposed rock in cuttings (to more naturally integrate the scheme into the landscape), new landscape planting to integrate with

existing vegetation, replacement of lost vegetation and the provision of sections of planting to create visual screening of the road.

The landscape and visual assessment acknowledges that there will be an impact on the LPAs around Ballynure. The A8 Dualling passes through the Tardee and Six Mile Water Slopes and Three and Six Mile Water Valley LPAs to the west of Ballynure. The assessment recognises that although the route would remain as a permanent feature in the landscape, by the design year (2031) the landscape planting would have matured and would assist in integrating the road into its surrounding landscape. The design year is defined by DMRB as 15 years after the opening of the scheme.

9.179.3 The agricultural impact assessments carried out in respect of the farms impacted have been incorrectly calculated and as such the impact is underestimated.

9.179.3.1 McIlmoyle and Associates are professional qualified Agricultural Consultants employed by Roads Service on the A8 dualling scheme to provide expert advice in terms of agricultural issues. McIlmoyle and Associates are very experienced and Dr McIlmoyle is a Fellow of the British Institute of Agricultural Consultants. They have completed Agricultural Impact Assessments for numerous other road schemes, and provided consultancy services on a wide range of agricultural issues across Europe.

The agricultural impact assessment for this scheme has been completed in two parts. Firstly McIlmoyle and Associates produced baseline reports for all the agricultural businesses along this section of the A8. In doing this, they sought to hold discussions with the respective landowners and obtained copies of the relevant Department for Agricultural and Rural Development (DARD) farm maps. The landowners were then sent their baseline report and invited to comment on its accuracy. McIlmoyle and Associates updated these reports where comments were received. An agricultural impact assessment was then undertaken to determine the impact of the proposed scheme relative to the baseline information previously gathered. McIlmoyle and Associates used their professional judgement to assess the impact using a set of defined impact ratings (as outlined in the individual reports). The findings were written into individual agricultural impact assessment reports which were then issued to the respective landowners.

The Department maintains that the process adopted for the assessment of agricultural impact is robust and is satisfied the impacts have been correctly assessed.

9.179.4 The statistics used by the department's consultants to calculate the impact of the proposed road are wrong.

[Clarification sought from Mark Patterson in relation to which statistics. It was subsequently confirmed that the point related to the suggest improvements in travel time and the improvements in safety.]

9.179.4.1 The statistics and information used within the assessment process have been collected in accordance with accepted best practice as set out within the DMRB and WebTAG. Any surveys commissioned by Roads Service (e.g. ground investigations, traffic surveys, topographical surveys or ecological surveys) for the project were undertaken by suitably qualified organisations following best practice and published guidelines. Other data (e.g. accident statistics and archaeological records) was sourced through

consultation with other organisations and government bodies and is therefore considered to be reliable and accurate.

WebTAG and DMRB provide guidance on undertaking traffic forecasting and economic assessments for transport schemes. This guidance has been followed in the development of the A8 traffic model.

SATURN (Simulation and Assignment of Traffic to Urban Road Networks) software was used to develop the A8 Traffic Model. One of the main characteristics of SATURN is that it is applicable to both urban and rural areas allowing the modelling of peak hour congestion in reasonable detail. The journey time savings have therefore been calculated in accordance with best practice and using standard software.

The safety impacts of the proposed scheme have been assessed quantitatively and monetised using COBA (COst Benefit Analysis) software. COBA is a standard software package approved by the Department for Transport (DfT) for use in modelling the benefits of transport schemes. This assessment has shown the proposed scheme will deliver accident benefits.

9.179.5 The proposed road will have a much larger aesthetic and environmental impact on the countryside than that identified by the schemes environmental statement.

9.179.5.1 Part V of The Roads (Northern Ireland) Order 1993 sets out the statutory requirements for the assessment of the environmental impacts of road schemes. This requires the Department to determine using the Annexes to 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 97/11/EC and Directive No. 2003/35/EC of the European Parliament and Council, whether or not a relevant project should be subject to an Environmental Impact Assessment.

For the A8 dualling scheme, the Department determined that the project met the requirements of Annex I of the Directive and that an Environmental Statement should be prepared. The Environmental Impact Assessment was carried out, and an Environmental Statement prepared in accordance with Article 67 of the Roads (Northern Ireland) Order 1993 and the published guidance outlined in DMRB. DMRB provides guidance which reflects both legislative and best practice requirements, and outlines a clear process which is designed to ensure an objective assessment. The Department is satisfied that the relevant legislation has been complied with and that the impact of the scheme has been correctly assessed based on that published guidance.

Mr William Orbinson QC appeared on the morning of Tuesday 21st June 2011 on behalf of Mr Bryan Orr, Mr Robert Beattie and Mr Graham Johnston. He was instructed by O'Connor Kennedy Turtle Chartered Surveyors, who were represented by one of their partners, Mr Mark Patterson.

Mr Orbinson began by questioning Simon Power, Arup's Environmental Team Leader, at length and in depth on the Environmental Impact Assessment (EIA) process and on the Environmental Statement (ES). Mr Power confirmed that the Department accepted that there will be a significant affect on traffic flow through the village of Ballynure as a result of the proposed scheme. He was not in a position to accept or reject Mr Orbinson's clients evidence that 70% of their trade is passing trade. In response to

questioning on the potential reduction in passing trade for these businesses, Mr Power referred to the ES at section 16.10.2.2 which states: 'It is possible however, that retailers within the settlements of Bruslee and Ballynure could perceive the loss of through traffic as an adverse impact on local commerce as less through traffic could result in a decline in customer numbers'. His view was that they had identified this as a potential issue but were careful to qualify that because of the future uncertainty of exactly how the businesses would respond, what the issues would be and what the commercial and technical details would be. In the ES, Mr Power stated they had identified the potential for a slight beneficial to slight adverse impact on the local businesses, given the uncertainties over this issue, and he felt that was what the ES process required his team to do.

Mr Power went on to clarify those within his team who had contributed to Chapter 16 of the ES dealing with the socio-economic impact of the proposed scheme and confirmed that no economists had assessed the impact on these objectors businesses, nor did the relevant members of his team have any qualifications in economic appraisal. He oversaw the compilation of the entire ES. Mr Power's opinion was that such qualifications were not required, as DMRB sets out quite clearly what level of assessment is needed, which is the identification of properties, businesses, community facilities and identifying the potential for impact upon them. Furthermore, in response to questioning, he stated that the EIA Directive is taken into account in terms of the EIA Regulations which are then taken into account in the DMRB.

Mr Power was questioned further by Mr Orbinson on the extent to which members of the Arup team had consulted with individual business owners and these objectors in particular. He stated they would not, as a matter of best practice, contact and start talking to individual affected businesses as a part of this particular discipline section of an ES. In terms of how the proposed scheme might affect their businesses he stated that it is a professional judgement, based upon a common sense view of what will happen when the traffic or a proportion of that traffic is removed from the village. Mr Power accepted that they had not done a detailed economic assessment, and that these comments are a professional judgement. They had identified the appropriate businesses and properties and highlighted the potential for an impact upon them which, in his view, is what the ES and the Regulations demand.

There then followed an exchange concerning a letter dated 20th June 2011 from Carson McDowell solicitors, acting for the three objectors, addressed to RS which had been received by RS and the Inspectors just prior to the start of this session of the Inquiry. Mr Power confirmed that he had read the letter which essentially makes the case that environmental effects include the human population and, therefore, environmental effects include likely socio-economic effects on that population. The letter challenged the contents and lawfulness of the purported ES. Mr Power maintained that he and his team had sufficiently assessed the impact associated with the proposed scheme on properties and businesses in accordance with guidance and best practice. Arup's professional judgement has identified that the impact could be slight beneficial or slight adverse and he acknowledged that they do not have the details and were not even clear at this stage what that effect might be, but they identified the potential for that impact in the ES, which he maintained is the appropriate thing to do. They had identified the potential for that impact in the ES and drawn it to the attention of the decision makers as an issue. When again challenged by Mr Orbinson on what objective evidential basis Arup had for concluding that the likely effect might be slight adverse, Mr Power replied that they used their professional judgement to form a view as to what the potential impact is likely to be. He acknowledged that Arup did not have specific economic data to inform their view on this issue but they took a professional judgement view and set down the potential for that impact.

Mr Power further explained that in accordance with DMRB his team identified where the businesses were and the nature of those businesses. However, Mr Orbinson's contention was that whilst they may have complied with DMRB, it was wrong and fails to consider whether likely socio-economic effects have to be assessed as part of an ES.

Mr Power maintained that DMRB is very key guidance that is appropriate for trunk road schemes across the UK. Mr Orbinson then proceeded to challenge Mr Power on the suggested benefit outlined in the ES where it was stated that access to the new road scheme could create the potential for better access to connectivity with commercial markets in the region. The ES stated that the magnitude of these benefits are difficult to quantify and Mr Power explained that in terms of the ES and the environmental assessment team, they did not try and quantify them but the project team as a whole quantified and assessed them. Mr Orbinson was extremely sceptical as to how these suggested benefits could possibly benefit his clients as operators of a filling station, with an associated small supermarket, and a fish and chip shop owner. Mr Power contended that the wider economic benefits associated with a scheme such as this are complex, but might relate to the bringing in of other business into the area, who may then become customers for the existing businesses. There could also be all sorts of land use and planning changes over the long term Mr Power said, while explaining this is an assessment over the design year and beyond, fifteen years plus, so there is an element of uncertainty because of the nature of the businesses and the changes that might occur. He maintained that Arup were acknowledging the fact that there was the potential for positive and negative changes as a result of a scheme such as this, and that is highlighted in the ES. Mr Power acknowledged that his team did not carry out any business interviews, or level of analysis comparable with the Agricultural Impact Assessments because he believed, and the guidance suggested, that level of analysis in support of the ES would have been inappropriate.

Mr Orbinson then proceeded to question Mr Colin Hutchinson. The initial questioning was over the extent to which RS considered the need to protect his clients property interests and rights. Mr Orbinson contended that Article 1, Protocol 1 to the European Convention on Human Rights was engaged but was mindful that it would be inappropriate for the Inspectors to rule on that issue. His questioning was therefore directed towards what the Department did in process terms. Mr Hutchinson explained that they had carried out a human rights assessment for the entire scheme but felt it would be inappropriate to be carrying out a human rights assessment on every individual land owner. He said they considered options of schemes going through Ballynure and felt that such a scheme would also have potential losses for the businesses there because, it being a dual carriageway standard, there would be restricted access to the properties in question. He also stated that the proposed route gives good connectivity at either end of the village and that at detailed design stage RS would look at providing appropriate signage. Mr Hutchinson stated that at Stage 1 Assessment they did consider routes west, east and through Ballynure. The Stage 1 Addendum Report looked again at this and also identified the actual impact that the geometry of going through Ballynure would have on the different properties through both the land take and restrictions on access.

Having submitted as evidence, the day before, a detailed Economic Summary Report from her, Mr Orbinson took Dr Eileen McGloin of EMcG Solutions through a typed summary of her report that she had prepared for the Inquiry. Dr McGloin, is an Independent Consultant with a PhD in Economics and Small Business Development. She is the Director of EMcG Solutions in Belfast and has over twelve years experience in economic analysis, economic development, small business development, feasibility research analysis, evaluation at a European, national and local policy level. She advised that since 2009 she has completed over 30 economic appraisals and strategic

plans. Dr McGloin is also a Senior Research Fellow with the Department of Management and Leadership at the Ulster Business School, University of Ulster, Jordanstown. Her professional experiences include the Director of Programme Development at The Special EU Programmes Body, Policy Research and Evaluations Manager at InterTradeIreland and Senior Economic Consultant to DTZ Pidea Consulting.

In terms of the background to her economic summary, Mr Bryan Orr is the land owner at 5 Larne Road, Ballynure. He is the landlord of two business premises located on the site, Beattie's Traditional Fish and Chip Shop ('Beattie's' for convenience) and Johnston's Petrol Station and Mace Convenience Shop ('Johnston's'). He is also the operator of the office premises located on the site. Mr Bryan Orr, along with Mr Robert Beattie of Beattie's Traditional Fish and Chip Shop and Mr Graham Johnston of Johnston's Petrol Station and Mace Convenience Store were objectors to the proposed new A8 Larne dual carriageway.

Dr McGloin's view was that the planned A8 Belfast to Larne dual carriageway will obviously affect the passing trade along the road, the volume of traffic will be markedly reduced, and the businesses will not be visible from the proposed new road. Both businesses (namely Beattie's and Johnston's) have advised her that 70% of their current sales are to passing trade, and both businesses have outlined that such a reduction in sales would lead to closure of their business operations in Ballynure. Closure of these two businesses will have a knock-on effect, a negative impact on the business operations of Mr Bryan Orr who will lose significant income in terms of rent and capital depreciation. At present the total rent generated by both premises is £64,000 per annum. A rent review (as of April 2011) has increased this to £68,000 per annum. O'Connor Kennedy Turtle Chartered Surveyors in June 2011 have advised that Mr Orr's rental income would reduce by 44% per annum if the proposed new dual carriageway was to go ahead as planned. They have also advised that the current property value is £1.1 million. Should the dual carriageway go ahead, the valuation reduces to £400,000. Those figures are based on the businesses of the two tenants continuing at lower rents.

Dr McGloin explained that Beattie's and Johnston's collectively provide full-time and part-time employment to 53 people in the local area and for the purpose of this economic summary she has worked this out as equating to 28 full-time equivalent employees from the local rural area. The total salaries generated by the 2 businesses have been recorded as £272,859 from the most recent accounts. Her economic summary had prudently estimated that the employees at these businesses spend approximately 80% of their wages in the local area and that if these wages are no longer being absorbed into the local economy this will represent an approximate loss of £218,000 to the economy. Furthermore, Dr McGloin's evidence was that if the businesses were forced to close it was estimated that if the employees become unemployed and claim benefits this will represent a total cost to the economy of approximately £287,000 per annum. In terms of indirect economic impacts, Beattie's spend £88,000 a year in all of County Antrim, which accounts for 53% of their total purchases and they spend 43% in the rest of Northern Ireland. Johnston's purchases for the year ended March 2010 were over £1m for the Mace Store and £3m fuel purchases, giving total purchases by the business of over £4m.

In summarising the portions of her report dealing with the wider Northern Ireland economy, Dr McGloin stated that there has been in the past year an increase in unemployment in the Newtownabbey Borough Council area.

Those most badly affected have been in the 18 to 24 age group, the very group that is most widely employed in both these businesses. She concluded by stating that the evidence pointed towards these businesses having a significant impact on the local economy and that rural business operations are guaranteed protection from unjustified, disproportionate interference by Article 1 of the First Protocol to the European Convention on Human Rights. Her clients consider that the impact on their operations is such that the proposed dual carriageway represented an unjustified and disproportionate interference. They are concerned that the Department had unreasonably failed to assess the likely significance of socio-economic impacts of the proposed road scheme on the local population.

Dr McGloin was then questioned at some length by Mr McGuinness. She confirmed that she is not a Chartered Accountant and that the 70% passing trade figure for the 2 businesses had been supplied by her clients. To independently verify the figure she would have to go out and survey those customers entering and leaving each of the premises, which would be an extensive piece of work. She felt that would not normally be done and that Mr Johnston opening his filling station for 24 hours a day was evidence that there was an increase in passing trade. She was also challenged on her figures for the local spend by employees of the business, the potential unemployment benefit costs and the knock-on economic impact on other businesses within the area. If her clients businesses were to fail, she acknowledged that their customers may buy from somewhere else within the region, but this will have a negative impact on the Ballynure area. When questioned by Mr McGuinness on the extent that her clients passing trade would be affected by signage for example, Dr McGloin viewed it as being more significant that her clients businesses would no longer be visible from the bypassed road. She stated that there was no evidence to prove that signage would increase the level of passing trade to these two businesses. In her experience, having worked on this before, the level of passing trade to particular businesses such as these is significant, especially as one of the businesses is a filling station based in a small rural area, with a total population of around 700 people.

Mr Orbinson also questioned his clients Chartered Surveyor, Mr Mark Patterson, a Partner in O'Connor Kennedy Turtle who had provided a brief report on capital and rental values of Mr Bryan Orr's affected property in a letter dated 17th June 2011 addressed to Dr McGloin. Mr Orr owns the entire property and occupies offices on part of it. Mr Patterson actually lives in Ballynure. He negotiated the leases to both Mr Beattie and Mr Johnston at a time when the trend was for business operators to take short term leases of say 5 years. However, both tenants signed up to leases of 15 and 25 years respectively because the units were on a busy road and they were proposing to operate businesses that would benefit from passing trade. Both tenant's businesses benefit each other but only a very small percentage, if any, of their business would come from customers on foot. The site extends to about three quarters of an acre. The current total rental income was around £84,000 per annum when rent was included from the office premises and assuming a satisfactory rent review increase for the hot food restaurant / take away. Ignoring any perceived impact from the proposed road, Mr Patterson estimated that the current value of the property would be around £1.1m. If the proposed Ballynure bypass were to go ahead, his opinion was that it would have a major detrimental impact and that the rental income Mr Orr would receive from his two tenants would be reduced to something in the region of £30,000 per annum. The actual capital value could be reduced to around £400,000, possibly even less. He bases those figures on the assumption that the businesses of the two tenants would survive, but his opinion was that would be very difficult. His opinion as a Chartered Surveyor is that the 2 businesses were totally dependent on passing trade.

In relation to the 70% passing trade figure, Mr Orbinson drew attention to the Department not having produced any contrary evidence. Mr McGuinness replied that the objectors had not formally surveyed their customers to ascertain if their figure is correct. Nor has any survey been undertaken to ascertain whether, if there was a bypass, customers would come in to the businesses. Mr Orbinson was not persuaded that there was an available head of compensation that would cover his clients potential losses if the proposed bypass goes ahead, hence the human rights implications.

Mr Beattie spoke briefly and advised that he had lived and worked in Ballynure for 25 years, he knew who his customers were and felt that the 70% passing trade figure was quite accurate. If the road bypasses the shop, he thought people would not call in for something to eat as they would be focused on completing their journey quickly. Mr Johnston also stated that because it was quite a small rural area, he knew his customers and those that were passing trade. Particularly with his business being a filling station, a lot of it would be passing trade and he thought that by the very nature of the proposed dual carriageway, people will not be inclined to turn off it.

In closing questioning, Mr Hutchinson confirmed that the proposed directional signage on the new road would be quite generic and would show that local facilities are available in Ballynure, without naming Beattie's or Johnston's specifically. Signage would be erected at both of the all movement junctions at either end of Ballynure and would indicate the direction in. There would be more localised signs closer to the village.

Inspectors' Comments (Graham Johnston [Including Robert Beattie OBJ_180 and Brian Orr OBJ_182])

The evidence presented on behalf of the Objectors was persuasive in terms of the significant adverse effect on passing trade income which would result from the proposed dual carriageway bypassing Ballynure.

Whilst the suggested anticipated reduction in turnovers of 70% was not supported by hard evidence, it was noted that the Stage 1 Addendum Report addressed the economic impact on Ballynure and acknowledged that traffic through the village would be greatly reduced.

Various online options through the village were considered and subsequently reassessed by RS, as summarised later in this Report in Section 11, Inspector's Considerations.

Given that the proposed road would be constructed to a dual carriageway standard, it is clear that even the best performing on line route through Ballynure would compromise overall journey times and safety in particular. Additionally, constructing the road through Ballynure would introduce other issues for these businesses in particular and for the residents of Ballynure in general.

For the reasons set out in Section 11.3, it is believed that a wide range of alternatives for an online route through Ballynure have been fully and properly assessed and reviewed by RS and that the Preferred Route incorporating a western bypass should indeed remain as the preferred option.

Inspectors' Recommendation (Graham Johnston [Including Robert Beattie, OBJ_180 and Brian Orr, OBJ_182])

- The Preferred Route, incorporating a western bypass of Ballynure should remain as the preferred option.
- RS to consider providing help to these businesses in order to mitigate the impact of their likely loss of passing trade and help them develop other revenue streams.

This could take the form of professional business and marketing advice and support.

9.180 Mr Robert Beattie

Reference Number OBJ_180
Date of Objector's Correspondence 3rd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.180.1 The criteria used to select the preferred route were flawed and as such the conclusion reached in respect of the preferred route is incorrect.

9.180.1.1 The Government's White paper "A New Deal for Transport: Better for Everyone" published in 1998 introduced the New Approach to Transport Appraisal (NATA) as the standard appraisal process for all transport schemes in the U.K. The process and criteria outlined in NATA are based around the Government's five over-arching objectives for transport of environment, safety, economy, accessibility and integration. Additional detailed guidance on the appraisal of transport projects is provided within the Web-based Transport Analysis Guidance (WebTAG) which is published by the Department for Transport (DfT). Additional supporting analyses of practicality, affordability and acceptability have also been used in the appraisal process for the A8 Dualling. WebTAG outlines that for highway schemes, the Design Manual for Roads and Bridges (DMRB) shall be used to provide the necessary information for a NATA appraisal. DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of roads within the U.K. The DMRB defines a three stage scheme assessment process, providing a clear structure for the development and staged reporting of road schemes. NATA provides a multi-criteria appraisal methodology which enables options to be appraised within the scheme assessment process, and to be summarised and reported in an Appraisal Summary Table (AST).

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the DMRB and WebTAG. Each stage of the assessment process has used this methodology and an AST has been produced. The selection of the preferred route has strictly adhered to this process. The preferred route was the most favourable in terms of the balance across the Government's five key objectives for transport, and thus the Department is satisfied that the correct route has been selected.

9.180.2 The proposed road will have a dramatic impact on the economy of Ballynure and the surrounding agricultural landscape that vastly outweighs any perceived benefits

9.180.2.1 The economic assessment for the scheme has been undertaken in accordance with the published best practice and guidance provided in the DMRB and WebTAG. This assessment considered the financial benefits, through journey time savings and accident savings, against the costs of providing the new dual carriageway, which included land and

compensation costs. The eligibility of individuals to compensation is outlined in legislation. This assessment has shown a positive economic return set against the capital investment in the scheme. However, as with any large infrastructure project of this type, there is the potential for impact to individual businesses or at a community level.

The scheme assessment process considered both online and off-line options for the dual carriageway at Ballynure. An online option would require an all-movement junction with Lismenary Road and Riverside. However, the provision of additional junctions or gaps in the central reserve represent safety concerns and therefore the remaining accesses would be either closed or restricted to left-in left-out. This would impose diversions on those wishing to use the local businesses, especially those along the existing A8. The off-line option provides the opportunity to retain the existing all-movement accesses within Ballynure for local residents and businesses. The proposed junction strategy includes vehicular access from the improved A8 at either end of the village: from the A57 (Templepatrick Road) junction and the Ballybracken Road junction. In addition, public transport links will be maintained within the village for those wishing to use local services, local residents and landowners. During detailed design, the Department will seek to provide relevant signage along the A8 for local services and facilities.

In addition, the community and private assets element of the Environmental Statement considers the existing land use pattern, provides an assessment of the areas of land lost to the scheme and assesses the impact on land use and the community. The key community facilities considered, based on the DMRB guidance, include: doctors, hospitals, retirement homes, schools, shops, post offices, churches and recreational areas. This assessment highlights the potential for impact upon the businesses varying from improved links to the A8 for business along Church Road to adverse impacts associated with the reduction in passing trade for business along the existing A8. It is acknowledged that traffic through Ballynure will be significantly reduced; however, the Department considers this will have benefits to the local community that are associated with improved access to facilities within the settlement which may lead to increased usage.

From the early stages of development the Department has sought to reduce as far as possible the land required for the scheme and the impact on agricultural land. To this end, the strategy taken forward is a predominately online scheme which makes the best use of the existing road infrastructure. 60% of the scheme is online and the only locations where the proposed scheme leaves the existing road corridor is at the two settlements of Bruslee and Ballynure, where bypasses were shown to perform better in terms of the Government's five key objectives for transport. This strategy has resulted in existing road forming approximately 22% of the total land requirements for the scheme. However, as with any large infrastructure project of this type there will always be an impact on land outside of the highway boundary. To minimise the impacts associated with rural land acquisition for this scheme, the Department have endeavoured, where practicable, to preserve farm assets and provide accommodation works to mitigate impacts. The impact upon individual farms has been assessed as varying from negligible to significant adverse

impact, however the overall impact upon agricultural in Northern Ireland has been assessed as negligible.

The landscape and visual assessment, completed as part of the environmental impact assessment, considered impacts upon the local agricultural landscape. It assessed both the impact on the rural landscape, in particular the impact on the different Northern Ireland Landscape Policy Areas (LPAs), and the visual impact on sensitive receptors, such as residential properties. The proposed scheme includes a number of environmental design features to help integrate the proposed road into the existing environment. These include profiling the top and bottom of embankments and cuttings, providing replacement hedgerows and walls, treatment of exposed rock in cuttings (to more naturally integrate the scheme into the landscape), new landscape planting to integrate with existing vegetation, replacement of lost vegetation and the provision of sections of planting to create visual screening of the road.

The landscape and visual assessment acknowledges that there will be an impact on the LPAs around Ballynure. The A8 Dualling passes through the Tardee and Six Mile Water Slopes and Three and Six Mile Water Valley LPAs to the west of Ballynure. The assessment recognises that although the route would remain as a permanent feature in the landscape, by the design year (2031) the landscape planting would have matured and would assist in integrating the road into its surrounding landscape. The design year is defined by DMRB as 15 years after the opening of the scheme.

9.180.3 The agricultural impact assessments carried out in respect of the farms impacted have been incorrectly calculated and as such the impact is underestimated.

9.180.3.1 McIlmoyle and Associates are professional qualified Agricultural Consultants employed by Roads Service on the A8 dualling scheme to provide expert advice in terms of agricultural issues. McIlmoyle and Associates are very experienced and Dr McIlmoyle is a Fellow of the British Institute of Agricultural Consultants. They have completed Agricultural Impact Assessments for numerous other road schemes, and provided consultancy services on a wide range of agricultural issues across Europe.

The agricultural impact assessment for this scheme has been completed in two parts. Firstly McIlmoyle and Associates produced baseline reports for all the agricultural businesses along this section of the A8. In doing this, they sought to hold discussions with the respective landowners and obtained copies of the relevant Department for Agricultural and Rural Development (DARD) farm maps. The landowners were then sent their baseline report and invited to comment on its accuracy. McIlmoyle and Associates updated these reports where comments were received. An agricultural impact assessment was then undertaken to determine the impact of the proposed scheme relative to the baseline information previously gathered. McIlmoyle and Associates used their professional judgement to assess the impact using a set of defined impact ratings (as outlined in the individual reports). The findings were written into individual agricultural impact assessment reports which were then issued to the respective landowners.

The Department maintains that the process adopted for the assessment of agricultural impact is robust and is satisfied the impacts have been correctly assessed.

9.180.4 The statistics used by the department's consultants to calculate the impact of the proposed road are wrong.

[Clarification sought from Mark Patterson in relation to which statistics. It was subsequently confirmed that the point related to the suggested improvements in travel time and the improvements in safety.]

9.180.4.1 The statistics and information used within the assessment process have been collected in accordance with accepted best practice as set out within the DMRB and WebTAG. Any surveys commissioned by Roads Service (e.g. ground investigations, traffic surveys, topographical surveys or ecological surveys) for the project were undertaken by suitably qualified organisations following best practice and published guidelines. Other data (e.g. accident statistics and archaeological records) was sourced through consultation with other organisations and government bodies and is therefore considered to be reliable and accurate.

WebTAG and DMRB provide guidance on undertaking traffic forecasting and economic assessments for transport schemes. This guidance has been followed in the development of the A8 traffic model.

SATURN (Simulation and Assignment of Traffic to Urban Road Networks) software was used to develop the A8 Traffic Model. One of the main characteristics of SATURN is that it is applicable to both urban and rural areas allowing the modelling of peak hour congestion in reasonable detail. The journey time savings have therefore been calculated in accordance with best practice and using standard software.

The safety impacts of the proposed scheme have been assessed quantitatively and monetised using COBA (COst Benefit Analysis) software. COBA is a standard software package approved by the Department for Transport (DfT) for use in modelling the benefits of transport schemes. This assessment has shown the proposed scheme will deliver accident benefits.

9.180.5 The proposed road will have a much larger aesthetic and environmental impact on the countryside than that identified by the schemes environmental statement.

9.180.5.1 Part V of The Roads (Northern Ireland) Order 1993 sets out the statutory requirements for the assessment of the environmental impacts of road schemes. This requires the Department to determine using the Annexes to 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 97/11/EC and Directive No. 2003/35/EC of the European Parliament and Council, whether or not a relevant project should be subject to an Environmental Impact Assessment.

For the A8 dualling scheme, the Department determined that the project met the requirements of Annex I of the Directive and that an Environmental Statement should be prepared. The Environmental Impact Assessment was carried out, and an Environmental Statement prepared in accordance with Article 67 of the Roads (Northern Ireland) Order 1993 and the published guidance outlined in DMRB. DMRB provides guidance which reflects both legislative and best practice requirements, and outlines a clear process which is designed to ensure an objective assessment. The Department is satisfied that the relevant legislation has been complied with

and that the impact of the scheme has been correctly assessed based on that published guidance.

Inspectors' Comments

See Graham Johnston (OBJ_179) above.

9.181 Mr Raymond McCann

Reference Number	OBJ_181
Date of Objector's Correspondence	3rd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.181.1 The criteria used to select the preferred route were flawed and as such the conclusion reached in respect of the preferred route is incorrect.

9.181.1.1 The Government's White paper "A New Deal for Transport: Better for Everyone" published in 1998 introduced the New Approach to Transport Appraisal (NATA) as the standard appraisal process for all transport schemes in the U.K. The process and criteria outlined in NATA are based around the Government's five over-arching objectives for transport of environment, safety, economy, accessibility and integration. Additional detailed guidance on the appraisal of transport projects is provided within the Web-based Transport Analysis Guidance (WebTAG) which is published by the Department for Transport (DfT). Additional supporting analyses of practicality, affordability and acceptability have also been used in the appraisal process for the A8 Dualling. WebTAG outlines that for highway schemes, the Design Manual for Roads and Bridges (DMRB) shall be used to provide the necessary information for a NATA appraisal. DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of roads within the U.K. The DMRB defines a three stage scheme assessment process, providing a clear structure for the development and staged reporting of road schemes. NATA provides a multi-criteria appraisal methodology which enables options to be appraised within the scheme assessment process, and to be summarised and reported in an Appraisal Summary Table (AST).

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the DMRB and WebTAG. Each stage of the assessment process has used this methodology and an AST has been produced. The selection of the preferred route has strictly adhered to this process. The preferred route was the most favourable in terms of the balance across the Government's five key objectives for transport, and thus the Department is satisfied that the correct route has been selected.

9.181.2 The proposed road will have a dramatic impact on the economy of Ballynure and the surrounding agricultural landscape that vastly outweighs any perceived benefits

9.181.2.1 The economic assessment for the scheme has been undertaken in accordance with the published best practice and guidance provided in the DMRB and WebTAG. This assessment considered the financial benefits, through journey time savings and accident savings, against the costs of providing the new dual carriageway, which included land and compensation costs. The eligibility of individuals to compensation is outlined in legislation. This assessment has shown a positive economic return set against the capital investment in the scheme. However, as with any large infrastructure project of this type, there is the potential for impact to individual businesses or at a community level.

The scheme assessment process considered both online and off-line options for the dual carriageway at Ballynure. An online option would require an all-movement junction with Lismenary Road and Riverside. However, the provision of additional junctions or gaps in the central reserve represent safety concerns and therefore the remaining accesses would be either closed or restricted to left-in left-out. This would impose diversions on those wishing to use the local businesses, especially those along the existing A8. The off-line option provides the opportunity to retain the existing all-movement accesses within Ballynure for local residents and businesses. The proposed junction strategy includes vehicular access from the improved A8 at either end of the village: from the A57 (Templepatrick Road) junction and the Ballybracken Road junction. In addition, public transport links will be maintained within the village for those wishing to use local services, local residents and landowners. During detailed design, the Department will seek to provide relevant signage along the A8 for local services and facilities.

In addition, the community and private assets element of the Environmental Statement considers the existing land use pattern, provides an assessment of the areas of land lost to the scheme and assesses the impact on land use and the community. The key community facilities considered, based on the DMRB guidance, include: doctors, hospitals, age person homes, schools, shops, post office, churches and recreational areas. This assessment highlights the potential for impact upon the businesses varies from improved links to the A8 for business along Church Road to adverse impacts associated with the reduction in passing trade for business along the existing A8. It is acknowledged that traffic through Ballynure will be significantly reduced; however, the Department considers this will have benefits to the local community that are associated with improved access to facilities within the settlement which may lead to increase usage.

From the early stages of development the Department has sought to reduce as far as possible the land required for the scheme and the impact on agricultural land. To this end, the strategy taken forward is a predominately online scheme which makes the best use of the existing road infrastructure. 60% of the scheme is online and the only locations where the proposed scheme leaves the existing road corridor is at the two settlements of Bruslee and Ballynure, where bypasses were shown to perform better in terms of the Government's five key objectives for

transport. This strategy has resulted in existing road forming approximately 22% of the total land requirements for the scheme. However, as with any large infrastructure project of this type there will always be an impact on land outside of the highway boundary. To minimise the impacts associated with rural land acquisition for this scheme, the Department have endeavoured, where practicable, to preserve farm assets and provide accommodation works to mitigate impacts. The impact upon individual farms has been assessed as varying from negligible to significant adverse impact, however the overall impact upon agricultural in Northern Ireland has been assessed as negligible.

The landscape and visual assessment, completed as part of the environmental impact assessment, considered impacts upon the local agricultural landscape. It assessed both the impact on the rural landscape, in particular the impact on the different Northern Ireland Landscape Policy Areas (LPAs), and the visual impact on sensitive receptors, such as residential properties. The proposed scheme includes a number of environmental design features to help integrate the proposed road into the existing environment. These include profiling the top and bottom of embankments and cuttings, providing replacement hedgerows and walls, treatment of exposed rock in cuttings (to more naturally integrate the scheme into the landscape), new landscape planting to integrate with existing vegetation, replacement of lost vegetation and the provision of sections of planting to create visual screening of the road.

The landscape and visual assessment acknowledges that there will be an impact on the LPAs around Ballynure. The A8 Dualling passes through the Tardee and Six Mile Water Slopes and Three and Six Mile Water Valley LPAs to the west of Ballynure. The assessment recognises that although the route would remain as a permanent feature in the landscape, by the design year (2031) the landscape planting would have matured and would assist in integrating the road into its surrounding landscape. The design year is defined by DMRB as 15 years after the opening of the scheme.

9.181.3 The agricultural impact assessments carried out in respect of the farms impacted have been incorrectly calculated and as such the impact is underestimated.

9.181.3.1 McIlmoyle and Associates are professional qualified Agricultural Consultants employed by Roads Service on the A8 dualling scheme to provide expert advice in terms of agricultural issues. McIlmoyle and Associates are very experienced and Dr McIlmoyle is a Fellow of the British Institute of Agricultural Consultants. They have completed Agricultural Impact Assessments for numerous other road schemes, and provided consultancy services on a wide range of agricultural issues across Europe.

The agricultural impact assessment for this scheme has been completed in two parts. Firstly McIlmoyle and Associates produced baseline reports for all the agricultural businesses along this section of the A8. In doing this, they sought to hold discussions with the respective landowners and obtained copies of the relevant Department for Agricultural and Rural Development (DARD) farm maps. The landowners were then sent their baseline report and invited to comment on its accuracy. McIlmoyle and Associates updated these reports where comments were received. An agricultural impact assessment was then undertaken to determine the impact of the proposed scheme relative to the baseline information

previously gathered. McIlmoyle and Associates used their professional judgement to assess the impact using a set of defined impact ratings (as outlined in the individual reports). The findings were written into individual agricultural impact assessment reports which were then issued to the respective landowners.

The Department maintains that the process adopted for the assessment of agricultural impact is robust and is satisfied the impacts have been correctly assessed.

9.181.4 The statistics used by the department's consultants to calculate the impact of the proposed road are wrong.

[Clarification sought from Mark Patterson in relation to which statistics. It was subsequently confirmed that the point related to the suggest improvements in travel time and the improvements in safety.]

9.181.4.1 The statistics and information used within the assessment process have been collected in accordance with accepted best practice as set out within the DMRB and WebTAG. Any surveys commissioned by Roads Service (e.g. ground investigations, traffic surveys, topographical surveys or ecological surveys) for the project were undertaken by suitably qualified organisations following best practice and published guidelines. Other data (e.g. accident statistics and archaeological records) was sourced through consultation with other organisations and government bodies and is therefore considered to be reliable and accurate.

WebTAG and DMRB provide guidance on undertaking traffic forecasting and economic assessments for transport schemes. This guidance has been followed in the development of the A8 traffic model.

SATURN (Simulation and Assignment of Traffic to Urban Road Networks) software was used to develop the A8 Traffic Model. One of the main characteristics of SATURN is that it is applicable to both urban and rural areas allowing the modelling of peak hour congestion in reasonable detail. The journey time savings have therefore been calculated in accordance with best practice and using standard software.

The safety impacts of the proposed scheme have been assessed quantitatively and monetised using COBA (COst Benefit Analysis) software. COBA is a standard software package approved by the Department for Transport (DfT) for use in modelling the benefits of transport schemes. This assessment has shown the proposed scheme will deliver accident benefits.

9.181.5 The proposed road will have a much larger aesthetic and environmental impact on the countryside than that identified by the schemes environmental statement.

9.181.5.1 Part V of The Roads (Northern Ireland) Order 1993 sets out the statutory requirements for the assessment of the environmental impacts of road schemes. This requires the Department to determine using the Annexes to 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 97/11/EC and Directive No. 2003/35/EC of the European Parliament and Council, whether or not a relevant project should be subject to an Environmental Impact Assessment.

For the A8 dualling scheme, the Department determined that the project met the requirements of Annex I of the Directive and that an Environmental Statement should be prepared. The Environmental Impact Assessment was carried out, and an Environmental Statement prepared in accordance with Article 67 of the Roads (Northern Ireland) Order 1993 and the published guidance outlined in DMRB. DMRB provides guidance which reflects both legislative and best practice requirements, and outlines a clear process which is designed to ensure an objective assessment. The Department is satisfied that the relevant legislation has been complied with and that the impact of the scheme has been correctly assessed based on that published guidance.

Inspectors' Comments (Raymond McCann)

See also Mr Raymond McCann (OBJ_69), together with Sections 10 and 11 – The Proposed Preferred Route.

9.182 Mr Bryan Orr

Reference Number	OBJ_182
Date of Objector's Correspondence	3rd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.182.1 The criteria used to select the preferred route were flawed and as such the conclusion reached in respect of the preferred route is incorrect.

9.182.1.1 The Government's White paper "A New Deal for Transport: Better for Everyone" published in 1998 introduced the New Approach to Transport Appraisal (NATA) as the standard appraisal process for all transport schemes in the U.K. The process and criteria outlined in NATA are based around the Government's five over-arching objectives for transport of environment, safety, economy, accessibility and integration. Additional detailed guidance on the appraisal of transport projects is provided within the Web-based Transport Analysis Guidance (WebTAG) which is published by the Department for Transport (DfT). Additional supporting analyses of practicality, affordability and acceptability have also been used in the appraisal process for the A8 Dualling. WebTAG outlines that for highway schemes, the Design Manual for Roads and Bridges (DMRB) shall be used to provide the necessary information for a NATA appraisal. DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of roads within the U.K. The DMRB defines a three stage scheme assessment process, providing a clear structure for the development and staged reporting of road schemes. NATA provides a multi-criteria appraisal methodology which enables options to be appraised within the scheme assessment process, and to be summarised and reported in an Appraisal Summary Table (AST).

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the DMRB and WebTAG. Each stage of the assessment process has used this methodology and an AST has been produced. The selection of the preferred route has strictly adhered to this process. The preferred route was the most favourable in terms of the balance across the Government's five key objectives for transport, and thus the Department is satisfied that the correct route has been selected.

9.182.2 The proposed road will have a dramatic impact on the economy of Ballynure and the surrounding agricultural landscape that vastly outweighs any perceived benefits

9.182.2.1 The economic assessment for the scheme has been undertaken in accordance with the published best practice and guidance provided in the DMRB and WebTAG. This assessment considered the financial benefits, through journey time savings and accident savings, against the costs of providing the new dual carriageway, which included land and compensation costs. The eligibility of individuals to compensation is outlined in legislation. This assessment has shown a positive economic return set against the capital investment in the scheme. However, as with any large infrastructure project of this type, there is the potential for impact to individual businesses or at a community level.

The scheme assessment process considered both online and off-line options for the dual carriageway at Ballynure. An online option would require an all-movement junction with Lismenary Road and Riverside. However, the provision of additional junctions or gaps in the central reserve represent safety concerns and therefore the remaining accesses would be either closed or restricted to left-in left-out. This would impose diversions on those wishing to use the local businesses, especially those along the existing A8. The off-line option provides the opportunity to retain the existing all-movement accesses within Ballynure for local residents and businesses. The proposed junction strategy includes vehicular access from the improved A8 at either end of the village: from the A57 (Templepatrick Road) junction and the Ballybracken Road junction. In addition, public transport links will be maintained within the village for those wishing to use local services, local residents and landowners. During detailed design, the Department will seek to provide relevant signage along the A8 for local services and facilities.

In addition, the community and private assets element of the Environmental Statement considers the existing land use pattern, provides an assessment of the areas of land lost to the scheme and assesses the impact on land use and the community. The key community facilities considered, based on the DMRB guidance, include: doctors, hospitals, age person homes, schools, shops, post office, churches and recreational areas. This assessment highlights the potential for impact upon the businesses varies from improved links to the A8 for business along Church Road to adverse impacts associated with the reduction in passing trade for business along the existing A8. It is acknowledged that traffic through Ballynure will be significantly reduced; however, the Department considers this will have benefits to the local community that are associated with improved access to facilities within the settlement which may lead to increase usage.

From the early stages of development the Department has sought to reduce as far as possible the land required for the scheme and the impact on agricultural land. To this end, the strategy taken forward is a predominately online scheme which makes the best use of the existing road infrastructure. 60% of the scheme is online and the only locations where the proposed scheme leaves the existing road corridor is at the two settlements of Bruslee and Ballynure, where bypasses were shown to perform better in terms of the Government's five key objectives for transport. This strategy has resulted in existing road forming approximately 22% of the total land requirements for the scheme. However, as with any large infrastructure project of this type there will always be an impact on land outside of the highway boundary. To minimise the impacts associated with rural land acquisition for this scheme, the Department have endeavoured, where practicable, to preserve farm assets and provide accommodation works to mitigate impacts. The impact upon individual farms has been assessed as varying from negligible to significant adverse impact, however the overall impact upon agricultural in Northern Ireland has been assessed as negligible.

The landscape and visual assessment, completed as part of the environmental impact assessment, considered impacts upon the local agricultural landscape. It assessed both the impact on the rural landscape, in particular the impact on the different Northern Ireland Landscape Policy Areas (LPAs), and the visual impact on sensitive receptors, such as residential properties. The proposed scheme includes a number of environmental design features to help integrate the proposed road into the existing environment. These include profiling the top and bottom of embankments and cuttings, providing replacement hedgerows and walls, treatment of exposed rock in cuttings (to more naturally integrate the scheme into the landscape), new landscape planting to integrate with existing vegetation, replacement of lost vegetation and the provision of sections of planting to create visual screening of the road.

The landscape and visual assessment acknowledges that there will be an impact on the LPAs around Ballynure. The A8 Dualling passes through the Tardee and Six Mile Water Slopes and Three and Six Mile Water Valley LPAs to the west of Ballynure. The assessment recognises that although the route would remain as a permanent feature in the landscape, by the design year (2031) the landscape planting would have matured and would assist in integrating the road into its surrounding landscape. The design year is defined by DMRB as 15 years after the opening of the scheme.

9.182.3 The agricultural impact assessments carried out in respect of the farms impacted have been incorrectly calculated and as such the impact is underestimated.

9.182.3.1 McIlmoyle and Associates are professional qualified Agricultural Consultants employed by Roads Service on the A8 dualling scheme to provide expert advice in terms of agricultural issues. McIlmoyle and Associates are very experienced and Dr McIlmoyle is a Fellow of the British Institute of Agricultural Consultants. They have completed Agricultural Impact Assessments for numerous other road schemes, and provided consultancy services on a wide range of agricultural issues across Europe.

The agricultural impact assessment for this scheme has been completed in two parts. Firstly McIlmoyle and Associates produced baseline reports for

all the agricultural businesses along this section of the A8. In doing this, they sought to hold discussions with the respective landowners and obtained copies of the relevant Department for Agricultural and Rural Development (DARD) farm maps. The landowners were then sent their baseline report and invited to comment on its accuracy. McIlmoyle and Associates updated these reports where comments were received. An agricultural impact assessment was then undertaken to determine the impact of the proposed scheme relative to the baseline information previously gathered. McIlmoyle and Associates used their professional judgement to assess the impact using a set of defined impact ratings (as outlined in the individual reports). The findings were written into individual agricultural impact assessment reports which were then issued to the respective landowners.

The Department maintains that the process adopted for the assessment of agricultural impact is robust and is satisfied the impacts have been correctly assessed.

9.182.4 The statistics used by the department's consultants to calculate the impact of the proposed road are wrong.

[Clarification sought from Mark Patterson in relation to which statistics. It was subsequently confirmed that the point related to the suggest improvements in travel time and the improvements in safety.]

9.182.4.1 The statistics and information used within the assessment process have been collected in accordance with accepted best practice as set out within the DMRB and WebTAG. Any surveys commissioned by Roads Service (e.g. ground investigations, traffic surveys, topographical surveys or ecological surveys) for the project were undertaken by suitably qualified organisations following best practice and published guidelines. Other data (e.g. accident statistics and archaeological records) was sourced through consultation with other organisations and government bodies and is therefore considered to be reliable and accurate.

WebTAG and DMRB provide guidance on undertaking traffic forecasting and economic assessments for transport schemes. This guidance has been followed in the development of the A8 traffic model.

SATURN (Simulation and Assignment of Traffic to Urban Road Networks) software was used to develop the A8 Traffic Model. One of the main characteristics of SATURN is that it is applicable to both urban and rural areas allowing the modelling of peak hour congestion in reasonable detail. The journey time savings have therefore been calculated in accordance with best practice and using standard software.

The safety impacts of the proposed scheme have been assessed quantitatively and monetised using COBA (COst Benefit Analysis) software. COBA is a standard software package approved by the Department for Transport (DfT) for use in modelling the benefits of transport schemes. This assessment has shown the proposed scheme will deliver accident benefits.

9.182.5 The proposed road will have a much larger aesthetic and environmental impact on the countryside than that identified by the schemes environmental statement.

9.182.5.1 Part V of The Roads (Northern Ireland) Order 1993 sets out the statutory requirements for the assessment of the environmental impacts of road schemes. This requires the Department to determine using the Annexes to 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 97/11/EC and Directive No. 2003/35/EC of the European Parliament and Council, whether or not a relevant project should be subject to an Environmental Impact Assessment.

For the A8 dualling scheme, the Department determined that the project met the requirements of Annex I of the Directive and that an Environmental Statement should be prepared. The Environmental Impact Assessment was carried out, and an Environmental Statement prepared in accordance with Article 67 of the Roads (Northern Ireland) Order 1993 and the published guidance outlined in DMRB. DMRB provides guidance which reflects both legislative and best practice requirements, and outlines a clear process which is designed to ensure an objective assessment. The Department is satisfied that the relevant legislation has been complied with and that the impact of the scheme has been correctly assessed based on that published guidance.

Inspectors' Comments (Bryan Orr)

The concerns of the Objector and the RS responses set out above have been noted.

See Sections 10 and 11 – The proposed Preferred Route.

See Graham Johnston (OBJ_179) above.

9.184 George Kennedy

Reference Number

OBJ_184

Date of Objector's Correspondence

3rd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.184.1 I wish to object to the above mentioned scheme on the following grounds.

At Plot 10.45, the new Ballyrickard Road severs my land, resulting in the severe depreciation of its value.

9.184.1.1 The land identified within the vesting order is necessary for the realignment of Ballyrickard Road, although the Department acknowledge the scheme will split the land in two. However, this road will be a 2-way single carriageway and direct access to your land on either side of the new road will be provided.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services

(LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

9.184.2 The existing Ballyrickard Road will become a cul de sac and be subject to people using it to park vehicles, dump etc. Should this occur it will severely depreciate the value of my property.

9.184.2.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. As a result of this junction strategy, the A36 Shanes Hill Road and the Ballyrickard Road were brought together to form a single roundabout junction with the proposed A8. This is a safer and more efficient junction solution than retaining the two separate junctions as is presently the case.

The scheme proposes to stop up the old Ballyrickard Road at its current junction with the A8. The stopped-up road will provide access to the properties along this section of road. The road will remain as public road with maintenance responsibilities remaining with the Department.

This form of road access is not uncommon for residential properties and given the number of properties which will use this road for access. On balance, the proposed arrangement is considered appropriate. However, if the property owners jointly wish to restrict access to this section of road, the Department would give consideration to any joint request for the transfer of ownership of the appropriate part of the road.

Inspectors' Comments (George Kennedy)

The concerns of the Objector and the RS responses set out above have been noted.

9.185 **Jennifer Louise Kennedy**

Reference Number OBJ_185
Date of Objector's Correspondence 3rd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.185.1 **Plot 10.38 is an area taken for temporary use. I own a relatively small holding, and therefore any unnecessary land take must be reduced to a minimum to mitigate the overall impact of the scheme on my farming business.**

It is essential that I am fully informed with regards to its intended use, as no guarantee has been made by Arup with regards to the condition it will be offered back to me in. This will play a large part in my decision making as to whether or not I will agree to lease the land or continue to have it vested.

9.185.1.1 The Department's intention would be to agree a licence agreement for access to the temporary land where it is legally possible. The terms of this agreement will cover the condition of the lands at the end of the licence period. Where it is possible to make such agreement with an individual landowner the land will be removed from the Vesting Order.

9.185.2 **Plot 10.38 the proposed access to remaining lands is also unsuitable as it is proposed on a very bad bend and on a very steep laneway, therefore a landing area would need to be constructed to ensure safety. If adjacent land is already vested it would be most sensible to improve the proposed access.**

9.185.2.1 The proposed access has been designed in accordance with the Design Manual for Roads and Bridges (DMRB). DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. The approach to the realigned Ballyrickard Road incorporates a landing area to allow vehicles to stop on a relatively flat area before pulling out on the public road. Additional land has also been included with the draft vesting order to ensure visibility is provided from the access in accordance with DMRB.

9.185.3 **Plot 9.53 is taken to facilitate a retention pond. This is extremely good land, and essential to my farming business. Over 16 retention ponds are proposed along the route of the new road which appears to be excessive, is it not possible to remove this pond? If not, it would be more efficient from an agricultural point of view to move this pond to adjacent land, as this is of extremely poor quality and would therefore be a more productive use for said land.**

9.185.3.1 The design of the proposed carriageway and land drainage has been developed in consultation with Northern Ireland Environment Agency's Water Management Unit and Rivers Agency. The operation of the scheme will require the discharge of carriageway run-off into existing watercourses. The scheme design includes petrol interceptors and attenuation ponds to minimise the risk of pollution and flooding associated with the highway drainage. The vertical alignment of the proposed dual carriageway and

locations of existing watercourses determines the number of outfalls required for the carriageway drainage. The Department are willing to discuss any details on specific location or layout within an individual's land to minimise the impact where possible.

9.185.4 Within Plot 10.23 there are two mature trees which are to be removed. These trees must be preserved as there are very few of similar stature remaining on the periphery of the town.

9.185.4.1 The Department will look to retain any established vegetation or trees where possible. The design of the scheme also includes replacement hedgerows along the scheme, although it is acknowledge they will take some years to establish.

9.185.5 At Plot 10.38, the new Ballyrickard Road severs my land, resulting in the severe depreciation of its value.

9.185.5.1 Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel
Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

9.185.6 My road side access to my yard from the current A8 is subject to as stopping up order. Insufficient thought has been given as to how large and wide vehicles of 50 feet plus in length will be able to access my yard from the existing Ballyrickard Road. This access will now become a cul de sac and be subject to people using it to park vehicles, dump etc. Should this occur it will severely depreciate the value of our property.

9.185.6.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of route and need for local access. As a result of this junction strategy, the A36 Shanes Hill Road and the

Ballyrickard Road were brought together to form a single roundabout junction with the proposed A8. This is a safer and more efficient junction solution than retaining the two separate junctions as is presently the case.

The scheme proposes to stop up the old Ballyrickard Road at its current junction with the A8. The stopped-up road will provide access to the properties along this section of road. The road will remain as a public road with maintenance responsibilities remaining with the Department.

This form of road access is not uncommon for residential properties given the number of properties which will use this road for access. On balance, the proposed arrangement is considered appropriate. However, if the property owners jointly wish to restrict access to this section of road, the Department would give consideration to any joint request for the transfer of ownership of the appropriate part of the road.

Inspectors' Comments (Jennifer Louise Kennedy)

The concerns of the Objector and the RS responses set out above have been noted.

Inspectors' Recommendations (Jennifer Louise Kennedy)

- RS to enter into discussions with the land owner concerning possible licence agreements for ground required on a temporary basis. Where it is possible to make such agreement the land to be removed from the Vesting Order.
- Land required for temporary use to be transferred back to the land owner in a similar condition as it was before the scheme commenced and this to be the subject of more detailed discussions with the individual concerned.
- Subject to the design constraints of the scheme, RS to investigate the retention of the mature trees within Plot 10.23.

9.186 Mr Stephen Curran

Reference Number	OBJ_186
Date of Objector's Correspondence	3rd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.186.1 I have taken a keen interest in the process which has resulted in the current proposed route of the dual carriageway referred to above. I have attended many meetings both with neighbours and with department officials and representatives of Arup, etc. At none of those meetings did I ever feel that the views of those to be most deeply affected (and some severely impacted upon) were ever fully understood. It seemed to be purely about "the process". I along with others felt at the time (and I still do) that for your department, the overruling matter was to ensure that all the boxes were ticked, procedures followed to the letter, so that there would be no comeback or grounds to mount any legal challenge.

9.186.1.1 The Governments White paper "A New Deal for Transport: Better for Everyone" published in 1998 introduced the New Approach to Transport

Appraisal (NATA) as the standard appraisal process for all transport schemes in the U.K. The process and criteria outlined in NATA are based around the Government's five over-arching objectives for transport of environment, safety, economy, accessibility and integration. Additional detailed guidance on the appraisal of transport projects is provided within the Web-based Transport Analysis Guidance (WebTAG) which is published by the Department for Transport (DfT). Additional supporting analyses of practicality, affordability and acceptability have also been used in the appraisal process for the A8 Dualling. WebTAG outlines that for highway schemes, the Design Manual for Roads and Bridges (DMRB) shall be used to provide the necessary information for a NATA appraisal. DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. The DMRB defines a three stage scheme assessment process, providing a clear structure for the development and staged reporting of road schemes. NATA provides a multi-criteria appraisal methodology which enables options to be appraised within the scheme assessment process, and to be summarised and reported in an Appraisal Summary Table (AST).

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the DMRB and WebTAG. Each stage of the assessment process has used this methodology and an AST has been produced. The selection of the preferred route has strictly adhered to this process. The preferred route was the most favourable in terms of the balance across the Government's five key objectives for transport, and thus the Department is satisfied that the correct route has been selected.

Public consultation and engaging with the public and key stakeholders has played a significant part in the development of the proposed scheme. The Department has been, and remains, committed to engaging with local residents and landowners to the extent that they undertook extensive one-to-one meetings during the scheme assessment process and have held four public exhibitions to date. The Department have considered all comments, concerns and preferences; however, it has not been possible to take on board everyone's preferences, especially in instances where there are conflicting views or requirements that are contrary to the scheme objectives.

9.186.2 The Environmental Statement Booklet contains sections “Your views are important to us” and “What happens next”. However, I note that a public inquiry is not obligatory but will depend on the type and number of adverse comments received a statement which fills me with concern and a good measure of scepticism. What is the definition of “adverse” in this context? This is surely a subjective view, the outcome of which will depend on where one is starting from, or if the decision maker has any vested interests. The decision process on whether or not a public inquiry is held therefore concerns me.

9.186.2.1 The Department has considered all comments received in relation to the scheme. As a result of the comments received during the statutory consultation process, the Department for Regional Development announced on 12 April 2011 that there would be a Public Inquiry to enable an independent Inspector to hear all comments and responses in relation to the scheme proposals.

9.186.3 Many years ago another firm or consultants considered the scheme and came up with an Eastern Route as the best way. Today it is the Western Route. Perhaps if we commissioned another firm of consultants they would come up with a route along the path of the existing road?

9.186.3.1 In the early 2000's a study was commissioned to examine capacity enhancement along the A8. At that time, the available budgets for this route improvement were limited and the improvement measures that were identified and delivered at that time were based on the budgets available. This resulted in a proposal which minimised cost by maximising the use of the existing infrastructure, but importantly also enabled a phased delivery of the proposals to facilitate works as funding became available. This study consequently recommended a bypass to the east of Ballynure. The improvement measures currently being proposed were not previously possible due to the limitations on funding at that time and the necessity to provide the upgrade of the A8 utilising a phased approach.

The present study re-examined a large range options for the dualling of the A8. The Stage 1 assessments considered corridor options including a bypass to either side of the village, and options were also examined to consider improving the road through the middle of Ballynure. This latter option was rejected at Stage 1. The Stage 2 assessment considered the eastern and western bypass options in greater detail. All options, at both stages, were assessed against the Government's five key objectives for transport and, on balance, the best overall performing option was taken forward at each stage.

9.186.4 Your booklet makes many general sweeping references to justify its present decision. How were your traffic flow numbers calculated?

9.186.4.1 Traffic surveys were undertaken on the existing A8 and its side roads in March and April 2008. These surveys were used to develop a base year traffic model for the area using SATURN (Simulation and Assignment of Traffic to Urban Road Networks) modelling software. These base year model flows were then compared against the traffic count data to validate the traffic model.

Growth factors were then applied to the 2008 base year traffic model to produce a range of forecast traffic models which considered a range of low, medium and high growth scenarios for the road. The forecast growth in traffic for this scheme has been based on planning data produced by the Northern Ireland Statistics and Research Agency which predicts increases in population and the number of households.

The processes followed in the creation of the 2008 base year traffic model and the forecast models for the scheme were undertaken in accordance with guidance within the DMRB and WebTAG.

9.186.5 Regarding the fatal accidents, you refer to a high proportion. Accidents happen for a variety of reasons and are not always attributable to the road type. I would therefore like to request under Freedom of Information a breakdown of the 51 accidents between 2005 and 2009 so that I can determine those caused by "the road" these figures you published on your display boards at Corr's Corner. If you are unable to supply the information can you forward my request to the appropriate authority please.

9.186.5.1 This requested information has been provided by the Department though separate correspondence.

9.186.6 **Increasing volumes of traffic to Larne Port. This was one of the reasons given for needing to upgrade the road. I recall an official telling a meeting that they had spoken to Larne authorities and that they planned to expand the port. No surprise there, but if you look at Port of Larne volumes published on their website you will see that commercial volumes have decreased between 2005-2010, by approximately 15% (418,954 in 2005 to 357,513 in 2010). With changes at Stranraer/Loch Ryan and increased use of Belfast harbour, Larne Port will not experience the “growth” which your surveys have suggested. I suggest some of your assumptions are based on out of date information.**

9.186.6.1 The Regional Development Strategy for Northern Ireland 2025, Shaping our Future (RDS) places great importance on the regional gateways, which includes the Port of Larne, as suitable locations for major economic development. The strategy states “Gateways are important interchange points and the quality of connection from the ports and airports to the internal transport network is crucial for economic competitiveness and the convenience of the travelling public”. The RDS outlines an aim to continue to develop the Port of Larne which is the second largest Northern Ireland port. The recently published Draft Revised RDS also outlines that the region has a number of important gateways, including the Port of Larne, through which both people and goods will continue to travel.

The Port of Larne is therefore considered a key element of the Regional Development Strategy and has an important role to play in supporting economic development. The Port of Larne provides the shortest distance between Ireland and Great Britain. In 2009 and 2010 it was the largest port in Northern Ireland in terms of roll-on roll-off traffic, and was the 4th largest in the UK based on the number of freight vehicles. Competition between the two largest ports in Northern Ireland plays a vital role in ensuring that the public, road hauliers and ferry operators have a choice, thus ensuring a competitive and efficient economy.

Whilst it is acknowledged that there has been a short-term reduction in freight movement over the last few years, the port continues to play a significant role. The long- term predictions are that the usage of Northern Ireland ports, including the Port of Larne, will grow as the economy of the province grows. On this basis, and as acknowledged by the recent review of the RDS, the Port of Larne will continue to play an important role in Northern Ireland.

9.186.7 **Landscape – by the design year (2031) the adverse effects are “judged to reduce” as planting would mature. This time scale cannot be acceptable. It may well be that many people adversely affected by this road will be dead and will have probably had to endure years of ugly concrete steel and tarmac. Landscaping therefore is flawed. The road will cause a permanent eye sore on the beauty of the Six Mile Valley.**

9.186.7.1 The landscape assessment has been undertaken and reported in the Environmental Statement (ES) in full accordance with the guidance within the DMRB. This requires the assessment to consider the landscape and visual impact on completion of the scheme and also 15 years later, in this case the design year (2031).

The ES recognises that planting mitigation will take time to mature and DMRB HA 56/92: *The Good Roads Guide, New Roads Planting, Vegetation and Soils* acknowledges there is often pressure for instant landscapes using, for example, large trees. However, guidance recognises that such landscapes are difficult to establish, expensive and the translocation of large-scale vegetation is often unsuccessful.

The landscape mitigation proposed and the methodologies used for the visual impact assessment of this scheme have followed the requirements of the DMRB.

9.186.8 Community – You indicate a “slight adverse” effect on the local commerce. I suggest that it is more than slightly adverse and should be classed as large adverse. An extremely high proportion of the business is from passing trade. One businessman I spoke to believes he will have to close his business if the road goes ahead as proposed, resulting in several people being made redundant. So from an apparent keenness not to split the village, the people will be denied access to convenience retail amenities. I believe you have failed to consider the effects on the community of this scheme.

9.186.8.1 The economic assessment for the scheme has been undertaken in accordance with the published best practice and guidance provided in the DMRB and WebTAG. This assessment considered the financial benefits, through journey time savings and accident savings, against the costs of providing the new dual carriageway, which included land and compensation costs. The eligibility of individuals to compensation is outlined in legislation. This assessment has shown a positive economic return set against the capital investment in the scheme. However, as with any large infrastructure project of this type, there is the potential for impact to individual businesses or at a community level.

The scheme assessment process considered both online and off-line options for the dual carriageway at Ballynure. An online option would require an all-movement junction with Lismenary Road and Riverside. However, the provision of additional junctions or gaps in the central reserve represent safety concerns and therefore the remaining accesses would be either closed or restricted to left-in left-out. This would impose diversions on those wishing to use the local businesses, especially those along the existing A8. The off-line option provides the opportunity to retain the existing all-movement accesses within Ballynure for local residents and businesses. The proposed junction strategy includes vehicular access from the improved A8 at either end of the village: from the A57 (Templepatrick Road) junction and the Ballybracken Road junction. In addition, public transport links will be maintained within the village for those wishing to use local services, local residents and landowners. During detailed design, the Department will seek to provide relevant signage along the A8 for local services and facilities.

In addition, the community and private assets element of the Environmental Statement considers the existing land use pattern, provides an assessment of the areas of land lost to the scheme and assesses the impact on land use and the community. The key community facilities considered, based on the DMRB guidance, include: doctors, hospitals, retirement homes, schools, shops, post offices, churches and recreational areas. This assessment highlights the potential for impact upon the

businesses varying from improved links to the A8 for business along Church Road to adverse impacts associated with the reduction in passing trade for business along the existing A8. It is acknowledged that traffic through Ballynure will be significantly reduced; however, the Department considers this will have benefits to the local community that are associated with improved access to facilities within the settlement which may lead to increase usage.

- 9.186.9 **Development – When I view your plans in the booklet I can see Ballynure encircle on one side by the proposed road. I suggest that in effect you have moved the green belt boundary by doing this. There is now in fact a new boundary where developers can purchase farmland and wait for re-zoning.**
- 9.186.9.1 The Belfast Metropolitan Area Plan and Planning Service define the extent of development for settlements. They are also responsible for granting planning permissions for developments. Currently, the land between the proposed road and the village is not zoned for development. The Department are unable to comment on future development plans that may be produced.
- 9.186.10 **I am concerned that everything must be in order and be clearly seen to have been in order so I believe that a public inquiry is absolutely essential.**
- 9.186.10.1 As outlined above, there will be a Public Inquiry for this scheme.

Inspectors' Comments (Stephen Curran)

The concerns of the Objector and the RS responses set out above have been noted. See also Sections 10 and 11 – The Proposed Preferred Route.

9.187 Mr Ian Hill

Reference Number	OBJ_187
Date of Objector's Correspondence	3rd March 2011

The Department has considered the correspondence referred to above and responds as follows:

- 9.187.1 **Need and Demand – Whilst I appreciate you will have spent vast amounts on research and analysis, I would question the need for such a mammoth programme of works. What is the advantage? The disruption to the local people is so severe that I do not believe it is appreciated in your plans. How can the saving of minutes on a through commuter's journey time trump the disruption, upheaval and obliteration of a rural way of life? In light of current budget proposals from the Executive and DRD, it is my view that the amount allocated to this project is inappropriate. We feel the DRD budget should be redistributed to factor routine maintenance. If you drive through any road in the area you see the severe need for routine maintenance. The budget priority seems inappropriate.**
- 9.187.1.1 The Regional Development Strategy: Shaping Our Future (RDS) places an emphasis on the development of a modern integrated transport system. Its

stated longer-term vision for transportation is “to have a modern, sustainable, safe transportation system which benefits society, the economy, and the environment and which actively contributes to social inclusion and everybody’s quality of life”. The RDS also defines five key transport corridors, including the Eastern Seaboard Key Transport Corridor, which includes this section of the A8. The RDS is currently undergoing a ten year review; the revised strategy document supports similar principles and identifies the Eastern Seaboard as one of the four economic corridors.

At its meeting on 17th July 2007, the North South Ministerial Council noted the Irish Government’s intention to make available a contribution of £400m to help fund the major roads programme within Northern Ireland. This included the A5 Western Transport Corridor and the A8 between Belfast and Larne. The Northern Ireland Executive confirmed its acceptance, in principle, to take forward these two major road projects. The dualling of the A8 is identified within the Investment Strategy for Northern Ireland (2008-2018) as a key milestone. The Investment Strategy also recognises that delivering better infrastructure is vital in helping to achieve the priorities for the economy, society and environment. The Budget 2011-15 outlines the Executive’s agreed spending priorities. This has identified the A8 dualling as one of several road projects to be taken forward and has allocated the required funds.

The consultation period for the Draft Budget 2011-2015 was held between the 15th December 2010 and the 16th February 2011. Following that consultation period the Executive considered the responses and the revised Budget 2011-15 was announced and passed by the Assembly in March 2011. This Budget sets out the Northern Ireland Executive’s spending plans for the four year period from April 2011 to March 2015.

It is accepted by the Department that with any such major infrastructure project it is inevitable that there will be some resultant disruption. The Department has endeavoured where possible to reduce this impact and disruption by engaging with local landowners throughout the development process. To this end, the Department have undertaken a series of publication consultation events, three rounds of one-to-one meetings with landowners and have also undertaken Agricultural Impact Assessments of the farming enterprises along the scheme.

The proposed scheme has been subject to an economic assessment which has considered the financial benefits through journey time savings and accident savings, against the costs of providing the new dual carriageway, including land and compensation costs. This assessment has shown a positive economic return set against the capital investment in the scheme.

9.187.2 Status of the Port of Larne – Much of the justification is based on predications of congestion and unreliable journey times, traffic platooning at times coinciding with ferry arrivals and departures in Larne. Recently we have heard the announcements of the major ferry service being moved to Belfast. Since then, the volume of traffic on the A8 has decreased significantly and we would question the need for the road scheme in light of this.

9.187.2.1 The Regional Development Strategy for Northern Ireland 2025, Shaping our Future (RDS) places great importance on the regional gateways, which

includes the Port of Larne, as suitable locations for major economic development. The strategy states “Gateways are important interchange points and the quality of connection from the ports and airports to the internal transport network is crucial for economic competitiveness and the convenience of the travelling public”. The RDS outlines an aim to continue to develop the Port of Larne which is the second largest Northern Ireland port. The recently published Draft Revised RDS also outlines that the region has a number of important gateways, including the Port of Larne, through which both people and goods will continue to travel.

The Port of Larne is therefore considered a key element of the Regional Development Strategy and has an important role to play in supporting economic development. The Port of Larne provides the shortest distance between Ireland and Great Britain. In 2009 and 2010 it was the largest port in Northern Ireland in terms of roll-on roll-off traffic, and was the 4th largest in the UK based on the number of freight vehicles. Competition between the two largest ports in Northern Ireland plays a vital role in ensuring that the public, road hauliers and ferry operators have a choice, thus ensuring a competitive and efficient economy.

Whilst it is acknowledged that there has been a short-term reduction in freight movement over the last few years, the port continues to play a significant role. The long-term predictions are that the usage of Northern Ireland ports, including the Port of Larne, will grow as the economy of the province grows. On this basis, and as acknowledged by the recent review of the RDS, the Port of Larne will continue to play an important role in Northern Ireland.

9.187.3 Rural Character – I feel the proposals will completely destroy the rural character of the area. I have particular concern for the area surrounding the current Ballynure village and Church Road/Lismenary Road junction.

9.187.3.1 The landscape and visual assessment, completed as part of the environmental impact assessment, considered impacts upon the local agricultural landscape. It assessed both the impact on the rural landscape, in particular the impact on the different Northern Ireland Landscape Policy Areas (LPAs), and the visual impact on sensitive receptors, such as residential properties. The proposed scheme includes a number of environmental design features to help integrate the proposed road into the existing environment. These include profiling the top and bottom of embankments and cuttings, providing replacement hedgerows and walls, treatment of exposed rock in cuttings (to more naturally integrate the scheme into the landscape), new landscape planting to integrate with existing vegetation, replacement of lost vegetation and the provision of sections of planting to create visual screening of the road.

The landscape and visual assessment acknowledges that there will be an impact on the LPAs around Ballynure. The A8 Dualling passes through the Tardee and Six Mile Water Slopes and Three and Six Mile Water Valley LPAs to the west of Ballynure. The assessment recognises that although the route would remain as a permanent feature in the landscape, by the design year (2031) the landscape planting would have matured and would assist in integrating the road into its surrounding landscape. The design year is defined by DMRB as 15 years after the opening of the scheme.

9.187.4 Church Road Access – It is particularly disappointing to see that Church Road will be closed with the addition of a new link road. Surely an

underpass is needed here – you cannot create a Church Road Upper and a Church Road Lower! Effectively our family home, at Bridgend, will be left deserted. The Hill family have lived in the area for some three hundred years and have associations with the Church and graveyard.

9.187.4.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

A bridge was preliminarily indicated for Church Road in August 2009 at the Preferred Route Announcement. As a result of further scheme development, the current scheme proposes to stop-up Church Road providing a connection from Church Road to the west of the proposed A8 to the Templepatrick Road. Some of the influencing factors for this decision include: the low volume of traffic using Church Road, the proportion of this traffic destined for Ballynure, the limited diversion that would result from a closure of the road and the significant capital cost of providing a bridge.

The Department acknowledges that the closure of Church Road would result in a 1km diversion for travellers undertaking a journey along the proposed link road from the west of the proposed scheme to the centre of Ballynure. However, journeys between Ballynure and Ballyclare, and between Ballyclare and Larne (via the Templepatrick Road) are unaffected by the scheme proposals. In addition, those vehicles on the west of the proposed scheme that current use Church Road to access the A8 will have easier and more direct access via the A57 Templepatrick Road junction. The level of traffic along Church Road will significantly reduce, resulting in an improved environment for residents in that area. On balance, taking all the factors into account, the Department consider its decision to stop-up Church Road is acceptable.

9.187.5 **Rural Character – The works are so extensive that I am horrified at the environmental impact in the area. Should we not focus on improving public transport, support rural communities and encourage wildlife? It seems the imposition of a ‘super road’ to aid commuters is unnecessary. I would be concerned of the environmental impact of the works, the area is rich with wildlife. We would be concerned of the damage the scheme and engineering works will cause. The Six Mile River has experienced significant works to improve the fish stocks and this works scheme may impact on this. I would seek a full environmental impact assessment to be carried out before any works is completed.**

9.187.5.1 The RDS, in addition to the aspects outlined earlier which relate to the A8 dualling scheme, places an emphasis on public transport and the Budget

2010 (2011-15) makes an allocation to progress a number of sustainable transport measures, including the pilot Rapid Transit network for Belfast, bus prioritisation measures, park and ride facilities, active travel measures and infrastructure for electric vehicles. The RDS also outlines a number of measures to support local rural communities and create an accessible countryside.

The environmental assessment included various habitat and protected species surveys to develop a complete understanding of the wildlife along the scheme. The assessment then considered the impact of the scheme, and acknowledged there will be some impact. However, the proposed scheme includes a range of measures to accommodate and minimise the impact on the wildlife, which includes badger and otter underpasses and fences, planting to guide bats alongside and safely across the scheme and measures within watercourses to accommodate fish passage and protect fish stocks.

An Environmental Impact Assessment has been completed for the scheme in full accordance with current legislation and this has been reported in the A8 Belfast to Larne Dual Carriageway Environmental Statement. Copies of the Environmental Statement and the Non-Technical Summary are available from the Roads Service website – www.roadsni.gov.uk/A8BelfastLarne, or on CD from Roads Service, Room 508, County Hall, Castlerock Road, Coleraine, BT51 3GS.

9.187.6 Historical Character – I would be concerned that the works may interfere with items of historical and scientific interest. There may be undiscovered historical and archaeological artefacts and resources. I would seek that these issues are extensively exhausted before any works begin.

9.187.6.1 As part of the Environmental Impact Assessment for the scheme, an assessment of the impact on cultural heritage was undertaken. This is detailed within the Environmental Statement. Discussions are ongoing with Northern Ireland Environment Agency (NIEA) Built Heritage with regards to the development of a mitigation strategy for unknown (buried) archaeological sites and the strategy will be finalised and agreed with NIEA prior to the works commencing.

9.187.7 Food Miles – The scheme will involve the eradication of vast amounts of prime arable land. In an age where the emphasis is on reduction of our environmental footprint, this scheme seems the antithesis of sound environmental planning. I feel that we should preserve the valuable assets we have, and the area under the scheme is of prime agricultural land.

9.187.7.1 From the early stages of development the Department has sought to reduce as far as possible the land required for the scheme and the impact on agricultural land. To this end, the strategy taken forward is a predominately online scheme which makes the best use of the existing road infrastructure. 60% of the scheme is online and the only locations where the proposed scheme leaves the existing road corridor is at the two settlements of Bruslee and Ballynure, where bypasses were shown to perform better in terms of the Government's five key objectives for transport. This strategy has resulted in existing road forming approximately 22% of the total land requirements for the scheme. However, as with any large infrastructure project of this type there will always be an impact on land outside of the highway boundary. To minimise the impacts associated with rural land acquisition for this scheme, the Department have

endeavoured, where practicable, to preserve farm assets and provide accommodation works to mitigate impacts. The impact upon individual farms has been assessed as varying from negligible to significant adverse impact, however the overall impact upon agricultural in Northern Ireland has been assessed as negligible.

9.187.8 Impact on local people, phase closures and access issues – As I suspect this consultation process may be a paper exercise and the decision has already been made, I strongly ask that when the works begin the Roads Service and any appointed contractors show the utmost respect to local people. Any works should be sympathetic to the local people – we have to live through this disruption. I would ask that the construction is managed in such a way that we do not experience ad hoc or undue road closures, have suitable containment for construction equipment and respect is shown to the surrounding rural area. Diversionary routes should be considerate of local people’s need and not focus on the through commuters every whim. We don’t want other roads in the area damaged through the use of heavy plant equipment. Damaged areas should be reinstated as soon as possible. We don’t want an industrial wasteland for years. Construction traffic should exercise due care and attention in the area – we expect consideration for residents and animals.

9.187.8.1 The Department has given detailed consideration to all comments received during the various stages of consultation for the A8 dualling. This has input into the assessment process and helped shape the proposed scheme. The Department has also considered the comments and objections received during the consultation period and the decision has been taken to hold Public Inquiries for the scheme, as announced on the 12th April 2011.

An Integrated Delivery Team, consisting of the client, designer and contractor, has been formed to deliver this project. This has brought a contractor into the project at an early stage. This has enabled early, detailed consideration over how the scheme will be constructed which has informed the design of the scheme. Subject to the positive outcome to the Public Inquiry, and availability of funding at the time, the contractor will be responsible for developing a more detailed construction programme. All efforts will be taken by the contractor to minimise the impact to both local and commuter traffic. The contractor will seek to be considerate, clean, respectful, safe, environmentally conscious, responsible and accountable. Appropriate advance warning of any road closures and/or diversions will be provided to inform local residents as well as road users.

Inspectors’ Comments (Ian Hill)

The concerns of the Objector and the RS responses set out above have been noted. See Sections 10 and 11 – The Need for the Proposed Road Improvements, The Proposed Preferred Route and Proposed Closure of Church Road.

9.188 Martha and Ruby Drummond

Reference Number

OBJ_018

Date of Objector’s Correspondence

3rd March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.188.1 The dwelling house requires direct access to the A8 which it has enjoyed for the last 150 years without disturbance.

The proposed rear access to the Ballygowan Road is not satisfactory due to:

(A) Distance from the bus stop on the A8.

(B) The present width is not wide enough for traffic or farm machinery.

(C) Loss of privacy to residence and farm buildings.

Our clients require access through large gate to farmyard from A8.

We do not agree to the entrances to fields noted A-B, C-D, and E-F being stopped up because the land requires these accesses from the A8 for entrance and loading/ unloading animals or machinery into the respective fields.

9.188.1.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. The access arrangements for your property are a direct result of this junction strategy.

The design for bus services along the improved A8 has been, and continues to be, developed in consultation with Translink. Due consideration has been given to bus stop locations, and these have been agreed based on a number of key considerations, including:

- Safe means of pedestrian access from individual properties to and from bus-stops.
- Compliance with road design standards which primarily promote safe travel for all road users.
- Affordability of required infrastructure.

In making provision for bus-stops, facilities are required to ensure that an individual has a safe means of crossing the dual carriageway to access any bus stops on the opposite side of the road. This can be either in the form of a bridge/underpass or an at-grade pedestrian crossing across the dual carriageway. At grade pedestrian crossings are not considered appropriate for this section of the dualled A8 because of safety concerns associated with the potential conflict between pedestrians and vehicles

travelling at 70mph. Given the anticipated low pedestrian usage, the provision of a bridge or an underpass for pedestrians to cross the road at this location is considered prohibitively expensive.

The siting of bus lay-bys on the proposed dual carriageway is determined by design standards, with particular reference to the proximity to adjacent junctions or accesses. If bus stops were provided too close to adjacent junctions or accesses, this could result in driver confusion for vehicles leaving or joining the dual carriageway, therefore increasing the risk of accidents. Because of the proximity of the proposed accesses along the proposed A8 in the vicinity of your property, a bus-stop cannot be provided in compliance with the design standards.

9.188.1.2 All reasonable efforts have been made to provide regular, accessible and safe bus stops along the scheme. The nearest proposed bus-stop is located at the Moss Road junction where the proposed road bridge can provide safe pedestrian crossing facilities. The bus-stop will be incorporated into the Moss Road junction. A 2.0m wide footway/cycleway is being provided to link your property to the bus stop at the Moss Road junction, located approximately 300m southwest of your property.

The Department considers the width of the existing laneway to be suitable for traffic and farm machinery.

The Department does not accept that the access to the rear of the Ballygowan Road will result in a loss of privacy to the residence and farm buildings.

The Department has stopped-up direct access to the fields noted A-B, C-D and E-F on the grounds of safety. An alternative access to these fields is currently in use which is accessible off the landowners existing laneway.

9.188.2 **There will be additional noise for the dwelling house because it will be closer to dual traffic.**

9.188.2.1 The proposed alignment for the new A8 carriageway moves the traffic away from the landowners dwelling and not closer as stated by the landowner.

The potential noise impacts upon your property were assessed as part of the Environmental Impact Assessment (EIA) for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum – ‘Calculation of Road Traffic Noise (CRTN) 1988’ as required by DMRB. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 78dB occurs on the north-western facade of the dwelling.
- In the future year (2031) with the scheme, the highest noise level of 78dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the south-western facade. An increase of 3dB, to a level of 58dB, is predicted on this facade. DMRB outlines that in the long term a 3dB change is the smallest that is considered perceptible, the impact is therefore considered to be small.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a

result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

9.188.3 Within the last five years the amount of traffic on the A8 has decreased by at least 50% and therefore there is no longer a need to widen and improve this roadway.

9.188.3.1 The department acknowledges that traffic flows and vehicle usage are influenced by the economic climate, including the slowdown of the UK's economy. However, economic downturns are considered to be anomalies and the overall trend, over a number of years, is for traffic volumes to increase. Forecast growth in traffic for this scheme has been based on planning data produced by the Northern Ireland Statistics and Research Agency which predicts increases in population and the number of households.

9.188.4 The land owners are two ladies in their latter years and strongly oppose this vesting which will cause much disturbance and disruption.

9.188.4.1 The Department accepts that there may be some disruption during the construction of the works but will endeavour to work with landowners to ensure that this is kept to a minimum.

9.188.5 Due to your proposed vesting order if you wish to proceed with your proposals then our clients would ask you to purchase the dwelling house and provide a replacement dwelling, at the nearest point to Moss Road/Ballygowan Road, or alternatively construct a direct access at side of dwelling as an underpass to the Moss Road and compensate for disturbance injurious affection and loss of amenities.

9.188.5.1 The Department does not require this property for the construction of this road scheme and therefore cannot consider purchasing the property.

Compensation will be provided for the compulsory acquisition of any land required for this scheme. The purpose of compensation is that the owner is put, as far as money can do it, in the same position as if the land or property had not been taken. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service. Further guidance on compulsory purchase and compensation is provided in a series of guides, which cover agricultural, residential and business land. These are produced by LPS and are available from www.dfpni.gov.uk/lps/index/about-lps/publications/valuation_publications/property-asset-management_and_disposal-2.htm

Alternatively guides can be requested by writing to;

Department of Finance & Personnel

Land & Property Services
Queens Court
55-66 Upper Queen Street
Belfast
BT1 6FD

The construction of an underpass to the Moss Road would not be economically viable due to the large cost and the likely low usage. The Department considers that the provision of a new pedestrian access to the Moss Road and the use of the landowners existing laneway to the Ballygowan Road is an adequate level of provision for vehicular use and an improvement for pedestrians.

Mr Colin Wilkinson made an input to the Inquiry on behalf of Martha and Ruby Drummond on the afternoon of Thursday 16th June and began by asking if consideration could be given to taking the house, compensating the Drummonds for the house and providing a new house or bungalow on the land.

Mr McGuinness replied that RS only vested if the property was required for the new road construction. If this was not the case there were no powers to vest and the alternative was the blight procedure. A decision on that could only be made following receipt of a formal blight application, therefore this was not a matter for this Inquiry.

A short discussion then took place on Planning Applications and since this topic is not within the scope of the Inquiry, no further comments are made here.

Mr McGuinness pointed out that the two ladies had made representation to RS at an early stage in the process saying that they did not want their house to be taken. Mr McGuinness confirmed shortly afterwards that a meeting had taken place on the 15th December 2008, during which Ruby and Martha Drummond had said that they would prefer to keep their house. This was subsequently incorporated in the design of the road.

A short discussion then took place on the stopping up of access to the proposed new road and since this was scheduled for the separate Inquiry the following week it was agreed with Mr Wilkinson that the matter would be revisited at that time.

Mr Wilkinson then raised the question as to whether there was a need for a dual carriageway and since this has been considered in Sections 10 and 11 – The Standard of the Proposed Road, no further comment will be made here.

Mr Wilkinson made a second input at the Stopping-Up Inquiry on the morning of Thursday 23rd June and he began by asking for the existing access to the A8 to be maintained for refuse collection purposes. His Clients were elderly ladies and because of the distances involved, they would not be capable of taking their bins out along the proposed (amended) new access to the realigned Moss Road.

Responding Mr Hutchinson made the point that the current proposals for dualling the A8 were different to adjoining sections of the same road which were built to different standards. A category 5 dual carriageway sought to restrict direct accesses where possible and avoid standing vehicles. Mr Furneaux confirmed that introducing (or maintaining) an access at that point would cause issues within the design standards and introduce confusion for drivers.

Mr Wilkinson pointed out that he had not received confirmation of the proposed realignment of the access road and asked for this to be done. Mr Hutchinson believed that the change could be accommodated within the particular land constraints.

The discussion was concluded at this point without a resolution of the refuse collection issue.

Inspectors' Comments (Martha and Ruby Drummond)

The concerns of the Objectors and the RS responses set out above have been noted, together with Mr Wilkinson's input on two occasions at the Inquiry

For comments on refuse collection, see Mr Elwin Ward (OBJ_144).

Inspectors' Recommendations (Martha and Ruby Drummond)

- Mr Wilkinson and the land owners to be provided with confirmation of the proposed realignment of the access road.

9.189 Rebecca Mills

Reference Number	OBJ_189
Date of Objector's Correspondence	4th March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.189.1 I am writing in opposition to the Environmental Statement as drawn up by Roads Service and Arup, to the proposed upgrading of the A8.

The by-passing of Ballynure to the west will have a severe impact on a number of people – many having their farms severed by this new route.

9.189.1.1 From the early stages of development, the Department has looked to reduce as far as possible the land required for the scheme and the impact on agricultural land. To this end, the strategy taken forward is a predominately online scheme which makes the best use of the existing road infrastructure. 60% of the scheme is online and the only sections where the proposed scheme leaves the existing road corridor is at the two settlements of Bruslee and Ballynure, where bypasses were shown to perform better in terms of the Government's transport appraisal criteria. This strategy has resulted in existing roadbed forming approximately 22% of the total land requirements for the scheme. However, this type of large infrastructure project will always have an impact on land outside of the highway boundary. To minimise the impacts associated with rural land acquisition for this scheme, the Department have endeavoured, where practicable, to preserve farm assets and provide accommodation works to mitigate impacts. Whilst the impact upon individual farms has been assessed as varying from negligible to significant adverse impact, the overall agricultural impact upon the Northern Ireland economy has been assessed as negligible.

A number of farms will be adversely affected by these off-line sections with the new road passing through some farm enterprises. During the development of the scheme one-to-one discussions have been held with landowners to discuss the likely accommodation works which have included access lanes, fencing, underpasses (in economically viable

cases), etc. Where land is required for the scheme compensation will be provided based on the principle of equivalence. This means that those affected should be financially no worse off after the acquisition than they were before. Likewise they should not be any better off.

9.189.2 To accommodate people travelling from Larne to Belfast with a proposed saving of 3 minutes to their journey time, the locals who live along the route will have an added journey time of up to 10 minutes in some cases, which they may be repeating a number of times in any day. This will surely have an adverse effect on the environment due to an increase in CO2 emissions.

9.189.2.1 The existing road carries between 11,500 and 17,000 vehicles per day and, by the opening year (2016), is likely to suffer from operational problems such as inconsistent flow conditions and unreliable journey times, especially during peak periods. This flow comprises both local and strategic traffic. The provision of a dual carriageway along this section will alleviate this problem and provide ample capacity both at design year (2031) and well beyond.

The existing road forms junctions with a high number of side roads and private accesses. It has a high proportion of fatal accidents. With traffic levels continuing to grow and anticipated expansion of local industry, traffic congestion will increase and road safety is likely to deteriorate. The proposals to dual the A8 would remove the issues associated with platooning of traffic, thus reducing driver frustration and improving the safety performance of the route for all road users. The scheme seeks to improve journey times for this 14km stretch of road. The traffic model indicates a saving of approximately 35% (up to 5 minutes) during peak hours, and approximately 25% savings (up to 3 minutes) during off peak times of travel.

The CO2 savings associated with the high number of vehicles benefiting from the above journey time savings will be much higher than any increases in CO2 associated with any local traffic undertaking slightly longer journeys that is presently the case.

The development, assessment and design of the scheme has been undertaken in accordance with the accepted best practice by using the Design Manual for Roads and Bridges (DMRB) guidance as well as the New Approach to Appraisal web based Transport Assessment Guidance (WebTAG) introduced by the Governments White paper "A New Deal for Transport : Better for Everyone". The Government's five over-arching objectives for transport - environment, safety, economy, accessibility and integration form the basis for the assessment process which is aimed at achieving the most favourable balance between these five objectives. This process provides a standard approach for all highway schemes and ensures the interests of the wider general public, alongside individuals and specific site constraints are considered.

As part of the Environmental Impact Assessment, the impact on air quality has been considered. The assessment determined that the scheme would not exceed any of the statutory air quality objectives and limit values. The majority of air quality impacts are limited to a small number of residences and the magnitude of change and significance varies widely depending on the section of the scheme. The overall impact of the scheme on air quality has been assessed to be minor.

- 9.189.3 The average number of vehicles per day on the A8 has been decreasing over the past 3 years and is likely to continue to do so due to the recent withdrawal of a ferry service from the Port of Larne. The opening of a new port in Scotland, which will be served by the Belfast Dock, with a shorter sailing time is also likely to further reduce the number of vehicles on the A8.**
- 9.189.3.1** The Regional Development Strategy for Northern Ireland 2025, Shaping our Future (RDS) places great importance on the regional gateways, which includes the Port of Larne, as suitable locations for major economic development. The strategy states “Gateways are important interchange points and the quality of connection from the ports and airports to the internal transport network is crucial for economic competitiveness and the convenience of the travelling public”. The RDS outlines an aim to continue to develop the Port of Larne which is the second largest Northern Ireland port. The recently published Draft Revised RDS also outlines that the region has a number of important gateways, including the Port of Larne, through which both people and goods will continue to travel.
- The Port of Larne is therefore considered a key element of the Regional Development Strategy and has an important role to play in supporting economic development. The Port of Larne provides the shortest distance between Ireland and Great Britain. In 2009 and 2010 it was the largest port in Northern Ireland in terms of roll-on roll-off traffic, and was the 4th largest in the UK based on the number of freight vehicles. Competition between the two largest ports in Northern Ireland plays a vital role in ensuring that the public, road hauliers and ferry operators have a choice, thus ensuring a competitive and efficient economy.
- Whilst it is acknowledged that there has been a short-term reduction in freight movement over the last few years, the port continues to play a significant role in freight transport. The long- term predictions are that the usage of Northern Ireland ports, including the Port of Larne, will grow as the economy of the province grows. On this basis, and as acknowledged by the recent review of the RDS, the Port of Larne will continue to play an important role in Northern Ireland.
- 9.189.4 Businesses in the village of Ballynure will suffer, if not closing completely, with the loss of employment for many local people and the local primary school is also likely to be adversely affected with the proposed closure of the Church Road. The Primary School does not even seem to have been considered in the Environmental Statement and could again result in increased journey times for people trying to get their children to and from school every day – again a severe adverse impact of those who have to live with the consequences of this proposed new route every day. The scheme is likely to have a detrimental effect on the village of Ballynure, as admitted by Roads Service, did not even feature in the remit.**
- 9.189.4.1** The economic assessment for the scheme has been undertaken in accordance with the published best practice and guidance provided in the DMRB and WebTAG. This assessment considered the financial benefits, through journey time savings and accident savings, against the costs of providing the new dual carriageway, which included land and compensation costs. The eligibility of individuals to compensation is outlined in legislation. This assessment has shown a positive economic return set against the capital investment in the scheme. However, as with

any large infrastructure project of this type, there is the potential for impact to individual businesses or at a community level.

The scheme assessment process considered both online and off-line options for the dual carriageway at Ballynure. An online option would require an all-movement junction with Lismenary Road and Riverside. However, the provision of additional junctions or gaps in the central reserve represent safety concerns and therefore the remaining accesses would be either closed or restricted to left-in left-out. This would impose diversions on those wishing to use the local businesses, especially those along the existing A8. The off-line option provides the opportunity to retain the existing all-movement accesses within Ballynure for local residents and businesses. The proposed junction strategy includes vehicular access from the improved A8 at either end of the village: from the A57 (Templepatrick Road) junction and the Ballybracken Road junction. In addition, public transport links will be maintained within the village for those (local residents and landowners) wishing to use local services. During detailed design, the Department will seek to provide relevant signage along the A8 for local services and facilities.

In addition, the community and private assets element of the Environmental Statement considers the existing land use pattern, provides an assessment of the areas of land lost to the scheme and assesses the impact on land use and the community. The key community facilities considered, based on the DMRB guidance, include: doctors, hospitals, retirement homes, schools, shops, post offices, churches and recreational areas. This assessment highlights the potential for impact upon the businesses varying from improved links to the A8 for business along Church Road to adverse impacts associated with the reduction in passing trade for business along the existing A8. The proposed scheme does not change the existing access arrangements for the school, and the changes in the traffic flows on Lismenary Road are considered to be small. It is acknowledged that traffic through Ballynure will be significantly reduced; however, the Department considers this will have benefits to the local community that are associated with improved access to facilities within the settlement which may lead to increased usage.

9.189.5 I also have concerns about the number of mature trees and hedgerows that will be destroyed to support this proposed route and the impact that it will have on the wildlife. The natural beauty of the Six Mile Valley will be severely affected and even with maturing of replanting the A8 upgrade will still be a monstrous blot on the landscape and a waste of public money.

9.189.5.1 The environmental assessment for this scheme has considered the impact on local wildlife, and acknowledges there will be some impact. However, the proposed scheme includes a range of measures to accommodate and minimise the impact on the wildlife, which includes badger and otter underpasses and fences, planting to guide bats alongside and safely across the scheme and measures within watercourses to accommodate fish passage and protect fish stocks.

From the early stages of development, the Department has looked to reduce as far as possible the land required for the scheme and, consequently, the impact on agricultural land. The strategy taken forward is a predominately online scheme which makes the best use of the existing road infrastructure. 60% of the scheme is online and the only sections

where the proposed scheme leaves the existing road corridor is at the two settlements of Bruslee and Ballynure, where bypasses were shown to perform better in terms of the Government's transport appraisal criteria. This strategy has resulted in existing roadbed forming approximately 22% of the total land requirements for the scheme. However, this type of large infrastructure project will always have an impact on land outside of the highway boundary and as a result, the Department acknowledges that some existing hedgerows and mature planting will be removed to provide for the scheme. Replacement hedgerows and other planting will be provided as mitigation.

The landscape and visual assessment, completed as part of the environmental impact assessment, considered impacts upon the local agricultural landscape. It assessed both the impact on the rural landscape, in particular the impact on the different Northern Ireland Landscape Policy Areas (LPAs), and the visual impact on sensitive receptors, such as residential properties. The proposed scheme includes a number of environmental design features to help integrate the proposed road into the existing environment. These include profiling the top and bottom of embankments and cuttings, providing replacement hedgerows and walls, treatment of exposed rock in cuttings (to more naturally integrate the scheme into the landscape), new landscape planting to integrate with existing vegetation, replacement of lost vegetation and the provision of sections of planting to create visual screening of the road.

An Environmental Impact Assessment has been completed for the scheme in full accordance with current legislation and this has been reported in the A8 Belfast to Larne Dual Carriageway Environmental Statement. Copies of the Environmental Statement and the Non-Technical Summary are available from the Roads Service website – www.roadsni.gov.uk/A8BelfastLarne, or on CD from Roads Service, Room 508, County Hall, Castlerock Road, Coleraine, BT51 3GS.

Inspectors' Comments (Rebecca Mills)

The concerns of the Objector and the RS responses set out above have been noted. See Sections 10 and 11 – The Proposed Preferred Route, The Need for the proposed Road Improvements, Proposed Closure of Church Road.

9.195 Wendy Davison

Reference Number	OBJ_195
Date of Objector's Correspondence	14th March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.195.1 As previously stated when the engineers called to visit we wished for the entrance to be moved further up in the direction of Ballynure to allow more privacy and less intrusion into our property(that is if the entrance has to be there rather than onto the Moss Road).

9.195.1.1

The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access. For safety reasons, the proposed A8 dual carriageway has purposely been designed to not permit at grade traffic to turn right across the carriageway. All right-turning manoeuvres will be undertaken at the main junctions along the route. The DMRB contains the design standards for the provision of private access onto all purpose trunk roads. These design standards restrict the provision and spacing of accesses. TD 41/95: Vehicular Access to All Purpose Trunk Roads states *'There is a potential saving in accidents where there is a reduction in the number of lightly trafficked direct accesses and minor junctions made directly on to each trunk road'*.

The provision of a parallel laneway to Moss Road would require land to be vested from a residential property on Moss Road and therefore the left-in left-out access has been proposed. The Department are willing to consider relocating the proposed left-in left-out junction slightly further south as per your request. However, the location of the left-in left-out access will be limited by ensuring sufficient space for the turning movement for vehicles accessing the agricultural land and proposed attenuation pond.

9.195.2

Also this new entrance in close proximity to our house will mean an increase in the noise levels, we would therefore like that this is planted out to provide optimum privacy and noise reduction.

9.195.2.1

The landscape and visual assessment completed as part of the Environmental Impact Assessment (EIA) identified that after completion of the scheme, from the front of your property there would be filtered views towards the dualled A8. The landscape design at this location includes replacement vegetation along the new property boundary and, where possible, mature trees will be retained. The visual impact assessment considers the scale of change, the contrast to the existing, whether the change is permanent and the angle and distance of the proposed scheme. The assessment determines the visual impact of the proposals at the year of opening (2016) and at 15 years after opening (2031). This provides a robust assessment of the visual impact of the scheme providing an initial assessment and a further assessment which takes into account a case where the mitigation planting has matured and become established.

The visual impact for this property has been assessed to be slight adverse in 2016, with no change in 2031 once the vegetation has established.

The potential noise impacts upon your property were assessed as part of the EIA for the scheme. Road traffic noise levels were predicted using the method detailed in the Department for Transport technical memorandum –

'Calculation of Road Traffic Noise (CRTN) 1988' as required by DMRB. An Addendum to the Environmental Statement, including an update to the noise model, was issued on the 12th April 2011. The updated noise model has shown the following:

- In the opening year (2016) without the scheme, the highest noise level of 60dB occurs on the western facade of the dwelling.
- In the future year (2031) with the scheme, the highest noise level of 60dB occurs on the same facade.

Between the opening year and future year, the highest noise change is predicted to occur on the southern facade. An increase of 1dB is predicted on this facade. DMRB outlines that in the long term a 3dB change is the smallest that is considered perceptible, the noise impact upon your property is therefore considered to be small.

The Noise Insulation Regulations (Northern Ireland) 1995 (NIR) defines the criteria under which dwellings may be eligible for noise insulation as a result of this scheme. The main criteria used for the assessment relates to the modelled noise level at a property facade without the scheme, compared with the modelled noise levels at the same facade after the proposed scheme is operational, and the distance of the property from the scheme after completion. The noise model developed as part of the EIA for the assessment of noise provides an initial indication that the increase in noise levels at this property in the future year (2031) will be below the required thresholds for noise insulation. However, the decision over whether a property qualifies for noise insulation under the NIR is based upon the noise levels determined by a noise model, which uses actual traffic count data collected from the scheme within 12 months of opening.

9.195.3 We would also like that this could be classed as a private road rather than a public road so that we would have some control over vehicles that might attempt to park there as we have had problems in the past with the travelling community parking on our drive and also people travelling with caravans etc to the ferry.

9.195.3.1 The Department would give consideration to any request for the transfer of ownership of the appropriate part of the road.

9.195.4 We also noticed from the last phase of drawings that there doesn't appear to be a footpath on the left hand side of the road from Ballynure heading in the direction of Larne. It is important that this is not the case as the children from the Gillilanders household and also the Kennedy household walk and cycle to each other's houses on a regular basis and due to the Gillilanders family fostering children of all ages this would affect their safety. It is also unclear where the footpath is that would allow the children access to walk to the bus stop which it appears would be located near the Moss Road junction. This will affect the McConnell, Davison and the Gillilanders families coming and going from school on a daily basis. I have spent a considerable length of time inquiring about a cycle path and obtained many signatures regarding this. It appears that the children will have to cycle up to the Ballybracken Road and back down to access their friends' houses. I would like to propose that a cycle/footpath be available on the side of the road next to our house. I feel this is essential especially if we are being expected to walk to the Ballybracken Road and back to access our neighbours beside us.

9.195.4.1 The design for bus services along the improved A8 has been, and continues to be, developed in consultation with Translink. Due consideration has been given to bus stop locations, and these have been agreed based on a number of key considerations, including:

- Safe means of pedestrian access from individual properties to and from bus-stops.
- Compliance with road design standards which primarily promote safe travel for all road users.
- Affordability of required infrastructure.

All reasonable efforts have been made to provide regular, accessible and safe bus stops along the scheme. The nearest proposed bus-stop is located at the Moss Road junction where the proposed road bridge can provide safe pedestrian crossing facilities. The bus-stop will be incorporated into the Moss Road junction. A 1.5m wide footway is being provided to link your property to the bus stop at the Moss Road junction, located approximately 0.6km northeast of your property.

The proposed 1.5m wide footway along the western side of the A8 will be continuous between the Ballybracken Road and Moss Road junction. A footway/cycleway is provided continuously along the eastern verge of the scheme. The Department do not consider the provision of a formal shared footway/cycleway along the western verge is appropriate given the likely low usage.

9.195.5 **Also I wish to request that we could possibly have access via the Moss Road to access our property when returning from Larne rather than having to drive to the Ballybracken Road every time we come home from Larne. This will amount to a considerable amount of mileage as I drive the children to school every day and collect them every day. Also our children attend activities in Larne many evenings and we attend church in Larne which has events on most days/evenings and as a result will be an inconvenience and also financial implications regarding our fuel bill. Most days I am in Larne 3-4 times. This is a distance of 2.8miles x4 amounting to 11.2miles/day.**

9.195.5.1 As outlined above, the proposed junction strategy for the scheme balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The ability to provide alternative access arrangements without significantly impacting on other residential properties is limited. The Department acknowledge this proposed layout will result in additional journey lengths, but considers on balance the proposed layout is appropriate. Compensation matters are dealt with directly by the Department of Finance & Personnel's Land and Property Services (LPS) on behalf of the Department for Regional Development's Roads Service.

9.195.5.2 The Department would give consideration to any request for the transfer of ownership of the appropriate part of the road.

Inspectors' Comments (Wendy Davison)

The concerns of the Objector and the RS responses set out above have been noted.

Inspectors' Recommendations (Wendy Davison)

- RS to consider relocating the proposed left-in/left-out junction slightly further south. However, it is recognised that the location of this access will be limited by the need to ensure sufficient space for the turning movement for vehicles accessing both the agricultural land and proposed attenuation pond.
 - RS to give consideration to any request received from Wendy Davison for the transfer of ownership of the appropriate part of the road referred to above.
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9.198 Gordon Ireland, Harold Ireland and Danka Ireland

Reference Number OBJ_198
Date of Objector's Correspondence 21st March 2011

The Department has considered the correspondence referred to above and responds as follows:

9.198.1 Our clients would like for us to take this opportunity to express on their behalf their belief that the preferred route of the proposed road is the erroneous choice, and that the road would be more economically favourable had it gone through Ballynure.

9.198.1.1 The Government's White paper "A New Deal for Transport: Better for Everyone" published in 1998 introduced the New Approach to Transport Appraisal (NATA) as the standard appraisal process for all transport schemes in the U.K.

The process and criteria outlined in NATA are based around the Government's five over-arching objectives for transport of environment, safety, economy, accessibility and integration. Additional detailed guidance on the appraisal of transport projects is provided within the Web-based Transport Analysis Guidance (WebTAG) which is published by the Department for Transport (DfT). Additional supporting analyses of practicality, affordability and acceptability have also been used in the appraisal process for the A8 Dualling. WebTAG outlines that for highway schemes, the Design Manual for Roads and Bridges (DMRB) shall be used to provide the necessary information for a NATA appraisal. DMRB provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. The DMRB defines a three stage scheme assessment process, providing a clear structure for the development and staged reporting of road schemes. NATA provides a multi-criteria appraisal methodology which enables options to be appraised within the scheme assessment process, and to be summarised and reported in an Appraisal Summary Table (AST).

The design, assessment and appraisal of the A8 scheme has been undertaken in accordance with the standard methodologies and processes outlined within the DMRB and WebTAG. Each stage of the assessment process has used this methodology and an AST has been produced. The selection of the preferred route has strictly adhered to this process. The preferred route was the most favourable in terms of the balance across the Government's five key objectives for transport, and thus the Department is satisfied that the correct route has been selected.

From the early stages of development the Department has sought to reduce as far as possible the land required for the scheme and the impact on agricultural land. To this end, the strategy taken forward is a predominately online scheme which makes the best use of the existing road infrastructure. 60% of the scheme is online and the only locations where the proposed scheme leaves the existing road corridor is at the two settlements of Bruslee and Ballynure, where bypasses were shown to perform better in terms of the Government's five key objectives for transport. This strategy has resulted in existing road forming approximately 22% of the total land requirements for the scheme.

The scheme assessment process considered an online route through the village of Ballynure against the Government's key objectives for transport. Although the online option would be the cheapest to deliver, it performed poorly in terms of overall economic performance in comparison to the proposed scheme. The environmental assessment concluded that, on balance, over the range of environmental sub-objectives assessed and in the absence of any major designated sites, the online and bypass options performed similarly in terms of the overall Environment Objective. However, an online solution was assessed to perform worse in terms of accessibility, through severance of the village, and safety. A number of eastern bypass options were also considered at Ballynure. The western bypass option, which has been developed into the proposed scheme, performed better in terms of overall economic performance, and because it led to a reduction in traffic flows through Ballynure, performed best in terms of safety and accessibility. The environmental performance was considered to be similar.

9.198.2 As it stands, the preferred route will deter people from visiting the village of Ballynure, as a special effort would need to be made to leave and rejoin the dual carriageway in order to do so, resulting in even more travelling time and inconvenience.

9.198.2.1 The economic assessment for the scheme has been undertaken in accordance with the published best practice and guidance provided in the DMRB and WebTAG. This assessment considered the financial benefits, through journey time savings and accident savings, against the costs of providing the new dual carriageway, which included land and compensation costs. The eligibility of individuals to compensation is outlined in legislation. This assessment has shown a positive economic return set against the capital investment in the scheme. However, as with any large infrastructure project of this type, there is the potential for impact to individual businesses or at a community level.

The scheme assessment process considered both online and off-line options for the dual carriageway at Ballynure. An online option would require an all-movement junction with Lismenary Road and Riverside. However, the provision of additional junctions or gaps in the central reserve represent safety concerns and therefore the remaining accesses would be either closed or restricted to left-in left-out. This would impose diversions on those wishing to use the local businesses, especially those along the existing A8. The off-line option provides the opportunity to retain the existing all-movement accesses within Ballynure for local residents and businesses. The proposed junction strategy includes vehicular access from the improved A8 at either end of the village: from the A57 (Templepatrick

Road) junction and the Ballybracken Road junction. In addition, public transport links will be maintained within the village for those wishing to use local services, local residents and landowners. During detailed design, the Department will seek to provide relevant signage along the A8 for local services and facilities.

In addition, the community and private assets element of the Environmental Statement considers the existing land use pattern, provides an assessment of the areas of land lost to the scheme and assesses the impact on land use and the community. The key community facilities considered, based on the DMRB guidance, include: doctors, hospitals, retirement homes, schools, shops, post offices, churches and recreational areas. This assessment highlights the potential for impact upon the businesses varies from improved links to the A8 for business along Church Road to adverse impacts associated with the reduction in passing trade for business along the existing A8. It is acknowledged that traffic through Ballynure will be significantly reduced; however, the Department considers this will have benefits to the local community that are associated with improved access to facilities within the settlement which may lead to increase usage.

9.198.3 The closure and realignment of the Church Road is extremely impractical and unnecessary. Its closure will result in a lot of people being cut off from Ballynure village, and being subject to increased travelling time and inconvenience. This will only serve to divide and fragment a rural community.

9.198.3.1 The proposed junction strategy for the A8 has rationalised the number of junctions along the route making it more appropriate for a high speed dual carriageway. This balances the level of diversions with the improved safety and good economic performance linked to the proposed junction arrangements. The Design Manual for Roads and Bridges (DMRB) provides a set of official standards, advice notes and other documents relating to the design, assessment and operation of trunk roads within the U.K. DMRB provides standards for the design of roads and identifies that priority junctions on dual carriageways are a source of accidents and consideration should be given to collecting side roads together, using connecting roads and/or incorporating grade separation. The form of junction and level of provision with the proposed scheme has considered the length of diversions, traffic volumes, strategic importance of the route and need for local access.

A bridge was indicated for Church Road in August 2009 at the Preferred Route Announcement. As a result of further scheme development, the current scheme proposes to stop-up Church Road providing a connection from Church Road to the west of the proposed A8 to the Templepatrick Road. Some of the influencing factors for this decision included: the low volume of traffic using Church Road, the proportion of this traffic destined for Ballynure, the limited diversion that would result from a closure of the road and the significant capital cost of providing a bridge.

The Department acknowledges that the closure of Church Road would result in a 1km diversion for travellers undertaking a journey from Ballynure (via Church Road) towards Ballyeaston, or Ballyclare. However, journeys between Ballynure and Ballyclare, and between Ballyclare and Larne (via the Templepatrick Road) are unaffected by the scheme proposals. In

addition, those vehicles on the west of the proposed scheme that currently use Church Road to access the A8 will have easier and more direct access via the A57 Templepatrick Road junction. The level of traffic along Church Road will significantly reduce, resulting in an improved environment for residents in that area. On balance, taking all the factors into account, the Department consider its decision to stop-up Church Road is acceptable.

9.198.4 The only access to our clients' lands is being vested in order to facilitate the realignment of the church road. This must be reinstated to a sufficient standard to allow access to all forms of agricultural machinery as our clients let this land to produce and income.

A number of mature trees are to be vested along the northern boundary of said lands, resulting in the severe loss of shelter for livestock.

9.198.4.1 The Department acknowledges the landowner's concerns and will seek to meet with the landowner to discuss and agree accommodation works. Where practicable the Department will look to take on board landowner's views and requirements in finalising the schedule of accommodation works.

Inspectors' Comments (Gordon, Harold and Danka Ireland)

The concerns of the Objectors and the RS responses set out above have been noted. See Sections 10 and 11 – The Proposed Preferred Route and Proposed Closure of Church Road.

Mr and Mrs Jeffrey Ferris

Reference Number	<u>Not Allocated</u> (Late Submission)
Date of Objector's Correspondence	21st June 2011

Mr Brendan Carey made an input at the Inquiry on behalf of Mr and Mrs Ferris on the morning of Wednesday 22nd June. He made a presentation based on his written objection dated 21st and that letter is reproduced below.

'We have been instructed to consider the impact of the proposed Road Scheme on the access arrangements to the above dwelling and associated farm holding.

1 Existing Situation

- 1.1 The owners of No. 31 Belfast Road have a 27 acre arable land holding on which they constructed their farm dwelling approximately 8 years ago. There is also a farm yard and a number of farm sheds on the land holding.
- 1.2 The currently proposed laneway involves changing the approach access to the dwelling from front access to rear laneway access which significantly detracts both from the amenity of the dwelling and the prestige setting of the dwelling (and thus its value).
- 1.3 The dwelling and farmyard derive convenient and immediate access from Belfast Road and there is also a farmyard gate access onto Belfast Road.

2 Roads Services Current Proposals

- 2.1 The current Roads Service proposals involve stopping-up the two existing accesses onto Belfast Road and providing a new convoluted laneway access onto Templepatrick Road. This ‘three sides round the square’ route involves the provision of 600 metres of new laneway the bulk of which is to be constructed alongside a stream and through a meadow wetlands habitat.
- 2.2 Issues With Current Laneway Route Proposal
- 2.2.1 This is an elongated and contrived access solution involving adding significant distances and time to the average journeys from the dwelling. The new 600 metre lane itself will add around 5 minutes to each return journey (based on an average speed of 10mph along the lane).
- 2.2.2 The currently proposed laneway involves changing the approach access to the dwelling from front access to an inappropriate rear laneway access which significantly detracts both from the amenity of the dwelling and its prestige setting (and thus its value).
- 2.2.3 The location of the proposed access is onto a fast section of main road where traffic turning and manoeuvring at the access will represent an undue hazard to all road users.
- 2.2.4 The suggested access involves the construction of an asphalt laneway through a meadow wetlands habitat and along an important stream corridor with abundant wildlife. The ecological and wildlife detriment together with pollution risk particularly during the construction process does not appear to have in anyway been taken into account in the approval process. This laneway will also involve the destruction of mature trees and hedge-lines particularly to obtain suitable clearances for agricultural vehicles given the low and mature tree canopies overhanging the currently proposed route. It would appear from the Environmental Masterplan (Sheet 3 of 8) that this element of the Road Scheme proposal has been ignored in the present environmental appraisal of the current proposal. This represents a significant flaw in the scheme appraisal.
- 2.2.5 The costs of this 600 metre laneway capable of accommodating agricultural traffic is estimated at £100/linear metre therefore £60k with an additional £20k or significantly more associated with land acquisition costs. Any reduction in the length of this laneway will reduce the cost to the public purse. Also moving it away from the marshy meadow wetlands area will undoubtedly reduce the monetary and environmental costs.

3 Alternative Proposal

- 3.1 A more practicable and feasible alternative is a more direct route off Templepatrick Road that does not involve an as convoluted a route entailing ‘three sides round the square’. The advantages of this alternative route are:
- It is a shorter and more direct route.
 - The access is onto a slower section of road closer to the roundabout where the access manoeuvring movements will facilitate a safer access location.

- The laneway arriving at the dwelling would be to the front of the dwelling, which would then not so materially adversely affect the amenity, and 'sense of arrival' at the dwelling.
- It does not involve adversely impacting on the meadows wetland habitat and stream wildlife corridor.
- It is likely to be significantly cheaper to construct as the laneway length, and land take are likely to be significantly reduced and the ground conditions more favourable.

4 Consultation Process

- 4.1 We understand that Mr Ferris had earlier met with Arup (John McGill) and suggested in broad terms the alternative laneway access proposal. It is understood that there was a general acceptance that the alternative suggested was a more practical and feasible solution, however; in the interest of expediency the alternative was apparently rejected.

5 Objection to the Roads Scheme

- 5.1 We confirm that Mr & Mrs Ferris will suffer significant losses and upheaval as a result of the currently designed roads scheme involving major adverse impacts on their land holding. They will already lose 5 acres of land and their agricultural buildings together with their two accesses onto Belfast Road. They have requested that some due consideration be given to their wish to reduce these significant adverse effects on their dwelling and farm holding. Should Roads Service reject their modest request for a more sensitive design solution then Mr & Mrs Ferris are obliged to record their opposition to the entire A8 Belfast to Larne Road Scheme that they believe to be unnecessary and ill-conceived. They also do not believe that the traffic volumes warrant such a scheme particularly given the economic downturn and the relocation of a number of the Ferry services operating from Larne port. In any event they submit that the adverse environmental impacts of the proposed roads scheme outweigh any perceived benefits. The public expenditure could be better utilised at other more important and less insensitive public projects.

6 Conclusion

We submit that it is apparent that a significantly more practical and environmentally sensitive access solution is available which will significantly diminish the distress and upheaval to Mr & Mrs Ferris suffered as a consequence of the major detrimental changes to their dwelling and farm holding. It would be a travesty if this alternative access solution was rejected in the interests of expediency. The present insensitive design will cause unnecessary damage to Mr & Mrs Ferris's enjoyment of their rural home environment and while they are reluctantly prepared to accept some adverse impact the scale of the impacts presently proposed represent an unduly detrimental impact on their pleasant residential environment.

If an alternative access design solution cannot be adopted Mr & Mrs Ferris confirm their strongest objection to the proposed A8 Belfast to Larne Dualling Scheme which they feel is firstly unnecessary and designed in such a manner that it does not minimise the negative environmental impact to their own and the wider public's significant detriment.

We request that this inquiry recommend request that Roads Service adopt the suggested alternative access solution to No 31 to help minimise the loss and undoubted upheaval to be suffered by Mr & Mrs Ferris of as a result of the proposed Roads Scheme'.

Mr Furneaux commented that following discussions with the land owner, a link to the A57 was proposed and the alignment was chosen to minimise the amount of severance and follow the land boundary.

Mr Hutchinson accepted that the distance to the A57 by either the planned or alternative routes was large. The alternative route suggested by Mr Carey would involve building the access laneway over some ground owned by a third party which had been not included in the vesting proposals. This would mean that RS would have to buy the land required and that could only be done with the agreement of the third party land owner. Should that negotiation be successful and subject to there being no unforeseen engineering issues, Mr Hutchinson would be more than happy to purchase the land required and drop the current route from the Vesting Order. He added that there was an existing lane which could be used for part of the requested access which he thought was in the vesting schedule and that would probably be the proposal that RS would pursue.

Whilst endeavouring to purchase the land by agreement was welcomed, Mr Carey suggested that this was an important enough issue for some alterations to be made by RS to the proposals, even if this involved vesting the land. Mr Hutchinson replied that he could not commit to that at this time, as a further Inquiry would be required to investigate the new vesting proposal. The outcome of the discussions with the landowners would need to be assessed first.

Mr Irvine intervened to say that he fully appreciated the problems of the Ferris family. However, the alternative laneway under consideration would be adjacent to the property owned by Mr and Mrs Samuel Hill. He wanted to insure that their views about the access coming out on the existing lane were taken into account as they were already going to be very substantially affected by the scheme.

Inspectors' Comments (Mr and Mrs Jeffrey Ferris)

The concerns of the Objector and the RS responses set out in the above letter have been noted together with the input of Mr Brendan Carey at the Inquiry.

The request for an alteration to the plans for their laneway is logical and reasonable and every effort should be made to implement the requested change.

However, it is recognised that in the first instance discussions would be necessary with a neighbouring land owner concerning the possibility of an agreement to sell a strip of ground, over which part of the alternative laneway would be constructed. Should these discussions not reach a satisfactory conclusion, alternative solutions should be considered by the Department.

Inspectors' Recommendations (Mr and Mrs Jeffrey Ferris)

- RS to make every effort to provide Mr and Mrs Ferris with the alternative access to the property which has been requested.
 - The views of the adjacent land owners, Mr and Mrs Samuel Hill, to be taken into account, as the alternative laneway under consideration would be adjacent to their property
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10. FINAL CONTRIBUTIONS AT THE INQUIRY

The following were the final verbal contribution at the Inquiry, with some minor adjustments to reflect the translation of the spoken word into written format.

Mr Robb/Mr Irvine

At the end of his final input, Mr Robb acknowledged and thanked Mr Shaun Irvine for his contributions. Mr Irvine had been a major player at the Inquiry and had in a sense become part of the team. He had represented his Clients very well in a clear, succinct and robust manner and that was much appreciated by everyone.

Mr Irvine thanked Mr Robb for his comments and went on to say that he appreciated Mr Robb's fairness throughout the Inquiry in giving everyone a reasonable time to make their points. He asked that the points should be considered and assessed fairly.

Mr Hutchinson

There have been quite a few technical issues discussed during this Inquiry and I want to pull together a few of those aspects.

Underpinning everything that we're doing is the objective to deliver a safe road, providing consistency and avoiding confusion for the road user. We also want to deliver the maximum possible benefits to the economy, whilst mitigating the impacts on the environment. Importantly, we don't want to jeopardise the future effectiveness of the Key Transport Corridors for the strategic traffic and this is in line with all of the Strategic Documents and Policies, including at the very highest level, the Regional Development Strategy, which is very much based upon driving the economy forward.

The DMRB is full of standards which are all inter-linked and it can be quite difficult at times to get an appreciation of what each means and what options are available to the Engineers designing the scheme.

The opening year traffic flow ranges indicates at a very high level, the sort of flow ranges associated with different standards of carriageway. These start at the bottom with S2 and move to WS2. We've predicted 19,000 vehicles [per day] or thereabouts on the opening year for this particular scheme. S2 is an option, but it is very much at the upper range of that option.

With WS2 you don't have the overtaking opportunities that you would have with a dual carriageway. WS2s are generally what you would see as housing distributor roads, where cross sections are about ten metres wide. This allows for the creation of priority junctions for future developments, without having to carry out further widening. There would be room for ghost islands in the middle to create protected right-turn pockets.

There is another standard of WS2, which is WS2+1 which does give overtaking opportunities. With that standard you are even more restricted to the number of accesses you have can have onto it and, therefore, because of the mitigation works that you have to carry out if you do provide accesses, the footprint becomes almost as large as a dual carriageway and it becomes very ineffective. All over the country there are 2+1 overtaking opportunities. That standard was updated quite recently and we are no longer permitted to build it to that standard, where you have a lot of accesses coming onto it.

So that really takes us on to the dual carriageway which we are proposing [for the A8] and yes, we are in the bottom quarter or just on the 25% mark of the capacity for a dual carriageway in the opening year.

We could also consider building to the higher motorway standard.

Category 5 is the standard we are building to, where the major road treatment is at-grade roundabouts or grade separation, if economically justified. The approach we're taking is to try and provide a consistent junction strategy.

Keeping the issue of economics in mind - "... *Major/minor junctions on dual carriageways are a source of accidents*" and as we've said all along, we want to reduce the number of junctions as far as possible. "... *But collecting together side roads or increased provision of grade separations are costly alternatives that may not be economically justified*" and I have to emphasise "may".

Every scheme is different and, in fact, the 1994 document from which these quotations are taken is under review, so perhaps the next document may be worded slightly differently. Every scheme has to be measured on its own merits and we have established that the dual carriageway is the most appropriate.

"And additional costs of higher standards of junction or alignment provision, together with the resulting higher overall earthworks and structural implications may well cause the dual carriageway option to be so costly as to be uneconomical".

To stress the same point, in this case the "may" does not apply: *"In spite of its inherently superior performance in terms of links, accidents and user costs".* User costs is something that I will come to, but it does acknowledge that it may well be much safer and provide much more benefits: *"A Category 5 dual carriageway, therefore, should not be designed essentially as an at grade alternative to an at-grade single carriageway"* and we weren't considering the two side by side: *"And elements of design such as junctions should be enhanced only if there is economical or environmental justification for doing so".* We have demonstrated, I believe, that there is the economical benefit there and, we are endeavouring to reduce and mitigate the environmental impact. *"In this way dual carriageways will frequently demonstrate superior economic performance to the single carriageway at flows well below the upper limits of single carriageway demand flows".*

The Stage 1 process, amongst other things, looked at the economics of the different corridors, with various different junction strategies for each corridor: *"The results of the assessment were very conclusive, particularly with respect to the economic benefit of grade separated junctions as opposed to roundabouts. There was a factor of approximately five of a difference, and it was clear that a roundabout strategy would not be able to deliver a return on the capital investment".* This was not a surprise; we've carried out this test on other schemes that we're taking forward. Whether we like it or not, the Government has set down a process that we have to follow; they have set down the sixty year period over which we have to consider the benefits and dis-benefits. The benefits are to the business user and the private road user and every journey has to be taken into consideration. Every journey might only save a few seconds for that individual, but we did the maths and the sums are quite clear, following the Green Book Assessment, (the Government guidelines), the scheme provides a very positive economic return.

If I could then just conclude with a few words of thanks. First of all, I want to thank the whole team, the Road Service/Arup team, both at this table and probably more importantly those who are up in the back room here and back in the office, without them we certainly couldn't have operated at all. Even with them, we have struggled to operate!

Comment by Mr Robb

'I would just want to fully endorse that and particularly those people who have come and gone in the background who, in a most cheerful and efficient way, have certainly produced anything which we have required very, very quickly, and thank you all for that, especially that 'guy' hiding behind that monitor over there! Your performance yesterday, which has already been acknowledged, was exceptional.'

Mr Hutchinson

'I would like to thank Joanne and Stephen for all the work that they have put in. I know Joanne has been burning the midnight oil as well as many of the rest of us, to make sure things ran smoothly and things have run very smoothly. I would like to thank the stenographers, Wendy and Sheila, for the hard work that they've put in. I would also like to thank Mr Robb, Mr Mortimer and Mr Mills for the way that the Inquiry has been run, and the opportunity that you have given both us and the land owners. I think it has been a very fair process.

Finally, I want to thank the land owners who are going to be directly affected if the scheme does go ahead. I completely sympathise with the owners of any amount of land, should it be large or small, as there's no doubt that the impact is great.

Unfortunately there are always going to be those who are impacted when delivering infrastructure projects on this scale and I just hope that the compensation and the mitigation measures that we put in, will go some way to redress the impact of the scheme.

In addition I also want to thank the Agents for the land owners. They have worked very well with us the whole way through the process before the Public Inquiry started and no doubt, will have a lot of engagements from here on.

Closing Comments by Mr McGuinness

'I also on behalf of everyone here want to extend my thanks to the back room staff. I want to refer particularly to the objectors, and how they've presented themselves. It has been clear, certainly to us who have been across the room from them every day, that their objections have been passionate, powerful and they clearly have very strong feelings and are keen to protect their little part of what is a very picturesque countryside. I want them to know that nobody here thinks their objection is trivial; it's not a matter of them coming along, making their objections and going on. Their objections are important, their place in this process is important and the objections they've made will be taken on board by the Inspectors. I think that Matthew Hall has done particularly well, and his case was very well presented. Of the Agents Mr Irvine has had the largest role, and I want to acknowledge the charm with which he has conducted himself over the last seven days.

I think it's important to acknowledge that whilst not trivialising the objections of those who have come every day to set out their objections, to acknowledge the other side of the scales and look at why we're doing this. Why is this important, and why has this road been identified as being important by not only the Executive of Northern Ireland, but the Executive of the South of Ireland? Why have they committed significant amounts of money to improving the A5 and the A8? Why has that been committed and made a priority in their spending plans, when we are in times of such particular financial constraints?

It is important to recall that this is a Key Strategic Corridor. This is the last piece of the link between the Port of Dublin and the Port of Larne. It is strategically important both locally, regionally and throughout this entire Island and the Port of Larne provides a

gateway to not only the rest of the United Kingdom, but it is also our gateway to Europe.

So those are the reasons that we say that this scheme is important. Those are the public or general interests that we say are met by promoting this scheme. This has been an iterative process, which maybe isn't familiar to everyone, that has looked at all stages as to what ought to be done here. As Mr Hutchinson has said: Do we stay as we are, or do we move on? In moving on do we consider some improvement, but continue with a wide single carriageway with all of the difficulties that that entails? Well we know that would be less safe than a dual carriageway, that's clear. There is a safety issue as regards accidents.

We know that a significant number of accidents on this road are caused by head-on collisions, and that's perhaps the reason, amongst others, why we say that a dual carriageway is the safer option. We avoid what this road appears to be plagued with at the moment, that's the 'platooning' effect, the queues. We know that at above 75% of CRF, at the minute people are plagued by stress, frustration, whilst this road at the minute isn't at its capacity, already that's occurring amongst travellers. So it's important to acknowledge that when considering should it be a single or dual carriageway?

People have a legitimate concern about speed, but as regards road safety, speed isn't necessarily evil. If speed was the beginning and the end, perhaps all of our roads would be reduced to thirty miles an hour. The intention at all times is to design a road appropriate to the speed at which users are going to travel. So we say that whilst it may be an increase from 60 to 70 miles an hour, that that's an increase that is catered for, and is specifically designed for, and that's why there's been a week of discussion about 'why can't we have a lay-by here', 'why do we need a six metre central reservation'?

And the last thing is how do we design this road, what do we put it on it? Do we have all roundabouts, do we have priority junctions? It's clear that all of those are considered in the junction strategy. We know that roundabouts are not appropriate, and we are really left with compact grade separated junctions. Then there is an argument about consistency. This is the most rural part of the A8, because travelling towards Larne we get semi-urban into urbanised, and we say that consistency in this particular part of the road is important.

But what we say is as important, whenever one looks at the tools for assessing the scheme, is the economics. If one was to have roundabouts the whole way along this, well it wouldn't add up, and we say economically that's not appropriate, it's particularly not appropriate in these straightened times. So that's essentially why we've taken our decision.

Now I thank everyone for their patience. I'll not go over everyone in the back room team. Mr Ward, in particular, acknowledged this morning the fact that whilst it may have appeared to all of the objectors that they were in discussions with Arup, and really they were banging their head against a brick wall, that that wasn't the case and, in fact, the discussions were being taken on board, and whilst it may have seemed like a very difficult and long process in terms of waiting to get to speak to people over the last seven days, everyone on this side of the room has been working very, very hard.

Last of all, sir, I would like to thank the three of you for your patience and I suppose for your indulgence of both us and the objectors in perhaps not having things at hand when we ought to, but certainly we appreciate the care with which you all have handled the Inquiry.

Closing Comments by Mr Robb

'Thank you for those comments. Between you, you've now totally stolen all of my thunder, with a possible couple of exceptions. Victoria, you have made an enormous contribution in the background, as a colleague of Shaun [Irvine], I know that Joanne and you have worked very closely together.

I also want to extend particular thanks to Joanne. She is the link between all of us and as you all know, has been very busy, she does have a day job as well, and, will continue to be involved in the process, probably to a slightly lesser extent as we go forward. We are delighted to have been working with Joanne and having a good administrator in the middle is absolutely vital.

Just to confirm what I said in my opening remarks, we will now consider the evidence, and there is great deal of it, in all sorts of forms and we will then begin creating our Report. At present we're intending to have this available for submission to the Department around the end of September. The Department will require some time to consider the conclusions and the recommendations and they will then issue a response which will contain details of what they have decided to do in terms of what we have recommended. Some they may go with, some they may not and that's completely an open question at present. My understanding of the process is that both our Report and the Departmental response will then be released to the public domain.'

Mr Irvine had a final question as to whether discussions on potential accommodation works would continue with RS or would they be suspended until the Report was submitted.

It was confirmed that these would indeed continue and Mr Irvine welcomed this, as there were issues which needed to be taken to a conclusion.

11. INSPECTORS' CONSIDERATIONS

11.1. Legislative Requirements

During the Public Inquiry held at Corr's Corner Hotel, between the 15th and 23rd June 2011, the following were considered:

- The Environmental Impact Assessment (The Environmental Statement) prepared by the Department for Regional Development relating to the proposed A8 Belfast to Larne Dual Carriageway (Coleman's Corner to Ballyrickard Road). together with the opinions expressed in relation to it.
The Department considers this to be a relevant project within the meaning of Article 67(1) of the Roads (Northern Ireland) Order 1993 (the 1993 Order) and it falls within Annex 1 to Council Directive No. 85/337/EEC, on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive No. 97/11/EC and Directive No. 2003/35/EC of the European Parliament and Council.
- The proposal to make the Trunk Road T9 (Coleman's Corner to Ballyrickard Road) Order (Northern Ireland) 2011 under Articles 14(1) and 68(1), (3) and (5) of that Order.
This proposed Order would provide:
 - That 16,463 metres of new and upgraded road including a new roundabout should be designated a trunk road and form part of the Belfast-Larne Trunk Road T9;
 - That 478 metres of new and upgraded road should be designated as trunk road and form part of the Killead - Templepatrick - Ballynure Trunk Road T20;
 - That 358 metres of new and upgraded road should be designated as trunk road and form part of the Belfast-Kilwaughter Trunk Road T19;
 - For the abandonment of parts of Lisglass Road, and Lismenary Road;
 - For the stopping-up of:
 - ❖ Park Road and Shane's Hill Road at their junctions with A8 Larne Road;
 - ❖ Parts of Belfast Road, Green Road, Church Road, Old Larne Road, Moss Road, Deerpark Road, Larne Road, Stewartstown Drive, Ballyrickard Road and Shane's Hill Road to road traffic; and;
 - ❖ Parts of Belfast Road, Rushvale Road and Ballygowan Road to vehicular traffic.
- The proposal to make an Order under Article 69 of the 1993 Order, the effect of which would be to stop-up to road traffic the following private accesses:
 - U0040 Lisglass Road, Ballyclare (access to No. 6);
 - A8 Belfast Road, Ballyclare (accesses to Nos. 23, 25, 68, 70 & 75);
 - A8 Belfast Road, Little Ballymena, Antrim - east side, from a point 243 metres north of its junction with Rushvale Road to a point 248 metres north of that junction;
 - A8 Belfast Road, Skilganaban, Antrim (2 accesses) - east side, from a point 184 metres north of its existing junction with Legaloy Road to a point 189 metres north of that junction; and east side, from a point 245 metres south of its junction with the lane leading to No. 30 Belfast Road, to a point 238 metres south of that junction;

- A8 Belfast Road, Dunturky, Antrim - west side, from a point 97 metres south from the centre of Ballynure Roundabout for a distance of 5 metres in a northerly direction;
 - A8 Larne Road, Ballyclare (access to Nos. 36);
 - A8 Larne Road, Ballynure (access to Nos. 41, 43,, 43a, 52a, 63 & 85);
 - A8 Larne Road, Ballygowan, Antrim (2 accesses) - south-east side, from a point 321 metres north-east of its existing junction with Moss Road, to a point 324 metres north-east of that junction; and south-east side, from a point 399 metres north-east of its existing junction with Moss Road, to a point 402 metres north-east of that junction;
 - A8 Larne Road, Craiginorne, Antrim - south-east side, from a point 66 metres south-west of its junction with the private lane leading to Nos. 98 and 100 Larne Road, to a point 61 metres south-west of that junction;
 - A8 Belfast Road, Ballyrickard More, Antrim (2 accesses) - north-west side, from a point 33 metres north-east of its southern junction with Stewartstown Drive to a point 36 metres north-east of that junction; and north-west side, from a point 103 metres north-east of its southern junction with Stewartstown Drive to a point 107 metres north-east of that junction;
 - A8 Belfast Road, Larne (access to No. 80); and
 - A8 Belfast Road, Ballyedward, Antrim - north-west side, from a point opposite the centre line of Ballyrickard Road and extending for 4 metres in north-easterly direction.
- The intention to make an order vesting certain lands in the Department under the Local Government Act (Northern Ireland) 1972 and the 1993 Order. The Department proposes to acquire the lands for the construction of a dual carriageway along the A8 from Coleman's Corner Roundabout, bypassing to the east of Bruslee and to the west of Ballynure before terminating just south of A36 Shane's Hill Road junction.

Proceedings on the Environmental Statement and Notices of Intention to make a Direction Order and a Vesting Order were taken concurrently at the main Inquiry.

The Notice of Intention to make a Stopping-Up of Private Accesses Order was considered during a separate Inquiry held on the morning of the 23rd June 2011.

11.2. The Need For The Proposed Road Improvements

At its meeting on the 17th July 2007, the North South Ministerial Council noted the intention of the Irish Government to make available a contribution of £400m to help fund the major roads programme within Northern Ireland, including the upgrading to dual carriageway standard the A5 between Londonderry and Aghnacloy and the A8 between Belfast and Larne. Clearly this was a demonstration of support for the A8 scheme at the highest political levels on the Island of Ireland and it is understood that the commitment by the Government in the Republic of Ireland to part fund these projects to the same level remains unaltered at this time.

The letters of support for the proposed scheme submitted by Larne Harbour Limited and the Freight Transport Association in Belfast indicate that both foresee benefits in the intention to convert the last remaining section of the Eastern Seaboard Key Transport Corridor between Larne and Dublin to dual carriageway standard.

However, it has also been noted that several individual Objectors questioned the need for the scheme on the grounds that the number of vehicles using the route to and from Larne has fallen, due to a combination of the current economic downturn and a major

ferry operator recently transferring its business from the Port of Larne to Belfast. Though we have no evidence on which to base a comment, some also claimed that other potential schemes in Northern Ireland were of greater priority.

We have also noted that figures submitted to the Inquiry by RS indicated that the percentage downturn in business through the Ports of Larne, Belfast and Warrenpoint have been broadly similar in recent years, suggesting that the situation in Larne is not unique. Furthermore, RS claim that relatively short term fluctuations in the overall economy and the impact of day to day commercial decisions will not be significant in the longer term. Though there has been a downturn in vehicle numbers on the A8 in more recent years, when taking the longer view the trend will be inexorably upwards.

Having driven on the existing road between Coleman's Corner and Ballyrickard Road in both directions on several occasions during the course of the Inquiry process, it quickly became apparent that the volumes of traffic using this single carriageway section can be high, (between 10,700 and 16,860 vehicles per day according to RS) with the highest flows occurring through the village of Ballynure.

Traffic flow patterns on the A8 are somewhat unusual, in that the arrival of one of the frequent daily ferries into the Port of Larne leads to large numbers of cars and commercial vehicles being discharged onto the A8 in a very short time. This can quickly lead to the creation of 'platoons' of vehicles due to the restricted number of safe passing opportunities, except for the climbing lanes each side of Ballynure. We have also observed platoons being created or lengthened by slow moving agricultural machinery.

The numerous existing left and right turns in both directions onto side roads and private lanes and driveways can create further delays and introduce potentially dangerous situations for all road users on this high speed road.

Applying the five Central Government Objectives for transport - Safety, Environment, Economy, Integration and Accessibility - to the existing route, led us to the conclusion that improvements to this important corridor would be justified.

11.3. The Proposed Preferred Route

The Stage 1 Scheme Assessment (Published November 2008) was carried out between January and November 2008, in which twelve possible corridors were considered. These included both online and offline solutions.

Two corridors were recommended for further examination based around largely online widening, with a bypass of Ballynure to either the west or the east.

These corridors were seen as minimising the environmental impact, substantially improving the current severance issues within Ballynure and were considered to be the best performing routes in terms of economic assessment.

An Addendum to the Stage 1 Assessment Report was issued in March 2010, which looked again at the benefits and disadvantages of the fully online scheme. It took into account the impact of the more detailed information obtained during the Stage 2 Assessment of the Stage 1 recommendations, particularly in relation to the decision to reject the option of online dualling through the village of Ballynure.

The Stage 1 Assessment considered an online option (Corridor 1) which was based on an at-grade dual carriageway with speed restrictions and a signalised junction in the centre of Ballynure. This was considered by RS to be the best performing improvement strategy and was incorporated into *Option 1* below.

A number of alternative strategies *could* be delivered within an online corridor through Ballynure. These were examined during the Stage 1 Assessment but discounted at an early stage.

The alternative strategies considered in the Addendum Report aimed to answer the question - *Would a different improvement strategy (underpass or viaduct) have performed better in the Stage 1 Assessment than that assessed as Corridor 1?*

As mentioned above, *Option 1* was the improvement strategy considered in the Stage 1 Assessment (Corridor 1). The at-grade solution for the A8 with a signalised junction in centre of Ballynure catering for traffic from Lismerary Road and Riverside;

The following strategies could also have been assessed as an online solution;

- *Option 2* - At-grade solution for the A8 with left-in left-out junctions at Riverside and Lismerary Road and a junction at each end of the village to allow crossing and u-turns;
- *Option 3* - At-grade solution for the A8 with a roundabout in the centre of Ballynure connecting Lismerary Road and Riverside to the A8;
- *Option 4* - At-grade solution for the A8 with a bridge or underpass in the centre of Ballynure connecting Lismerary Road and Riverside;
- *Option 5* - A viaduct structure taking the proposed A8 dual carriageway over Ballynure allowing motorised and non-motorised access beneath the A8; and
- *Option 6* - An underpass/cutting taking the proposed A8 dual carriageway beneath Ballynure allowing motorised and non-motorised access above the A8.
- *Option 7* - A half depth cutting taking the proposed A8 dual carriageway beneath Ballynure with a half height embankment connecting Lismerary Road and Riverside.

Ballynure Water flows through the middle of the village under the existing A8. This watercourse could not be easily diverted around an underpass, therefore any proposed changes to the vertical alignment for the dual carriageway would need to remain at existing ground levels or go beneath the watercourse.

The option of retaining the existing A8 at grade and taking the side road over is represented in Option 4, and the option of lowering the road to pass under the watercourse, represented by Option 6. Option 7 was discounted because of the vertical constraint imposed by Ballynure Water.

These options were considered at Stage 1 and *Option 1* was identified as the best performing online solution when assessed in accordance with the DMRB and WebTAG methodologies and against the Government's five key objectives for transport.

Summary of Online Options Comparison to Option 1 (Corridor 1)

	Option 2	Option 3	Option 4	Option 5	Option 6
Environment	Worse	Slightly Worse	Worse	Significantly worse	Significantly worse
Safety	Similar	Similar	Similar	Better	Better
Economy	Similar	Similar	Slightly worse	Significantly worse	Worse
Accessibility	Slightly better	Similar	Similar	Better	Similar
Integration	Similar	Similar	Similar	Worse	Worse

The comparison in the table above shows that none of the alternatives options assessed perform better than the at-grade solution for the A8 with a signalised junction in the centre of Ballynure (*Option 1*) in terms of the Government's key objectives for transport.

Option 1 would be the best online solution and formed the basis of the Stage 1 Assessment. The review of the alternative options available validated the work undertaken in the Stage 1 Assessment, as it was considered that the correct option for online dualling through Ballynure had been identified at Stage 1. It was however rejected, as it was seen as performing badly against the objectives of economy, safety and accessibility as well as for aspects of environmental impact (including townscape and community effects).

The Stage 2 Scheme Assessment was completed in August 2009 and appraised the viable routes within the preferred corridors. The recommended 'Preferred Route' included a short bypass to the east of Bruslee and a western bypass around Ballynure.

The western bypass was assessed as performing best in terms of safety, economy and accessibility, whilst the eastern option resulted in longer journeys for A57 to Larne traffic, resulting in a poor economic performance. Furthermore, the potentially longer journey would result in vehicles, including HGVs continuing to route through Ballynure, which would have a negative impact on safety and accessibility.

Following the Preferred Route announcement, feedback was obtained suggesting that the preferred route should have followed the existing A8 alignment through Ballynure. This resulted in a more detailed examination of the physical impact of taking a dual carriageway through the village using the most up to date data. A Stage 1 Addendum Report was subsequently published which confirmed the Stage 1 findings that an online dualling solution would not perform as well as a bypass.

The Stage 3 Scheme Assessment developed the preferred route, sought to minimise the impact of the scheme and deliver a more cost effective solution. The Stage 3 design was used for the draft Vesting, Direction and Private Accesses Stopping-Up Orders together with an Environmental Statement. The statutory documents were published in January 2011.

Since the announcement of the preferred route, a number of key changes have been made by the design team as follows:

- The Layout of the proposed Bruslee to Hillhead Road Link was changed from a two-way junction to left-out only. The creation of a 6 arm roundabout was assessed and rejected on the grounds of safety, environment and economy.
- Following opposition to a left-in left-out junction at Rushvale Road, a link road connecting Rushvale Road to Calhame Road was assessed to be the best alternative, based on economics and the negative visual impact of a bridge over the mainline.
- The proposed alignment of the mainline around Ballynure was adjusted to reduce the impact on property.
- Church Road would be stopped up and re-routed away from Ballynure to connect directly into the proposed new A57 junction. This created benefits in terms of economy and accessibility.

Having examined the technical and other written submissions and taken into account the supporting evidence presented by the RS and Ove Arup teams during the Inquiry, we accept that from a road engineer's perspective the proposed route appears on balance superior to the others which were considered and we therefore understand why it was identified as the Preferred Route.

However, many of those who made submissions both before and during the Inquiry did not agree and in particular, there was considerable opposition to the proposal to bypass Ballynure rather than utilise the existing alignment through the village.

Mr Bryan Orr is the landlord of two businesses at 5 Larne Road Ballynure; namely Beattie's Traditional Fish and Chip Shop and Johnston's Petrol Station and Mace

Convenience Shop. The main concern of Mr Orr, Mr Robert Beattie and Mr Graham Johnston, was the potential loss of income from the diversion of much of the two way through traffic which at present passes in front of their premises. They claimed that their respective turnovers could reduce by as much as 70% per annum.

The survival of their businesses in these circumstances was said to be questionable which could in turn lead to the loss of the services they provide to the local community together with the jobs and income they have created for their staff and suppliers.

Utilising the existing road alignment through Ballynure would not automatically solve the potential loss of passing trade issues for the two businesses, in that the dual carriageway which RS is proposing to construct would be very different from the existing road.

According to RS, a reduced speed limit of 40mph would be required along with a signalised junction. This would therefore introduce an inconsistent strategy along this key transport corridor and reduce journey times. In addition, the close proximity of motorised and non-motorised users, bus-stops and with existing accesses and junctions would require further measures within the detailed design that would not typically be associated with a rural dual carriageway.

The impact on Ballynure of an online scheme formed part of the Stage 1 Assessment and is summarised below to outline the implications for the village from the RS perspective:

- Closure of A8/Main Street junction due to close proximity of the new A57 junction;
- Gradual increases in traffic volumes leading to congestion at the Riverside/Lisglass Road junction within Ballynure, increased noise levels and reductions in air quality;
- Widening of the existing highway from approximately 20m to approximately 30m. This would increase the physical separation between the two halves of Ballynure and have an adverse affect on the setting of Ballynure;
- The provision of a dual carriageway and large signalised junction in the middle of the village that would be out of keeping with the village character;
- Restricted left-in left-out access to the Petrol Station, Fish and Chip shop and other residential properties with access directly from the A8;
- Reconfiguration and potential reduction in parking facilities at the Petrol Station and Fish and Chip Shop to accommodate new access;
- Limited pedestrian and cyclist crossing facilities increasing the hindrance for pedestrians and cyclists and therefore adversely increasing severance;
- A safety barrier would be required along the central reserve of the dual carriageway (except at the signalised junction) and pedestrian guardrail or safety barrier along both sides of the A8. This would increase the perception of severance and have an impact on the townscape of Ballynure;
- A 40mph speed limit would be required for safety reasons within Ballynure and non-motorised user and vehicle conflict would remain a significant concern. However, if a bypass option were to be implemented, not only would through traffic be removed, but a 30mph speed limit could be implement within the village to further improve safety;
- Major disruption during construction works associated with the widening or replacement of the existing Ballynure Water bridge, utility diversions, junction reconfigurations including temporary restrictions on movements and traffic congestion; and
- Demolition of two residential properties with significant land take from a further property. One of these properties was acquired by Roads Service a number of

years ago under blight legislation, but has been subsequently sold to a private individual.

It is also very probable that new and equally strongly held objections to an online solution would be received from people in Ballynure and elsewhere, many of whom may be in broad agreement with the current proposals.

Bypassing Ballynure offline to the west as proposed by RS would mean constructing a road and associated earthworks and structures through long established farmland, permanently removing it from agricultural production. Though financial compensation would be payable, many in the farming community believe that this can never accurately reflect the total impact on their landholding and enterprise.

In addition, major severance of farm lands would occur in some cases, leading to varying degrees of inconvenience and additional running costs on a day to day basis.

The connection which the farming community have with their land is in general extremely close and personal and very few regard their farmland as a mere commodity. It is therefore very understandable that proposals to vest agricultural land for major road projects is usually greeted with great dismay and strong resistance.

11.4. The Standard of the Proposed Road

Many of those who objected to the RS plans for the improvement of the A8 between Coleman's Corner and Ballyrickard Road alleged that the scheme had been over-engineered and several lesser alternatives were suggested ranging from simple dualling to provide two lanes in each direction, to the construction of roundabouts instead of the proposed assortment of grade separated junctions which have been planned along the route.

In the more distant past, though still within living memory, the creation of new roads was a less complex matter involving a rather less detailed approach than is the case in 2011. We consider the present systematic and wide ranging investigations employed by RS and their Consultants to be preferable, as they examine in a structured way many potential peripheral issues which could have been overlooked or disregarded in years gone by.

At each stage of the design process, the environmental implications of each option/route were assessed, together with the other four Government objectives of safety, economy, integration and accessibility and not as a stand alone decision making consideration.

In addition to other factors, the creation of roundabouts instead of grade separated junctions would have a negative impact on overall journey times. Noise levels and air pollution would increase due to vehicles decelerating and then accelerating away and sweeping headlights during the hours of darkness would be a possible irritation to property owners in the vicinity. Though less ground might be required than for grade separated junctions, the land take for new roundabouts would still be considerable.

11.5. Proposed Closure of Church Road

The original intention had been to construct a bridge to carry the proposed A8 over both Church Road and The Ballynure Water to the west of Ballynure and this formed part of the Preferred Route Announcement which was made in August 2009.

Following the appointment of the Contractor Consortium and further scheme development, it was decided to amend the proposals to stop-up Church Road and provide a link road from a point to the west of the proposed dual carriageway to the Templepatrick Road.

Some of the influencing factors for this decision were said by RS to include:

- The relatively low volume of traffic using Church Road and the proportion of this traffic destined for Ballynure.
- The limited diversion that would result from a closure of the road and
- The significant capital cost of providing a bridge.

The Department acknowledged that the closure of Church Road would result in a 1km diversion for all travellers undertaking a journey along the proposed link road from the west of the scheme to the centre of Ballynure.

However, RS also pointed out that journeys between Ballynure and Ballyclare and between Ballyclare and Larne (via the Templepatrick Road) would be unaffected by the scheme proposals. In addition, those road users on the west of the scheme that currently use Church Road to access the A8 would have an easier and more direct access via the A57 Templepatrick Road junction. As a result of the proposals, the level of traffic along Church Road would reduce significantly and result in an improved environment for residents in that area.

It was however acknowledged by the Department, that the closure of Church Road would result in a diversion for the small number of pedestrians.

Though being shown as the last of the three influencing factors identified above, it is believed that the additional £700k cost associated with the provision of a bridge was probably the major driver in the decision to plan for the closure of Church Road. It is quite understandable and commendable that RS should make every effort to identify cost reduction measures on the scheme wherever possible.

However, it was noted that a number of people expressed concerns about the intention to close Church Road and a very considerable proportion of the total number of objections received by the Department were from the fishing fraternity who had serious reservations about the intention to construct a culvert rather than a clear span bridge to carry the Ballynure Water under the proposed dual carriageway.

The views of those who have an interest in fishing were collectively discussed in some depth during the appearance of the Ulster Angling Federation (OBJ_094) at the Inquiry. During the exchanges, RS confirmed that the proposed so called 'culvert' to enable the slightly realigned Ballynure Water to pass under the main line would be 12m wide (at its widest point) by 6m high, with a natural bed and therefore more akin to an arched open span structure. This could well be somewhat different to the possible initial interpretation of the word 'culvert' in terms of cross sectional dimensions.

Dr William O'Connor, who had twenty years experience in fisheries and ecology and who had been appointed by RS to report on the impact of the scheme on the Ballynure Water had no objection to the proposals, provided that a number of defined environmental measures were implemented.

However, having listened and responded to the RS case, the fishing delegation adhered to their view that a clear span bridge structure which would not impact on the river in any way would be a preferable solution and there is some merit in this suggestion.

The perceived benefits of keeping Church Road open by constructing a clear span bridge over both Church Road and Ballynure Water would be as follows:

- It would address the key objections of those who have an interest in fishing.
- The 1km diversion for those living and working on the western side of the scheme and the centre of Ballynure would be eliminated and pedestrian access would be maintained along the existing route.
- The overall land take from Mr John and Ms Maree Kirk (OBJ_152) would be significantly reduced, as the link between Church Road and the Templepatrick Road would no longer be required.

- Similarly, the amount of land take from Ms Wilhemina Irwin (OBJ_142) on the western side of the main line would be reduced as the link road would no longer be required.
- Access would be provided for RS to maintain the new attenuation pond using Church Road.
- Mr Robert and Mr Adrian Smith (OBJ_068) would be able to access the two severed portions of their lands using Church Road and at the same time the travelling distance and time from their dwelling would be reduced.
- It had been recommended elsewhere in this Report that Mr John and Mrs Maree Kirk (OBJ_152) should be provided with a means of access to move stock between the severed portions of their lands on each side of the main line, without having to resort to the use of trailers etc. on the Belfast and Templepatrick Roads. With Church Road remaining open, an access lane could be constructed to the east of the main line to connect their lands with Church Road over part of the Irwin and Smith holdings. A similar connection could be made on the western side over the Irwin ground and in both instances the land in question has already been scheduled for vesting.

The perceived disadvantages associated with keeping Church Road open by constructing a clear span bridge over both Church Road and Ballynure Water would be as follows:

- The Smiths would be required to use part of a public road (Church Road) when moving stock between their severed portions of land. This would be less attractive than using the proposed agricultural underpass, which would be shared only occasionally with RS vehicles associated with pond maintenance. The Kirks would also have to use a portion of Church Road but this is seen as being preferably to the alternative tractor and trailer option on the more heavily used routes.
- Bio-security would be reduced slightly for both the Smiths and the Kirks by using the public road under the bridge and there would be issues around cleaning the surface of Church Road following stock transfers.
- Access to the proposed dual carriageway from the western section of Church Road would be less convenient and more time consuming than would be the case with the link road in place.
- The level of traffic along the eastern section of Church Road would not reduce significantly, meaning that there would be no environmental improvements for residents in that area.
- Clearly there would be additional costs associated with the construction of the bridge but the impact of this would be lessened were the recommendation that an access facility should be provided for Mr and Mrs Kirk to be accepted by RS and factored into the calculations. Furthermore, it is believed that whilst the lowest cost solution is a very important consideration, it should not necessarily be viewed as the key criterion in this instance.

Whilst the case for constructing a bridge as opposed to a 'single span arched structure' is not in any sense overwhelming, it is believed that on balance an open span bridge over both Church Road and Ballynure Water, incorporating access facilities for the Kirks, the Smiths and the attenuation pond would be preferable and this will be recommended in Section 12.

11.6. Proposed Rushvale Road – Calhame Road Link

The cases both for and against the proposal to construct the 'Calhame Link' have been considered in this Report under Mr Peter Caldwell (OBJ_124), and the Calhame Road Residents Association (OBJ_159) and no further comment will be made here.

11.7. Agricultural Impact Assessments

The AIAs prepared as part of the A8 dual carriageway proposals sought to:

- Establish if the land was being rented out in conacre or being farmed commercially by the landowner as a farm business. (Land rented out in conacre or farmed by a landowner under conacre, was not considered as being affected by the new scheme proposals, since there was no security of tenure);
- Document the details provided verbally by the landowner, regarding the scale of enterprises on the farm. (i.e. herd size, flock size, arable enterprises, management objectives, employment provided, etc);
- Assess the impact on the landowner with each of the five scheme options, regarding land loss, land severance, access, etc;
- Provide an overall, subjective assessment, regarding the impact on the landowner, which did not include any assessment of overall farm gross margin / farm income.

Though the majority of the proposed dual carriageway would be on line, with the exceptions of the eastern by-pass of Bruslee and the western diversion around Ballynure, the impact on the farming community would be considerable.

Widening the entire existing single carriageway to dual carriageway standards would reduce the amount of agricultural land required for the scheme. However, restricting access, both on and off the main line, together with the elimination of right turn and crossing movements would create significant severance in many cases and lead to major diversions in order to access adjacent parts of land holdings.

Where the new road would go off-line, the impact would not only create severance but the land lost to the scheme would be very considerable in many cases.

A major concern for the many of those in the agricultural community, was the formal assessment of the impact that the road proposals would have on their individual enterprises and in particular the exclusion of land taken in conacre from the assessment process.

Whilst it is understood that land taken in conacre is usually subject to an agreement each year with no guarantees beyond the current rental year, what seems to be ignored is that these annual agreements often run for many consecutive years, or indeed even decades and therefore become a virtually permanent feature of the particular farming enterprise. Whilst the exclusion of short duration arrangements seems reasonable, it is believed that where it can be demonstrated that the same land has been taken on an annual basis over many years, this should be taken into account in AIAs.

The list of factors assessed in the compilation of individual AIAs included:

- Type of Enterprise;
- Single Farm Payments;
- Nitrates Directive;
- Countryside Management Scheme;
- Less Favoured Area Compensation Allowances Scheme;
- Bio-security;
- The Affect on Management, Performance and Future Viability of the Farm;

- Mitigation Measures and;
- Conclusions.

However, a number of Objectors from the farming community expressed the belief that many of the issues which would affect their farm businesses had not been fully addressed in their AIAs. Had this been the case, then perhaps land owners might have been less dissatisfied with what had taken place to date, in that their wider concerns and issues would have been recognised and assessed.

The severance of farm holdings would create the need for diversions, which in some instances would be considerable and this would lead to an increase in the time and costs associated with the transfer and daily checking of livestock, slurry and fertiliser spreading, spraying, etc. New stock handling facilities could also be required. It is believed that an in depth assessment of these and other factors in the AIAs would have been beneficial.

It is also somewhat surprising, given the rural nature of the A8 scheme, that the Department of Agriculture and Rural Development which has a specific responsibility for the Farming Industry was not represented and made no input at the Inquiry.

11.8. Communications

Communication, or rather the lack of adequate communication between landowners and members of the Departmental team, was an issue which was raised on a number of occasions during the Inquiry process.

This has arisen in other RS Inquiries and it is recognised that the Team responsible for the A8 has been very aware that RS/Arup need good communications with the land and property owners who would be directly affected by the proposal to construct the A8 Coleman's Corner to Ballyrickard Road dual carriageway.

Keeping people advised of progress at all stages of a proposed road scheme is considered of very great importance and this is especially true once the Stage 3 Reports are released to the public domain. Once this has happened individuals begin to become aware of how they will be affected personally and it is essential that at this stage everything is done to discuss the finer points of detail and agree specific mitigation measures.

12 INSPECTORS' RECOMMENDATIONS

12.1 General

Having reviewed the evidence presented by the Department, Supporters, Objectors and others, both before and during the Inquiry and considered the detail contained in the Environmental Statements and other documentation, it is believed that the need for the proposed improvements to the A8 has been demonstrated and it is recommended that:

- The proposed new dual carriageway should be constructed in accordance with the Preferred Route, which is a combination of alternative Routes A2, B6 and C1. This would be a largely online widening scheme, with an eastern bypass of Bruslee and a western bypass of Ballynure.
- The proposal to make a Trunk Road T9 (Coleman's Corner to Ballyrickard Road) Order (Northern Ireland) 2011 should be implemented.
- The proposal to make an order vesting certain defined lands in the Department for the construction of the dual carriageway should be implemented.
- The proposal to make a Stopping-Up Order, the effect of which would be to stop-up to road traffic a number of defined private accesses should be implemented.
- The general recommendations set out above are subject to the qualification that new means of access under the proposed new carriageway have been recommended elsewhere in this Report for John Alexander and Maree Kirk (OBJ_152) and Mr and Mrs Gilbert, William and James Rowney (OBJ_005).
- The general recommendations set out above are also subject to Recommendation 12.2 below - Proposed Closure of Church Road, and Recommendation 12.3 below - Proposed Rushvale Road - Calhame Road Link.

12.2 Proposed Closure of Church Road

It is recommended that an open span bridge over both Church Road and Ballynure Water should be constructed, incorporating access facilities for Mr and Mrs Kirk (OBJ_152), Mr Robert and Mr Adrian Smith (OBJ_68) and the proposed attenuation pond. Interference with Ballynure Water to be kept to a minimum and Church Road to remain open.

12.3 Proposed Rushvale Road – Calhame Road Link

It is recommended that the original intention to make a left-in/left-out connection at the interface between Rushvale Road and the A8 is reinstated and the proposed Rushvale - Calhame link road is removed from the scheme.

12.4 Communications with Objectors and Mitigation Measures

It is recommended that:

- Contact to be increased with those individual Objectors who have expressed dissatisfaction with the level of communication to date.
- Ongoing communication to be maintained throughout the detailed design and construction phases with the aim of reaching agreement on measures to mitigate the impact of the proposed scheme on individual land and property owners.

12.5 Summary of Objector Specific Recommendations

Page	OBJ No.	Name/s	Recommendation/s
28	001	Martin Kearney and Karen Weir	<ul style="list-style-type: none"> • A retaining wall to be constructed in the garden at the front of the house to a height of 2.0m above Hillhead Road level in order to provide sound and visual screening. The wall finish to be agreed with the landowner. • An 2.0m high earth bank to be constructed in the field on the 'link' side of the existing south-eastern boundary between the garden and the adjacent field in order to provide sound and visual screening. • An 2.0m high earth bank to be constructed behind the south-western boundary of the field to be vested and the Hillhead Road in order to provide sound and visual screening. • Flooding of the lower part of the garden and the adjacent field to be permanently resolved.
43	004	RSPB	<ul style="list-style-type: none"> • The comments made by the RSPB to be incorporated where practicable into the scheme. • A Post Project Evaluation to be undertaken by the Department within 36 months of the completion of the project.
45	005	Mr and Mrs Gilbert, William and James Rowney	<ul style="list-style-type: none"> • Having considered the objections and taken into account the other evidence, it is recommended that Mr and Mrs Gilbert, Mr William and Mr James Rowney should be provided with a private means of access, in the form of a cattle creep, under the proposed A8 to connect the severed portions of their lands.
61	009	Jose and Carol Del Castillo	<ul style="list-style-type: none"> • Further information on the drainage and other proposals for the scheme to be provided to the landowners during one to one meetings, if requested.
63	010	Robert Weir	<ul style="list-style-type: none"> • Further information on the landscaping, access, drainage and other proposals for the scheme to be provided to the landowners during one to one meetings, if requested.
66	015	Mark Clark	<ul style="list-style-type: none"> • Further information on the noise, landscaping, drainage etc. for the scheme

Page	OBJ No.	Name/s	Recommendation/s
			to be provided to the landowner during one to one meetings, if requested.
69	017	Ian Wilson	<ul style="list-style-type: none"> Further information on access, drinking points, natural water supplies, the provision of bus stops, AIAs and other proposals for the scheme to be provided to the landowners during one to one meetings, if requested.
72	020	Ballynure Angling Club	<ul style="list-style-type: none"> RS to arrange consultations and discussions with the Officers of the Ballynure Angling Club, the Ulster Angling Federation and the Six Mile Water Trust at the detailed design stage.
75	049	Bill Lapping	<ul style="list-style-type: none"> Further information on bus stops, the septic tank and other proposals for the scheme to be provided to the landowners during one to one meetings, if requested.
77	050	Ellen, Carole, Thomas and Jennifer Houston	<ul style="list-style-type: none"> Further information on light pollution, fog issues, drainage, visual and noise impacts and other proposals for the scheme to be provided to the landowners if requested.
83	055	John, David and Robert McCreary	<ul style="list-style-type: none"> RS to keep the Objectors informed about the proposals for the watercourse at the detailed design phase with the aim of enabling the continued use of the drinking troughs. Additional requirements for laneways to connect fields to be discussed with the landowners and developed as part of the accommodation works proposals. Where practicable, the Department to take on board the landowners' views and requirements in finalising the schedule of accommodation works.
86	057	Mr and Mrs Millar	<ul style="list-style-type: none"> RS carry out further investigations in order to determine whether the small triangular portion of land discussed at the Inquiry can be removed from the vesting proposals. RS to determine at the detailed design stage whether the mature vegetation at the end of the garden can be retained and accommodated within the scheme. Every effort to be made to ensure that this vegetation is left undisturbed.

Page	OBJ No.	Name/s	Recommendation/s
			<ul style="list-style-type: none"> • RS to consider at the detailed design stage the provision of a protective crash barrier at the side of the main line to protect the property.
94	066	James and Brenda Montgomery	<ul style="list-style-type: none"> • Subject to a successful Planning Application, RS to give serious consideration to finding a means to fund the relocation of the Montgomery house further back on the same site to mitigate the impact of the scheme on this property. Mr Donaghy suggested that a possible option open to RS would be compensation under injurious affection. • RS to provide a drawing depicting the proposed retaining wall showing dimensions to the front of house. • RS to provide a detailed design drawing and specification for the pedestrian railing which would be required on top of the retaining wall to Mr and Mrs Montgomery for comment prior to commencement of the scheme. • RS to arrange for a full structural survey of the house to be carried out before work on the new road commences, and after construction is completed by an Independent Structural Engineer. The structural integrity of the property to be monitored during the construction phase. • The proposed shared left-in/left-out junction which would provide access to the main line to be moved closer to the Montgomery dwelling.
104	068	Malcolm and Adrian Smith	<ul style="list-style-type: none"> • RS to have discussions with the landowners concerning the provision of suitable access to each of the fields in the severed lands to the west of the proposed dual carriageway. • RS to provide a photomontage of the proposed new road at its closest point to the Smiths' yard. • New hedgerows to be planted as early as possible throughout the scheme corridor during the construction stage, in order to minimise the time required to reach maturity. • Should the recommendation to reverse the decision to close Church Road <u>not</u> be accepted by RS then:

Page	OBJ No.	Name/s	Recommendation/s
			<ul style="list-style-type: none"> ○ The remnants of Church Road to be used to access the proposed underpass rather than vesting part of the adjacent field. ○ Detailed drawings of the 4.5m high underpass to be constructed to link the Smiths' land and service the proposed attenuation pond to be provided by RS. This to show dimensions and finished road level in relation to existing ground levels.
118	069	Raymond McCann	<ul style="list-style-type: none"> ● RS to prepare a photomontage showing the view of the new road from the yard/house area. ● Discussions to continue with the landowner concerning their request for a suitable duct to be installed under the main line to facilitate the installation of possible new services and slurry pumping. ● Discussions to continue with the landowner concerning fencing requirements. ● RS to provide a written assurance that the proposed private means of access laneway leading to the south eastern end of the accommodation overbridge will be constructed to reach Mr McCann's land holding boundary.
130	092/093	Andrea McAfee and David Cochrane	<ul style="list-style-type: none"> ● RS to have further discussions with Mr Cochrane concerning the possibility of enhancing the planned visual screening between the dwelling and the proposed dual carriageway. ● RS to arrange for an Agricultural Report to be completed for this land holding. ● A suitable crash barrier to be provided on the top of the embankment to protect the dwelling. ● RS to investigate the provision of professional support to land and property owners to help them deal with the potentially traumatic and stressful situations which arise as a result of a road scheme. Even at this advanced stage, such support could well prove useful to those who are being

Page	OBJ No.	Name/s	Recommendation/s
			adversely affected by the A8 proposals.
153	094	Ulster Angling Federation c/o Jim Haughey	<ul style="list-style-type: none"> • RS to have consultations with the Officers of the Ulster Angling Federation Limited, the Ballynure Angling Club and the Six Mile Water Trust at the detailed design stage concerning the proposals at Church Road.
173	096	J A McClelland & Sons (Aucs) Ltd, on behalf of various landowners	<ul style="list-style-type: none"> • Members of the public should be made aware at an earlier stage of the process about the availability of information in the public domain. (Mostly a learning point for future schemes). • RS to bring forward and prioritise the necessary work relating to the proposed eight ponds in liaison with NIEA, with the aim of reaching a decision on whether some, or all of the ponds can be removed from the proposals without compromising the scheme. • RS to clarify to landowners if and when the policy should change to enable the boundary hedges to be planted on the <u>RS</u> side of the land take line along the full length of the scheme. • RS to bring forward discussions to enable BGE to begin dialogue with land owners on the realignment of their high pressure supply pipe and the associated construction timings. • Once further details have been worked through, RS to enter into discussions with land owners concerning possible licence agreements for ground required on a temporary basis. • Land to be transferred back to land owners in a similar condition as it was before the scheme commenced and this to be the subject of more detailed discussions with the individuals concerned.
183	098	John English	<ul style="list-style-type: none"> • Discussions involving RS, Mr Irvine and Mr English to continue in order to determine the most acceptable way forward.
197	100	Margaret Boyd	<ul style="list-style-type: none"> • RS to have discussions with the landowner concerning the possibility of erecting a higher stock proof fence to contain livestock until the replacement hedge is established.

Page	OBJ No.	Name/s	Recommendation/s
198	101	Jonathan and Samuel Rea	<ul style="list-style-type: none"> • Subject to further discussions with the landowners and their Agent, RS to provide a hard laneway to facilitate internal movement across the fields.
204	103	Yvonne Harson	<ul style="list-style-type: none"> • RS to discuss with the landowner in order to pursue the possibility of amending the design of the scheme to either reduce the impact or remove the need to vest the corner from the rear of the garden. • RS to have discussions with the landowner concerning the location, layout and access arrangements relating to the laneway and the location of the septic tank within the property boundary.
222	111	John White	<ul style="list-style-type: none"> • RS to have discussions with the land owner concerning the width of 4m proposed by RS for the access. This is considered by Mr White to be inappropriate for agricultural vehicles. • RS to give consideration to any joint request for the transfer of ownership of the appropriate part of the road, if the land and property owners jointly wish to restrict access to the laneway at the end of Deerpark Road.
224	112	Victor Keys	<ul style="list-style-type: none"> • RS to review the amount of land needed at the detailed design stage and any not required to be handed back to the land owner. • RS to enter into discussions with Mr Keys and Mr Irvine concerning the condition that the land required for temporary purposes would be in when handed back to the owner.
227	113	Patrick Joseph Maybin	<ul style="list-style-type: none"> • RS to review whether or not the proposed pond would be required. • RS to have discussions with Mr Maybin and Mr Irvine concerning the condition of the land required for temporary purposes when returned to the land owner following completion of the scheme. • RS to have discussions with Mr Maybin and Mr Irvine concerning the need for passing places on the proposed new access to the Maybin property.
232	114	Mabel Blair	<ul style="list-style-type: none"> • RS to have discussions with Ms Blair concerning the need for a fence of a higher standard than was originally proposed.

Page	OBJ No.	Name/s	Recommendation/s
234	115	Nelson Rea	<ul style="list-style-type: none"> RS to have discussions with Mr Rea and Mr Irvine concerning the condition of the land required for temporary purposes when returned to the land owner following completion of the scheme.
236	116	Samuel Robert Currie	<ul style="list-style-type: none"> RS to continue the ongoing discussions with Mr Currie with a view to adjusting the position of a junction to minimise the proposed land take.
239	117	Cecil White	<ul style="list-style-type: none"> During the detailed design stage, RS to make every effort to find a way to retain a number of the large mature trees referred to by the Objector. RS to bring forward and prioritise the necessary work relating to the proposed eight ponds in liaison with NIEA, with the aim of reaching a decision on whether some, or all of the ponds can be removed from the proposals without compromising the scheme. Once further details have been worked through, RS to enter into discussions with the land owner concerning possible licence agreements for ground required on a temporary basis. Land to be transferred back to land owner in a similar condition as it was before the scheme commenced and this to be the subject of more detailed discussions with the individual concerned.
240	118	Roseanne, James, Daniel, Francis and Lorraine Agnew and Margaret Close	<ul style="list-style-type: none"> Since the Department is content to remove the requirement for the road traffic sign, Plot 9.57 to be removed from the Draft Vesting Order. Should the property owners jointly wish to restrict access to the section of road referred to above, RS to give consideration to any joint request for the transfer of ownership of the appropriate part of the road.
243	120	Samuel Alan Lyttle	<ul style="list-style-type: none"> RS to revisit and reassess its decision not to provide a 'slip road' on the main line to protect heavy commercial vehicles entering Stewartstown Road.
245	121	Mr and Mrs Samuel Lyle	<ul style="list-style-type: none"> RS to maintain access to the Lyle property at all times during the construction phase.

Page	OBJ No.	Name/s	Recommendation/s
249	124	Peter Caldwell	<ul style="list-style-type: none"> • If the recommendation not to proceed with the construction of the Calhame Link is rejected, then RS to enter into discussions with the Caldwells concerning the type of fencing to be used on the Calhame Link. • RS to review at the detailed design stage whether the mature beech tree within Plot 2.62 can be retained.
254	126	Denis and Margaret Boyd	<ul style="list-style-type: none"> • Land required for temporary use to be transferred back to land owners in a similar condition as it was before the scheme commenced and this to be the subject of more detailed discussions with the individuals concerned.
263	129	Raymond and Violet Gingles	<ul style="list-style-type: none"> • RS to bring forward the detailed design work and necessary liaison with the Rivers Agency to establish whether all the ponds would be required or not. • RS to explore the possibility of constructing the access road closer to the main line.
265	130	Stephen Nelson Gingles	<ul style="list-style-type: none"> • RS to enter into discussions with the land owner concerning possible licence agreements for ground required on a temporary basis. Where it is possible to make such agreement the land to be removed from the Vesting Order. • Land required for temporary use to be transferred back to the land owner in a similar condition as it was before the scheme commenced and this to be the subject of more detailed discussions with the individual concerned. • RS to have further discussions with the landowner concerning the provision of internal laneways.
268	131	Dermot Paul Agnew	<ul style="list-style-type: none"> • RS to have further discussions with the land owner concerning accommodation works. These should include, the provision of landing spaces off each access point, the relocation of the septic tank and the possible extension of the laneway to the dwelling.
270	132	Mr & Mrs Robert Percy Robinson and Mr Samuel Robinson	<ul style="list-style-type: none"> • The Contractor to maintain access to the two parts of the property during the works and RS to meet with the landowners prior to construction to agree the necessary arrangements.

Page	OBJ No.	Name/s	Recommendation/s
			<ul style="list-style-type: none"> RS to develop and put in place arrangements relating to issues of security and safety to ensure they are assessed and properly addressed. This to be carried out in consultation with the Contractor and the landowners.
293	136	Samuel, Kathleen and William Patton	<ul style="list-style-type: none"> RS to provide a suitable pipe under both the proposed dual carriageway and Legaloy Road to facilitate the pumping of slurry. The exact locations, pipe dimensions etc. to be decided in consultation with the land owner.
296	137	John McWilliams	<ul style="list-style-type: none"> RS to have further discussions with the land owner concerning accommodation works and these to include the request for the provision of 2m high close boarded fencing.
298	138	Mr and Mrs Derek Moore	<ul style="list-style-type: none"> Subject to the design constraints of the scheme, RS to retain as much as possible of the existing vegetation and the mature tree within Plot 1.22. RS to have further discussions with the land owners concerning accommodation works and these to include the request for the exclusion of barbed wire in the boundary fencing.
300	139	Leslie Park	<ul style="list-style-type: none"> RS to enter into discussions with the land owner concerning the possibility of providing an alternative to a mains water supply such as a borehole.
301	140	Raymond Trevor and Joan McNeilly	<ul style="list-style-type: none"> RS to enter into discussions with the land owners concerning a possible licence agreement for lands required on a temporary basis. Land required for temporary use to be transferred back to the land owners in a similar condition as it was before the scheme commenced and this to be the subject of discussion with the individuals concerned. RS to enter into discussion with the landowners concerning the exact location and layout of the access point at the southern end of the property onto the A8.
307	142	Wilhemina Kirk Irwin	<ul style="list-style-type: none"> RS to enter into discussions with the land owners concerning a possible licence agreement for lands required on a temporary basis. Land required for temporary use to be transferred back to the land owners in a similar condition as it was before the scheme commenced and this to

Page	OBJ No.	Name/s	Recommendation/s
			<p>be the subject of discussion with the individuals concerned.</p> <ul style="list-style-type: none"> • RS to re-examine whether headlight spillage would be an issue at the Irwin dwelling. If so, appropriate mitigation measures to be taken.
311	143	Ian Graham	<ul style="list-style-type: none"> • RS to enter into discussions with the land owner concerning a possible licence agreement for lands required on a temporary basis. • Land required for temporary use to be transferred back to the land owner in a similar condition as it was before the scheme commenced and this to be the subject of discussion with the individual concerned. • RS to agree with the land owner a draft schedule of accommodation works including the extension of a proposed laneway to access all the lands and the need for the laneway to be capable of supporting large agricultural machinery. • RS to consider the reduction of the garden land take in order to retain as much as possible of the existing vegetation and trees and Mr Hutchinson to make a personal visit to the site in order to discuss the detail concerning accommodation works in the garden area.
316	144	Elwin Ward	<ul style="list-style-type: none"> • Mr Hutchinson to make representations to the Local Councils to see what could be done to reduce the problems associated with the fact that some of the new private accesses would be quite long. The specific options available in Mr Ward's case to form part of those discussions. • RS to to have discussions with the land owner concerning re-landscaping the garden, the replacement of all the garden pillars and the provision of a pedestrian access onto the proposed footway/cycleway. • Should Mr Ward's negotiations with an adjacent landowner be successful and if the small land-locked triangle of Mr Ward's land was definitely not required as part of the scheme then a temporary licence agreement for the land to be explored by RS with the intention of returning it to the landowner in due course.

Page	OBJ No.	Name/s	Recommendation/s
321	145	Ian McFall	<ul style="list-style-type: none"> • Mr Hutchinson to have exploratory discussions with both land owners to ascertain if agreement can be reached on purchasing the necessary land to provide Mr McFall with his preferred more direct access off Lisglass Road.
325	146	Thomas Knox	<ul style="list-style-type: none"> • RS to enter into discussions with the land owner concerning a possible licence agreement for lands required on a temporary basis. • Land required for temporary use to be transferred back to the land owner in a similar condition as it was before the scheme commenced and this to be the subject of discussion with the individuals concerned. • RS to ascertain who is responsible for the ongoing maintenance of the existing wall. • The condition of this wall to be assessed prior to the start of the project to ensure that it has sufficient strength. Any work considered necessary to strengthen the wall to be carried out as part of the construction contract.
361	150	Andrew Park	<ul style="list-style-type: none"> • RS to bring forward discussions to enable BGE to begin dialogue with the land owner on the revised alignment of their high pressure supply pipe and the associated construction timings • RS to enter into discussions with the land owner concerning possible licence agreements for ground required on a temporary basis. • Land to be transferred back to the land owner in a similar condition as it was before the scheme commenced and this to be the subject of more detailed discussions with the individuals concerned. • RS to have further discussions with the land owner concerning the proposed fencing arrangements around a permanent retention pond to be constructed in Plot 6.43 and the future implications it will have on spreading slurry on the surrounding lands
365	152	John and Maree Kirk	<ul style="list-style-type: none"> • A private means of access to be constructed for Mr and Mrs Kirk utilising Church Road in order to reduce the impact of the severance on their land holding.

Page	OBJ No.	Name/s	Recommendation/s
			<ul style="list-style-type: none"> Should RS reject the recommendation that an open span bridge should be constructed over Church Road and Ballynure Water, then an accommodation underpass should be provided for the Kirks on the southern side of the single span arched structure.
379	154	Kenneth Mairs	<ul style="list-style-type: none"> RS to enter into discussions with the land owner concerning possible licence agreements for ground required on a temporary basis. Land to be transferred back to the land owner in a similar condition as it was before the scheme commenced and this to be the subject of more detailed discussions with the individuals concerned. RS to have discussions with the land owner concerning where the proposed new access will be positioned and the standard to which it will be constructed.
383	155	Ian and Ellen Davidson	<ul style="list-style-type: none"> RS to enter into discussions with the landowners concerning the standard of the proposed access, which should be sufficient to accommodate both heavy and wide vehicles.
386	156	Mr and Mrs Samuel McNeilly	<ul style="list-style-type: none"> Mr Hutchinson to visit the property to discuss with the owners what could be done to address their concerns about loss of privacy and an increase in road traffic noise levels.
389	157	Robert John Kennedy	<ul style="list-style-type: none"> RS to enter into discussions with the land owner concerning possible licence agreements for ground required on a temporary basis. Land to be transferred back to the land owner in a similar condition as it was before the scheme commenced and this to be the subject of more detailed discussions with the individuals concerned. RS to enter into discussions with the land owner concerning a new access to land at Plot 2.48.
394	159	Calhame Road Residents Association	<ul style="list-style-type: none"> It is recommended that the original intention to make a left-in/left-out connection at the interface between Rushvale Road and the A8 is reinstated and the proposed Rushvale - Calhame link road is removed from

Page	OBJ No.	Name/s	Recommendation/s
			the scheme.
414	162	Mr and Mrs William Mills	<ul style="list-style-type: none"> • RS to agree a draft schedule of accommodation works with the land owner, including the need to connect the private means of access to the existing internal laneway network. • In recognition of the importance of a natural water supply to the Mills family, a borehole or similar facility to be provided to ensure the continued availability of this resource.
424	163	Mr and Mrs John Marshall Hill	<ul style="list-style-type: none"> • RS to discuss possible accommodation works with the land owners. • RS to bring forward discussions to enable BGE to begin dialogue with land owners on the revised alignment of their high pressure supply pipe and the associated construction timings.
430	165	Robin McGladdery and Samuel J Marks	<ul style="list-style-type: none"> • RS to take on board landowners' views and requirements in finalising the schedule of accommodation works, with particular reference to accesses on to Lisglass Road
436	168	Stanley Hall	<ul style="list-style-type: none"> • RS to provide Mr Hall with road layout maps relating to his lands at Dunturkey.
456	173	F P McCann Limited	<ul style="list-style-type: none"> • RS to continue discussions on the revised plans and accommodation works with the Company, with a view to reaching mutually acceptable solutions.
483	179	Mr Graham Johnston	<ul style="list-style-type: none"> • The Preferred Route, incorporating a western bypass of Ballynure should remain as the preferred option. • RS to consider providing help to these businesses in order to mitigate the impact of their likely loss of passing trade and help them develop other revenue streams. This could take the form of professional business and marketing advice and support.
507	185	Jennifer Louise Kennedy	<ul style="list-style-type: none"> • RS to enter into discussions with the land owner concerning possible licence agreements for ground required on a temporary basis. Where it is possible to make such agreement the land to be removed from the Vesting

Page	OBJ No.	Name/s	Recommendation/s
			<p>Order.</p> <ul style="list-style-type: none"> • Land required for temporary use to be transferred back to the land owner in a similar condition as it was before the scheme commenced and this to be the subject of more detailed discussions with the individual concerned. • Subject to the design constraints of the scheme, RS to investigate the retention of the mature trees within Plot 10.23.
519	188	Martha and Ruby Drummond	<ul style="list-style-type: none"> • Mr Wilkinson and the land owners to be provided with confirmation of the proposed realignment of the access road.
528	195	Wendy Davison	<ul style="list-style-type: none"> • RS to consider relocating the proposed left-in/left-out junction slightly further south. However, it is recognised that the location of this access will be limited by the need to ensure sufficient space for the turning movement for vehicles accessing both the agricultural land and proposed attenuation pond. • RS to give consideration to any request received from Wendy Davison for the transfer of ownership of the appropriate part of the road referred to above.
535	Not Allocated	Mr and Mrs Jeffrey Ferris	<ul style="list-style-type: none"> • RS to make every effort to provide Mr and Mrs Ferris with the alternative access to the property which has been requested. • The views of the adjacent land owners, Mr and Mrs Samuel Hill, to be taken into account, as the alternative laneway under consideration would be adjacent to their property.

13 Acknowledgements

- The smooth running of a Roads Inquiry depends to a very large degree on the quality of the administrative support provided by the Roads Service Staff. We wish to express our most sincere gratitude to both Ms Joanne Smyth, the Programme Officer and Stephen O'Hagan, the Deputy Programme Officer, for their professional, enthusiastic and cheerful support at all times throughout the entire Inquiry process.
- Having a transcript of the proceedings at an Inquiry was invaluable in the preparation of the subsequent Report and we are grateful for the dedicated efforts of our Stenographers, Ms Wendy Wilson and Ms Sheila Birney.
- We also wish to record our thanks to everyone who chose to write to the Department to express their views concerning the proposal to construct a new dual carriageway between Coleman's Corner and Ballyrickard Road. We also acknowledge and thank everyone who attended all or part of the Inquiry and in particular the many individuals and organisations who made contributions during the seven days at Corr's Corner Hotel in June 2011 and at earlier events.
- Lastly, and by no means least, we wish to recognise the very considerable efforts of the Roads Service Team in Coleraine, together with the Staff from Ove Arup and Partners Limited, the specialist Consultants and the Contractor Representative. The desk and field research necessary to create the Environmental Statement and the other detailed documentation was enormous and having their knowledge and expertise readily available at the Inquiry was essential.



Annex A

Departmental Team, Consultants And Advisors Who Attended The Inquiry

Organisation	Name	Title
	Andrew McGuinness	Barrister instructed by the Department
DRD Roads Service	Colin Hutchinson Joanne Smyth Stephen O'Hagan	Project Sponsor Programme Officer Assistant Programme Officer
ARUP	Stephen Hall	Project Manager
	Chris Furneaux	Deputy Project Manager
	Gordon Henderson	Traffic and Economics Lead
	Simon Power	Environmental Lead
	John McGill	Lands Liaison Officer
	Matt Dowie	IT/Visual Screen Controller
Lagan Ferroviai Costain	Barry Woodman	Contractor
Alan McIlmoyle & Associates	Dr Alan McIlmoyle	Agricultural Consultant
Ecofact Environmental Consultants	Dr William O'Connor	Fisheries Expert

Annex B

Objectors, Agents And Others Who Made Contributions At The Inquiry

Beattie Robert	Beatties Fish & Chip Shop Ballynure
Boyd Dennis	39 Seskin Road Straid
Caldwell Lawrence	7 Rushvale Road Ballyclare
Caldwell Peter	Livery Farm Rushvale Road Ballyclare
Caldwell Peter	10 Rushvale Road Ballyclare
Carey Brendan	25-27 New Row Coleraine
Cassidy Kevin	3 Drummard Road Magherafelt
Cochrane Andrea	50 Larne Road Ballynure
Cochrane David	50 Larne Road Ballynure
Craig John	3 Rushvale Road Ballyclare
Craig Michael	3A Rushvale Road Ballyclare
Donaghy Thomas	Frank Donaghy Auctioneers Dungiven
Ferris Jeffery	31 Belfast Road Ballynure
Gault Jack	1 Calhame Road Ballyclare
Graham Ian	8 Calhame Road Ballyclare
Hall Erica	9 Calhame Road Straid
Hall Mathew	9 Calhame Road Straid
Hall Stanley	9 Calhame Road Straid
Haughey Robert	39 Broughton Gardens
Hunter Andy	

Irvine Shaun	J A McClelland & Sons Ballyclare
Irwin Nicholas	25 Church Road Ballynure
Johnston Graham	Ballynure Filling Station
Kearney Martin	217 Hillhead Road Ballyclare
Kennedy Roy	61 Glen Road Ballyclare
Kirk John	15 Belfast Road Ballynure
Logan Wilson	11 Calhame Road Straid
Lyttle Alan	4 Stewartstown Drive Larne
Marks Samuel	Tira-Na -Nog Ballycastle
Marshall Robbie	C/O Ulster Angling Federation
Maybin Patrick	98 Larne Road Ballynure
McFall Ian	3 Lisglass Road Ballyclare
McCann Chris	3 Drummard Road Magherafelt
McConnell Geoffrey	1 Moss Road Ballyclare
McCracken Robert	
McCudden Pat	9 Collin View Ballyclare
McGloin Eileen	EMcG Solutions
McMillan Jim	c/o Ulster Angling Federation
Miller Margaret	80 Belfast Road Bruslee
Miller Samuel	80 Belfast Road Bruslee
Mills Nora	31 Lismenary Road Ballynure
Mills William	31 Lismenary Road Ballynure
Montgomery James	55 Larne Road Ballynure

Orbinson William	c/o OKT 22 Adelaide Street Belfast
Orr Bryan	
Patterson Mark	OKT 22 Adelaide Street Belfast
Robinson Keith	13 Linden End Aylesbury Bucks
Robinson Lorraine	24 Larne Road Ballynure
Rowney Gilbert	64 Larne Road Ballynure
Rowney James	64 Larne Road Ballynure
Rowney William	62 Larne Road Ballynure
Simpson John	7 Calhame Road Ballyclare
Ward Elwin	68 Belfast Road Ballynure
Weir Karen	217 Hillhead Road Ballyclare
Wilkinson Colin	7 Point Street Larne
Wilson Sammy MP MLA	116 Main Street Larne

