

**DEPARTMENT FOR REGIONAL DEVELOPMENT
THE ROADS (NORTHERN IRELAND) ORDER 1993
THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972**

**STATEMENT BY THE DEPARTMENT
ON
REPORT ON THE LOCAL PUBLIC INQUIRIES
INTO
ENVIRONMENTAL STATEMENT
DIRECTION ORDER (Trunk Road Order)
PRIVATE ACCESSES (STOPPING-UP) ORDER
VESTING ORDERS
FOR
A6 LONDONDERRY TO DUNGIVEN DUALLING SCHEME**

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1. Content of the Decision

- 1.1 The Department for Regional Development (“the Department”) has decided to proceed with the A6 Londonderry to Dungiven dualling scheme, including a dual carriageway bypass of Dungiven, subject to a number of minor modifications to the published scheme and draft Orders, as specified in the Annexes to this statement.
- 1.2 The plan for a 30km dual carriageway from Londonderry to Dungiven, including a dual carriageway bypass of Dungiven was announced on 14 December 2005 by Peter Hain, the then Secretary of State for Northern Ireland.
- 1.3 The preferred route for the scheme was announced on 6 May 2009 by Conor Murphy, the then Minister for Regional Development. The scheme starts midway along the Clooney Road dual carriageway (which is also improved between Caw Roundabout to Maydown Roundabout as part of this contract) and terminates at an at-grade roundabout east of Dungiven. Compact grade-separated junctions connect the dual carriageway to the local road network.
- 1.4 The Department published a draft Environmental Statement (ES) and draft Orders (Vesting Orders, Direction Order and Stopping-Up of Private Access Order) in December 2011 for consultation. The consultation period for receipt of comment on the Environmental Statement and receipt of objections to the Direction Order, Stopping Up Order and Vesting Orders ended 2 March 2012. The documents were made available for inspection at 7 deposit locations and on the Department’s webpage.
- 1.5 122 letters of objection and 11 representations were received by the end of the objection period. No detailed alternative proposals were submitted. Having regard to the opinions expressed and the strategic importance of the scheme, the Department considered it appropriate to convene local public inquiries to examine the case for and against the scheme. Mr. Jim Robb was appointed as Inspector, assisted by Mr. Jeremy Mills as Assistant Inspector. The inquiries opened on 24 September 2012 and ended in the late afternoon of 2 October 2012, lasting a total of six days. The Inspector delivered his Report to the Department on 13 March 2013.
- 1.6 Having considered the Inspector’s Report and all other representations made, the Department concurs with the Inspector’s recommendation that the proposed A6 Londonderry to Dungiven dual carriageway should proceed. The decisions and orders will be subject to the requirement to carry out the mitigation and other works summarized in Section 5 of this Statement and detailed in full in the ES, and those actions to facilitate the Inspector’s recommendations.
- 1.7 The scheme has been structured such that it can be constructed as a whole or in parts. The contract requirements will be as shown on the contract drawings, specification and associated documents. A procurement strategy will be developed to identify the most suitable procurement route.
- 1.8 Sections 2, 3 and 4 of this statement set out the considerations on which the decision to proceed with the scheme is based. Section 5 summarises the measures that will be incorporated to mitigate the adverse effects of the scheme and the most significant impacts arising from the scheme. Section 8 describes the assessment carried out under Regulation 43(1) of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) (“the Habitats Regulations”) to consider the implications of

the A6 Londonderry to Dungiven dual carriageway on the River Faughan and Tributaries and the River Roe and Tributaries Special Areas of Conservation.

2. Basis of the Decision

2.1 Existing Conditions

A2 Caw – Maydown

- 2.1.1 The A2 Clooney Road dual carriageway between Caw and Maydown roundabouts is approximately 2.4 km long and was constructed in 1968 as online dualling (a new carriageway was built alongside and south-west of the existing road). The new carriageway became the city-bound lanes and the unimproved existing road became the country-bound lanes. As the country-bound carriageway was unimproved, in certain locations the horizontal and vertical alignment is sub-standard, resulting in restrictions in stopping sight distance. Consequently a 50mph speed limit has been imposed between Gransha Roundabout and Maydown Roundabout. Caw Roundabout was built in 1973 as part of the Crescent Link Scheme. Gransha Roundabout, which was built in 1992, replacing the previous at-grade junction serving the Gransha Estate.
- 2.1.2 The A2 Clooney Road between Caw Roundabout and Gransha Roundabout is considered to be suburban in nature. It consists of approximately 0.5km of dual 2-lane carriageway with a national 70mph speed limit on the city-bound lane between Gransha Roundabout and Caw Roundabout and a 50mph speed limit on the country-bound lane between Caw Roundabout and Gransha Roundabout. Average speed on this urban section is approximately 18mph, based on journey time data recorded in June 2009. This suburban section of dual carriageway carries between 27,100 and 27,300 vehicles per 12 hour day based on surveys carried out in June 2009 and April 2008 respectively. Approximately 6% of the traffic using this section is composed of HGVs.
- 2.1.3 The A2 Clooney Road between Gransha Roundabout and Maydown Roundabout is a rural stretch of dual carriageway with a national 70mph speed limit on the city-bound lane, and a 50mph speed limit on the country-bound lane from Gransha Roundabout to Maydown Roundabout. Average speed on this rural section varies between 38mph and 42mph, based on journey time data recorded in June 2009. This section of the dual carriageway carries between 21,000 and 23,800 vehicles per 12-hour day based on surveys carried out in June 2009 and April 2008 respectively. Approximately 6% of the traffic using this section is composed of HGVs.

A514 Crescent Link – Caw Roundabout to Altnagelvin Roundabout

- 2.1.4 The A514 Crescent Link dual carriageway extends from Caw Roundabout to Altnagelvin Roundabout, and is considered to be suburban in nature. It was built in 1973 as a single carriageway with earthworks extended to facilitate future dualling. The 1973 contract included construction of Caw Roundabout on the A2 Clooney Road dual carriageway and Altnagelvin Roundabout on the A6 Glenshane Road. Crescent Link has been progressively converted to a dual carriageway with the 1km Caw to Rosstown Road section opened to traffic in 2003, the 0.65km Rosstown Road to Kilfennan Link Road section opened to traffic in 2006, and the 1.2km Kilfennan Link Road to Altnagelvin Roundabout section opened to traffic in 2007. The prevailing speed limits on the road vary from 50mph between Caw Roundabout and Kilfennan Roundabout, and 40mph between Kilfennan Roundabout and Altnagelvin Roundabout. Average speed on this urban section varies between 30mph and 32mph, based on journey time data recorded in June 2009.

- 2.1.5 This suburban section of the dual carriageway carries between 21,000 and 25,300 vehicles per 12-hour day around the city between the A6 and A2, and into the Crescent Link Retail Park and the surrounding residential areas. Approximately 3% of the traffic using this section is composed of HGVs.

A6 Glenshane Road – Altnagelvin Roundabout to Drumahoe

- 2.1.6 The A6 Glenshane Road was improved in 1961 to a high standard single carriageway commencing south-west of Belt Road and continuing for some 1.2km towards the city. This section has been further improved in the intervening years with the provision of traffic signals at Belt Road and the Altnagelvin Hospital entrance, with a multi-lane approach to, and exit from, Altnagelvin Roundabout. South-west of Belt Road, Glenshane Road was improved in 1968 to a high standard single carriageway extending some 2km country-bound, bypassing part of Drumahoe. This section also included a climbing lane on the uphill approach to the Belt Road junction.
- 2.1.7 The A6 Glenshane Road in this area is considered to be urban in nature, from Altnagelvin Roundabout to about 0.2km south-west of Belt Road. This 0.7km section consists of dual 2-lane and single 2+1 carriageways with a speed limit of 30mph and carries between 17,300 and 24,000 vehicles per 12-hour day. Average speed on this urban section varies between 13mph and 23mph, based on journey time data recorded in June 2009.
- 2.1.8 Approximately 36,500 vehicles pass through the Altnagelvin Roundabout in a 12-hour day and approximately 26,400 vehicles pass through the traffic signals at the entrance to Altnagelvin Hospital per 12-hour day, with approximately 7,600 vehicles entering and exiting the hospital site. Approximately 4% of the traffic using this section is composed of HGVs.
- 2.1.9 The adjoining section of the A6 Glenshane Road to the west of Drumahoe is approximately 1.3km of rural road, consisting of single 2-lane and 2+1 carriageways with a national 60mph speed limit. This rural section of road west of Drumahoe carries between 13,000 and 16,800 vehicles per 12-hour day. Approximately 6% of the traffic using this section is composed of HGVs.

A6 Glenshane Road/Foreglen Road – Drumahoe to Claudy Crossroads

- 2.1.10 The 1.3km section of the existing A6 through Drumahoe to Lismacarol Road is considered to be suburban in nature. It consists of a single 2-lane carriageway subject to a 40mph speed limit and carries between 12,000 and 16,100 vehicles per 12-hour day. Approximately 6% of the traffic using this section is composed of HGVs. Average speeds on this suburban section of the route varies between 32mph and 39mph, based on journey time data recorded in June 2009.
- 2.1.11 The 9.6km section of the existing A6 between Lismacarol Road and the junction with Baranait Road near Claudy is considered to be rural in nature. The road consists of 2.6km and 3.2km of single 2-lane carriageway, either side of a 3.8km section of wide single 2+1 lane carriageway between the B118 Tamnaherin Road junction and the B74 Glenshane Road junction. This section of road has a national 60mph speed limit throughout and carries between 9,300 and 13,100 vehicles per 12-hour day, based on survey data recorded in June 2009. Approximately 10% of traffic using this section is composed of HGVs. Average speed on this rural section varies between 39mph and 53mph, based on journey time data recorded in June 2009.

A6 Foreglen Road – Claudy Crossroads to Dungiven

- 2.1.12 The 14.1km section of the existing A6 between Claudy Crossroads and Dungiven is considered to be rural in nature. It was improved in the 1960s to a high standard single carriageway. The road consists of a 4.0km and 8km of single 2-lane carriageway, either side 1.4km of wide single 2+1 lane carriageway between Claudy Crossroads and Ballyhanedin Road followed by approximately 1.7km section of wide single 2+1 lane carriageway at Ballyhanedin Road. This section of road has a national 60mph speed limit throughout, and carries between 8,800 and 9,800 vehicles per 12-hour day, based on survey data recorded in April 2008. Approximately 10% of the traffic using this section is composed of HGVs and the average speed on this rural section varies between 45mph and 48mph.

A6 Dungiven Main Street – Chapel Road

- 2.1.13 The A6 continues through Dungiven on Main Street and Chapel Road as 2.0km of single 2-lane carriageway with on-street parking between New Street and the Garvagh Road. The road is urban in nature and is subject to a 30mph speed limit and carries between 12,600 and 14,800 vehicles per 12-hour day, based on survey data recorded in April 2008. Approximately 8% of the traffic using this section is composed of HGVs and the average speed on this urban section of the route varies between 16mph and 23mph.
- 2.1.14 The Glenshane Road east of Dungiven was improved to high standard single carriageway at Crebarkey in 1986 and at Carn (leading to the Glenshane Pass) in 1975. The road is considered to be rural in nature and it consists of a single 2-lane carriageway subject to national 60mph speed limit and carries between 10,400 and 11,700 vehicles per 12-hour day, based on survey data recorded in April 2008. Approximately 10% of the traffic using this section is composed of HGVs and the average speed on this section of the route is relatively constant throughout the day at 41mph.

2.2 Policy Context

The Trunk Road Network

- 2.2.1 The Department for Regional Development is responsible for ensuring that the public road network is managed, maintained and developed. The Roads (Northern Ireland) Order 1993 defines the procedures to be followed when the Department proposes to build a new trunk road or carry out improvements to a road within the trunk road network.

Transport Policy

- 2.2.2 The current programme to improve transportation links in Northern Ireland has evolved over the last decade or so. The key documents and strategies guiding this programme are:

- The White Paper “A New Deal for Transport: Better for Everyone” published 1998;
- “Moving Forward: The Northern Ireland Transport Policy Statement” published 1998;
- “Regional Development Strategy for Northern Ireland 2025” published 2001;
- “Regional Transportation Strategy for Northern Ireland 2002-2012” published 2002;
- “Regional Strategic Transport Network Transport Plan 2015” published 2005;
- “Investment Delivery Plan (IDP) for Roads” published 2008;

- “Regional Development Strategy 2035” published 2012;
- “Ensuring a Sustainable Transport Future – A new approach to Regional Transportation” published 2012; and
- “Investment Strategy for Northern Ireland 2011-2021” published 2012.

Regional Development Strategy

- 2.2.3 The Regional Development Strategy for Northern Ireland 2025 (RDS) guides the development of Northern Ireland up to 2025 and beyond. The importance of the RDS is underpinned by Article 5 of the Strategic Planning (Northern Ireland) Order 1999 and was recognised in the Northern Ireland Executive’s Programme for Government.
- 2.2.4 In recognition of the changing challenges facing the region, the Executive agreed that the Regional Development Strategy, which was published in 2001 and reviewed in 2008, needed to be revised. Following public consultation, the RDS 2035 was published on 15 March 2012. Whilst many of the objectives of the previous strategy are still valid this document now replaces it.
- 2.2.5 The Regional Transportation Strategy (RTS) 2002 - 2012 supports the RDS and makes a significant contribution towards achieving the longer-term transportation vision contained within the RDS. The strategic direction and underlying principles of the RTS were agreed by the Northern Ireland Assembly in 2002.
- 2.2.6 A revised strategy document, Ensuring a Sustainable Transport Future – A New Approach to Regional Transportation, was launched on 28 March 2012. The new approach to regional transportation compliments the RDS and aims to achieve its vision for transportation. One of the main Strategic Objectives of the Strategy is to 'improve connectivity within the region' by completing the work identified in the current Regional Transport Network Transport Plan and Strategic Road Improvement Programme.
- 2.2.7 The Regional Strategic Transport Network Transport Plan 2015 (RSTNTP) sets out how the RTS will be implemented and confirms the individual schemes and projects to be implemented (subject to economic assessments, statutory processes and availability of resources) to support the RDS and RTS objectives and targets.

Investment Strategy for Northern Ireland

- 2.2.8 The Investment Strategy for Northern Ireland (ISNI) 2005-2015, launched on 14 December 2005, set a new, comprehensive approach to be used by government to make informed decisions as to the investment priorities for Northern Ireland for the ten year period. The ISNI confirmed that implementation of the existing RTS was already bringing considerable investment in the roads network across Northern Ireland. To achieve the aspirations of the Economic Vision for Northern Ireland required an even more forward looking approach to ensure the key infrastructure was in place so that Northern Ireland is prepared for inward investment. ISNI confirmed plans to commence additional investment that would result in higher standard roads providing improved access for commercial traffic, buses and private cars, mainly on the key Transport Corridors connecting Northern Ireland’s major cities, including key cross border routes.
- 2.2.9 A revised Investment Strategy for Northern Ireland (ISNI) 2008 - 2018, was published in 2008 and indicated an investment of £3.1 billion in roads infrastructure. Approximately £2.5 billion was targeted at the Strategic Road Network and included major schemes on

the key strategic routes. A daughter document, the DRD Investment Delivery Plan (IDP) for Roads, provides additional detail on future infrastructure investments, organisational capacity and delivery arrangements for the strategy envisaged in the ISNI.

- 2.2.10 In October 2012 the Investment Strategy for Northern Ireland 2011 to 2021 was published. This document updates the Investment Strategy in line with the new budget period. It highlights the progress made to date and sets out the next phase of investment in key projects and programmes. While the resolve to invest remained resolute, the scale and focus on investment was updated to reflect the economic climate, with a shift in focus to protecting jobs, fostering economic recovery and protecting public services. The Strategy focused on prioritising infrastructure programmes that would deliver the best return in the period ahead.
- 2.2.11 The budget statement of 17 December 2015 set out the Executive's plans to invest £258m in improving the A6 route between Londonderry and Belfast over the 5 year period between 2016/17 and 2020/21. This funding will facilitate the construction of elements of the A6 Londonderry to Dungiven dualling scheme, including a bypass of Dungiven.

2.3 Scheme Benefits and Objectives

Strategic Objectives

- 2.3.1 Londonderry is the second largest city in Northern Ireland and the fourth largest on the island of Ireland, and thus is the regional hub for the North West of Northern Ireland, centrally located on the North West Development Corridor between Letterkenny and Coleraine. As such, it is recognised as the key strategic employment location for the North West, making significant contributions to the overall regional development of the Province and to the island of Ireland as a whole. It is recognised that the North West, due to the nature of major employers located within the region, is particularly vulnerable to global economic pressure and competition; consequently strategic areas of intervention have been identified by bodies such as Derry City Council and Londonderry Chamber of Commerce to underpin development of all sectors of the regional economy. One of these strategic areas of intervention is to create an integrated transportation system for the North West; intensifying the use of the Port of Londonderry and City of Derry Airport, upgrading key strategic transport corridors such as the A6, strengthening the regional rail system and enhancing accessibility to and around the city centre.
- 2.3.2 The A6 is part of the Belfast Metropolitan Area (BMA) – Londonderry Key Transport Corridor, otherwise known as the North Western Key Transport Corridor connecting the two largest cities in the Province and strengthening their access to and from Belfast International Airport.
- 2.3.3 Caw and Altnagelvin Roundabouts are two major junctions, connected by the A514 Crescent Link, facilitating the convergence of the Northern and North Western Key Transport Corridors, whilst providing other key strategic linkages to Craigavon Bridge from Altnagelvin Roundabout and to Foyle Bridge (A515) from Caw Roundabout; the only vehicular crossings of the River Foyle in the city. The A2 Clooney Road dual carriageway is part of the Northern Transport Corridor connecting Londonderry to the Belfast Metropolitan Area via Limavady and Coleraine. It provides links to Maydown and Campsie industrial areas and to the City of Derry Airport, the key air transport hub in the

North West of the province. It also provides a linkage to the strategic Port of Londonderry at Lisahally via Maydown Roundabout.

Scheme Specific Objectives

- 2.3.4 One of the key objectives of Roads Service¹ is to facilitate the safe movement of people, goods and services for the social and economic benefit of all people in Northern Ireland. As part of this mission, Roads Service is committed to providing a high standard all-purpose dual carriageway between Londonderry and Dungiven, including a dual carriageway bypass of Dungiven. Specific transport objectives for this scheme are:
- To improve the road network in the north west of the province;
 - To improve links to major destinations such as Belfast;
 - To increase accessibility to the north west to a greater number of firms and workers;
 - To reduce delays on the North Western Key Transport Corridor;
 - To reduce delays and congestion when passing through the Londonderry;
 - To improve road safety;
 - To improve journey time reliability;
 - To separate strategic and local traffic; and
 - To provide additional overtaking opportunities to assist in dispersing traffic platoons.
- 2.3.5 The proposed scheme would also be key in developing the socio-economic growth of Londonderry, building on its importance as a gateway and hub for Northern Ireland.

2.4 Scheme History and Alternative Schemes

Background

- 2.4.1 Roads Service carries out comprehensive appraisal of Strategic Road Improvement proposals. The appraisal procedure requires a clear understanding of the objectives that are to be met, and appropriate criteria to be used, to decide whether a proposal meets them. The Government's five objectives for transport are pivotal to the appraisal process.
- **Environmental Impact** involves reducing the direct and indirect impacts of transport facilities on the environment of both users and non-users. There are 10 sub-objectives including noise, atmospheric pollution of differing kinds, impacts on the countryside, wildlife, ancient monuments and historic buildings.
 - **Safety** is concerned with reducing the loss of life, injuries and damage to property resulting from transport incidents and crime. The 2 sub-objectives are to reduce accidents and improve security.
 - **Economy** is concerned with improving the economic efficiency of transport. The 5 sub-objectives are to improve economic efficiency for consumers and for business users and providers of transport, to improve reliability and the wider economic impacts, and to get good value for money in relation to impacts on public accounts.

¹ From April 2013 Roads Service became known as TransportNI, however, since the documents and work undertaken are referred to in this statement have been developed over a number of years, in order to maintain consistency, Roads Service is used throughout the report.

- **Accessibility** is concerned with the ability with which people can reach different locations and facilities by different modes.
- **Integration** aims to ensure that all decisions are taken in the context of the Government's integrated transport policy.

2.4.2 The appraisal procedure must allow determination of an appropriate balance between the five objectives.

2.4.3 Scheme assessment reports act as a summary of the more technical reports generated during the appraisal of road schemes. They are written to be unbiased and easy to read using a factual style, which describes both the advantages and disadvantages of routes or corridors; their principal audience is the public. Scheme assessment and reporting is a three-stage procedure; the level of detail and the coverage of the assessment and the report is appropriate to the type of decision that can reasonably be taken at each stage.

- **Stage 1:** – identify the environmental, engineering, economic and traffic advantages, disadvantages and constraints associated with broadly defined improvement strategies. This concludes in the selection of a number of potential routes or scheme options.
- **Stage 2:** – identify the factors to be taken into account in choosing alternative routes or improvement schemes and to identify the environmental, engineering, economic and traffic advantages, disadvantages and constraints associated with those routes or schemes. This concludes in the selection of a preferred route or scheme option.
- **Stage 3:** – identify clearly the advantages and disadvantages, in environmental, engineering, economic and traffic terms of the preferred route or scheme option. A particular requirement at this stage is an assessment of the significant environmental effects of the project, in accordance with the requirements of Article 67 of the Roads (Northern Ireland) Order 1993, implementing 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.

Stage 1 Assessment – standalone Dungiven Bypass

2.4.4 Consultant URS² was commissioned in 2003 to develop proposals for a number of potential routes or scheme options to bypass Dungiven. The 2004 Dungiven Bypass Stage 1 Scheme Assessment Report examined three potential route corridors, and recommended that the bypass should follow a corridor south of Dungiven and north of the River Roe.

Stage 1 Assessment – Castledawson to Londonderry

2.4.5 Consultant URS was commissioned in 2005 to undertake a Stage 1 scheme assessment to examine the provision of a dual carriageway along the A6 from Castledawson Roundabout to Londonderry.

2.4.6 The 2007 A6 Castledawson to Londonderry Stage 1 Scheme Assessment Report examined ten potential route corridors, and recommended that:

² The original Consultant, Scott Wilson was taken over early in the process by URS who have subsequently taken over by AECOM. Since the works undertaken and referred to in the statement have been delivered over a number of years, largely by URS, in order to maintain consistency URS is used throughout the report.

- Any improvement should follow the existing A6 corridor between Castledawson Roundabout and Drumahoe, except at Dungiven, where a bypass south of the town was recommended, and a cross country corridor between Drumahoe and the Caw Roundabout.
- The western section of the route, including the Dungiven Bypass, should be taken forward at an early stage to provide improved overtaking opportunities for strategic traffic and to allow consideration of bypasses for some of the communities along the route.
- Other sections of the A6 dualling should be implemented as demand dictates.

The preferred corridor for the Londonderry to Dungiven dual carriageway was presented to the public through a number of community information events held in September 2007.

Stage 2 Assessment Londonderry to Claudy

- 2.4.7 Consultant URS was commissioned in 2007 to undertake a Stage 2 scheme assessment for the provision of a dual carriageway along the A6 from Londonderry to east of Claudy Crossroads and were subsequently commissioned in 2009 to undertake a Stage 3 scheme assessment for the provision of a dual carriageway along the A6 from Londonderry to just east of Claudy Crossroads.
- 2.4.8 Several possible routes were examined between Londonderry and Claudy. Eight options (three between Caw and Drumahoe; three between Drumahoe and Burntollet; and two between Burntollet and Claudy) were presented to the public through a number of Community Information Events held in May 2008.
- 2.4.9 Further distillation of these options resulted in a preferred route following an offline alignment through the Faughan Valley between Stradreagh and The Cross, and continuing to Claudy as online dualling (a new road built alongside the existing road). The preferred route was announced on 6 May 2009 by the then Minister for Regional Development and was presented to the public through a number of community information events held in May 2009.

Stage 2 Assessment Claudy to Dungiven

- 2.4.10 Consultant AECOM³ was commissioned in 2007 to undertake a Stage 2 scheme assessment for the provision of a dual carriageway along the A6 from Londonderry from east of Claudy Crossroads to east of Dungiven and subsequently commissioned in 2009 to undertake a Stage 3 scheme assessment for the provision of a dual carriageway along the A6 from east of Claudy Crossroads to east of Dungiven.
- 2.4.11 Several possible routes were examined between Claudy and Dungiven and five were presented to the public through a number of community information events held in May 2008.
- 2.4.12 Further distillation of these options resulted in a preferred route following an offline alignment south of the existing A6 and Dungiven, crossing the River Roe and Tributaries Special Area of Conservation at the points of least impact. The preferred route was announced on 6 May 2009 by the then Minister for Regional Development and was

³ The original Consultant Faber Maunsell was taken over by AECOM. In order to maintain consistency AECOM is used throughout the report.

presented to the public through a number of Community Information Events held in May 2009.

Stage 3 Assessment Londonderry to Dungiven

2.4.13 Further refinement of the preferred route sought to limit impact on sensitive ecological habitats, minimise demolition of property and to provide the best balance of limited environmental impacts and good value for money.

2.4.14 The preferred route was further developed to a stage that the draft Direction Order, Private accesses Stopping-Up Order and Vesting Orders could be developed.

2.5 Statutory Procedures

2.5.1 The statutory procedures governing the construction and improvement of trunk roads are contained in The Roads (Northern Ireland) Order 1993 (“the 1993 Order”) and the Local Government Act (Northern Ireland) 1972. These include the preparation of:

- An Environmental Statement which is a detailed report on the findings of an Environmental Impact Assessment and describes, assesses and gives weight to the predicted environmental effects (adverse and beneficial) the scheme would have and details the measures proposed to reduce or eliminate those effects;
- A Direction Order describing the roads which are to become part of the trunk road network, roads and junctions to be stopped-up and roads to be abandoned;
- A Vesting Order identifying all land to be compulsorily acquired to facilitate construction of the new road;

2.5.2 The Roads (Amendment) (Northern Ireland) Order 2004 made provision for all or any of the above proceedings (so far as practicable) to be taken forward concurrently.

2.5.3 A Private Accesses Stopping-Up Order was also prepared to stop-up to road traffic private accesses as required by the proposed scheme.

2.6 Environmental Statement

2.6.1 Part V of the 1993 Order⁴ sets out the statutory requirements for assessment of environmental impacts of road schemes and requires the Department to determine, using Annexes to 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 (“the Directive”), whether or not a relevant project should be made subject to an Environmental Impact Assessment, and to publish the determination. The Department determined that the Project fell within Annex I to the Directive and that an Environmental Statement should be prepared.

Notices of Determination & Publication

2.6.2 An Environmental Impact Assessment was carried out and an Environmental Statement (ES) prepared in accordance with Article 67(4) of the 1993 Order. The Environmental Statement was in two parts, Part 1 Londonderry to Claudy and Part 2 Claudy to Dungiven.

⁴ Part V was substituted by the Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 1999, (S.R. 1999 No.89) and amended by The Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 2007 (S.R. 2007 No. 346).

Notice of the ES was published in the local press during weeks ending 16 and 23 December 2011.

2.7 Notice of Intention to Make a Direction Order (Trunk Road Order)

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

2.7.2 Notices were placed in the local press during weeks ending 16 and 23 December 2011 stating that the Department proposed to make an Order under Articles 14(1) and 68(1), (3) and (5) of the 1993 Order. The draft Order entitled “The Trunk Roads T7, T17 and T22 (Londonderry to Dungiven) Order (Northern Ireland) 2011 makes provision for additions to the trunk road network, alterations to the trunk road network and for the stopping-up of certain roads and junctions and the abandonment of certain lengths of road.

2.8 Notice of Intention to Make Vesting Orders

2.8.1 Notices were placed in the local press during weeks ending 16 and 23 December 2011 stating that the Department proposed to make 3 Orders vesting certain lands in the Department under the Local Government Act (Northern Ireland) 1972 and The Roads (Northern Ireland) Order 1993:

- A6 Londonderry to Dungiven Dualling Scheme Section 1 Clooney Road/ Caw Roundabout to Maydown Roundabout; the Department proposes to acquire the lands to improve the existing A2 Clooney Road dual carriageway between the Caw Roundabout and the Maydown Roundabout and to construct a new at-grade roundabout to connect to the new A6 Londonderry to Dungiven dual carriageway.
- A6 Londonderry to Dungiven Dualling Scheme Section 2 Mobuoy Road to Derrychrier Road; the Department proposes to acquire the lands for the construction of a dual carriageway from Mobuoy Road, Londonderry, just south of Carmoney Road, bypassing Drumahoe and terminating just west of Derrychrier Road, Dungiven.
- A6 Londonderry to Dungiven Dualling Scheme Section 3 Derrychrier Road to Crebarkey Road; the Department proposes to acquire the lands for the construction of a dual carriageway and to upgrade a stretch of the existing A6 Glenshane Road from just west of its junction with Derrychrier Road to just north-west of its junction with Crebarkey Road.

2.9 Notice of Intention to make a Stopping-Up Order

2.9.1 Notices were placed in the local press during weeks ending 16 and 23 December 2011 stating that the Department proposed to make a Private Accesses A6 (Londonderry to Dungiven) (Stopping-Up) Order (Northern Ireland) under Article 69 of the 1993 Order, the effect of which would be to stop-up to road traffic a number of private accesses.

2.10 Consultation and Public Inquiry

- 2.10.1 Press notices announced (i) the time within which comment on the Environmental Statement could be made (ii) the time within which objections to the Direction Order, Stopping-Up Order and Vesting Orders could be made (iii) the manner in which comments and objections could be made and (iv) where the Environmental Statement, Direction Order, Stopping-Up Order and Vesting Orders could be inspected.
- 2.10.2 The consultation period for receipt of comment on the Environmental Statement and receipt of objections to the draft Orders (Vesting Orders, Direction Order and Stopping-Up Order) extended from 14 December 2011 to 2 March 2012.
- 2.10.3 Copies of the Environmental Statement, and draft Orders were made available for inspection at the following deposit locations:

- Department for Regional Development, Roads Service – Northern Division, County Hall, Castlerock Road, Coleraine;
- Department for Regional Development, Roads Service – Northern Division, 1 Crescent Link, Londonderry;
- Department for Regional Development, Roads Service – Headquarters, Room 2-13, Clarence Court, 10-18 Adelaide Street, Belfast;
- Derry City Council⁵, 98 Strand Road, Londonderry;
- Limavady Borough Council⁶, 7 Connell Street, Limavady;
- Dungiven Library, 107 Main Street, Dungiven; and
- Waterside Library, The Workhouse, 23 Glendermott Road, Londonderry.

During the comment/objection period, DVD electronic copies of the Environmental Statement and further information could be obtained free of charge from Roads Service – Northern Division, County Hall, Castlerock Road, Coleraine. Printed copies of the Environmental Statement for each part of the scheme could be purchased at a cost of £185 per part from the same address.

The documents could also be viewed online at <https://www.drdni.gov.uk/topics/road-improvements/a6-londonderry-dungiven> and the Environmental Statement (Non-Technical Summary) was available for viewing at www.drdni.gov.uk/publications/publications.

- 2.10.4 Two two-day “Orders Exhibitions” were held on 17 & 18 January 2012 in Dungiven Sports Pavilion, Chapel Road, Dungiven and 24 & 25 January 2012 in the YMCA, 51 Glenshane Road, Drumahoe, and a one day “Orders Exhibition” was held on 26 January 2012 in Strathfoyle Youth Centre, 13 Deramore Drive, Strathfoyle. Personnel from Roads Service and their advisors were available to answer questions and to provide assistance to visitors to the exhibitions.
- 2.10.5 122 letters of objection and 11 representations were received by the end of the objection period. No detailed alternative proposals were submitted.
- 2.10.6 Having regard to the nature of the opinions expressed and the strategic importance of the scheme, the Department considered it appropriate to convene local public inquiries to

⁵ Following Local Government reform Derry City Council is now known as Derry and Strabane District Council.

⁶ Following Local Government reform Limavady Borough Council is now known as Causeway Coast and Glens Borough Council.

examine the case for and against the scheme. Letters were issued during June 2012 to objectors and those who commented on the Environmental Statement, stating that the Department (i) had decided to hold local public inquiries to consider the opinions expressed in relation to the proposal and that objectors and those who commented on the Environmental Statement would have the opportunity to present their case and (ii) had appointed Mr. Jim Robb and Mr. Jeremy Mills, as Inspector and Assistant Inspector respectively, to hold the local public inquiries which would commence on 24 September 2012 in the Roe Park Resort, 40 Drumrane Road, Limavady starting at 10.00am. Notices were also published in the local press informing the public at large of the Department's intention to hold local public inquiries.

- 2.10.7 A Pre-Inquiry meeting took place on 24 August 2012, at which a number of administrative matters and other procedural issues were discussed. The main Inquiry opened on 24 September 2012 and ended in the late afternoon of 2 October 2012, lasting a total of six days. Following a temporary suspension of the main Inquiry, a short separate Inquiry to consider the Stopping-Up Order was held on the afternoon of 25 September 2012. A number of individual post Inquiry site visits took place on 9 and 10 October 2012.
- 2.10.8 The Inspector delivered his Report to the Department on 13 March 2013.

3. The Inspector's Report

3.1 Chapters 1 to 10 of the Inspector's Report contain an introduction to the Inquiries, the objections considered at the Inquiries both in person and by written representations, and the Department's responses. Chapters 11 and 12 of the Inspector's Report contains the Inspector's considerations and recommendations.

3.2 Recommendations

3.2.1 Chapter 12.1 contains the Inspector's General Recommendations:

"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 A2 and A6 between Londonderry and Dungiven has been demonstrated and it is recommended that:

- The proposed new dual carriageway should be constructed in accordance with the Preferred Routes as recommended by URS for Section 1 and AECOM for Section 2. This would be a combination of both online widening and the creation of new offline sections, including a southern bypass of Dungiven and a north eastern bypass of Drumahoe through the Faughan Valley.
- The Environmental Statements in connection with the scheme were prepared by URS for Section 1 and AECOM for Section 2 under the provisions of Articles 67A and 130 of the Roads (Northern Ireland) Order 1993.
- They are the findings resulting from environmental assessments which predict the environmental effects of the proposed scheme and they also detail the measures which are proposed to either reduce or eliminate those effects.
- These are considered to be in general well researched documents which should be used as the basis for taking the scheme forward through both the detailed design and eventual construction stages.
- The proposal to make The Trunk Roads T7, T17 and T22 (Londonderry to Dungiven) Order (Northern Ireland) 2012 under Articles 14 and 68 of the Roads (Northern Ireland) Order 1993 should be implemented.
- The proposal to make an order under Article 113 of the Roads (Northern Ireland) Order 1993 and Schedule 6 to the Local Government Act (Northern Ireland) 1972 for the purpose of acquiring compulsorily the lands for the construction of the A6 Londonderry to Dungiven Dualling Scheme should be implemented.
- The proposal to make The Private Accesses on the A6 (Londonderry to Dungiven) Stopping-up Order (Northern Ireland) 2012 under Article 69 of the Roads (Northern Ireland) Order 1993 should be implemented.
- The general recommendations set out immediately above are to be considered in conjunction with the Objector specific recommendations which have been summarised in Chapter 12.3 of the Inspector's Report."

3.2.2 Chapter 12.2 contains the Inspector's Recommendations on Community Liaison:

It is recommended that a high level of communication and liaison is maintained throughout the future detailed design and eventual construction phases with those people who would be affected by the proposed Scheme. Where applicable, every effort should be made to reach agreement on appropriate measures to mitigate the impact of the proposed scheme on individual land and property owners.

3.3 Alternative Routes

3.3.1 Two partial alternative routes were presented during the Public Inquiry by Mr. Leslie Ross (an alternative Dungiven Bypass) and Messrs. Denis Mullan and Thomas Donaghy on behalf of Mr. Eugene Brolly (a realignment of the mainline at Muldonagh). The Inspector recommended:

- Roads Service to consider the alternative 'green route' proposed by Mr Leslie Ross at the Public Inquiry in sufficient detail to allow an informed comparison to be made between the Roads Service Published Route to the south of Dungiven. A DMRB Stage 2 comparative assessment of this alternative route would allow the Department to judge it on the same basis as was used in the selection of the Published Route. Should this indicate that it would on balance be preferable when compared with the Published Route, then it is recommended that every effort should be made by Roads Service to adopt the alternative alignment.
- The Brolly's request for a realignment of the mainline should be reassessed in order to provide a more factual basis for the final decision by Roads Service.

3.3.2 Responding to a request by Mr. & Mrs. Liam Doherty and Mr. & Mrs. John Doherty to reassess the selection of the Preferred Route between Drumahoe and Burntollet, the Inspector recommended:

- Roads Service to reassess the choice of the route in the area of the Doherty land holding. This to include consultations with both the Doherty family and all adjacent land and property owners who would be affected were such a change made. Should this indicate that it would on balance be preferable when compared with the Preferred Route, then it is recommended that every effort should be made by Roads Service to adopt the alternative alignment.

4. The Department's Consideration of the Inspector's Report

4.1 Comments on General Recommendations

4.1.1 The Department welcomes the Inspector's endorsement, subject to the recommendations contained in the Inspector's Report, of the Environmental Statement, and draft Orders (Vesting Orders, Direction Orders and Stopping-up Order) for the A6 Londonderry to Dungiven Dualling Scheme and the Inspector's conclusion that the need for the proposed improvements to the A2 and A6 between Londonderry and Dungiven has been demonstrated and his recommendations that:

- The proposed new dual carriageway should be constructed in accordance with the Preferred Routes as recommended by URS for Section 1 and AECOM for Section 2. This would be a combination of both online widening and the creation of new offline sections, including a southern bypass of Dungiven and a north eastern bypass of Drumahoe through the Faughan Valley.
- The proposal to make The Trunk Roads T7, T17 and T22 (Londonderry to Dungiven) Order (Northern Ireland) 2012 under Articles 14 and 68 of the Roads (Northern Ireland) Order 1993 should be implemented.
- The proposal to make an order under Article 113 of the Roads (Northern Ireland) Order 1993 and Schedule 6 to the Local Government Act (Northern Ireland) 1972 for the purpose of acquiring compulsorily the lands for the construction of the A6 Londonderry to Dungiven Dualling Scheme should be implemented.
- The proposal to make The Private Accesses on the A6 (Londonderry to Dungiven Stopping-up Order (Northern Ireland) 2012 under Article 69 of the Roads (Northern Ireland) Order 1993 should be implemented.

4.1.2 In continuing to Progress the scheme, the Department will take cognisance of the contents of the Inspector's Report and its recommendations.

4.1.3 The Department is satisfied, in the light of the Inspector's recommendations, that the public interest in proceeding with the scheme is compelling (having regard to the matters summarised earlier in this Statement) and sufficient to justify proceeding to make Vesting Orders notwithstanding the impacts on private rights that will occur. The Department is therefore satisfied that vesting is proportionate and does not breach rights protected by the European Convention on Human Rights.

4.2 Comments on Objector Specific Recommendations

4.2.1 The Department's response to the individual recommendations is contained in Annex A of this statement.

4.2.2 Concerning the alternative routes:

Ross 'Green Route'

- The Department developed an engineering alignment of the alternative Ross 'green route' in consultation with Mr. Ross and this was subjected to a DMRB Stage 2 engineering, economic and environmental assessment to allow an informed comparison to be made between it and the Published Route. The public at large has not had an opportunity to comment on the alternative route as it has not been published into the public domain. (Publication into the public domain is not a

requirement of DMRB Stage 2 assessment.) Statutory Consultees have not been consulted about the alternative route. (In its consideration, the Department took note of the responses obtained from Statutory Consultees for the possible routes being examined before selection of the preferred route and for the preferred route

- The Department's consultant AECOM's review of the alternative 'green route' endorsed the Department's preferred route. This preferred route was refined by further assessment to become the Published Route. However, there was a view that AECOM's review was not sufficiently independent and may not have given the alternative 'green route' fair consideration. It was therefore decided that an independent review of the 'green route' be undertaken.
- The RPS-Grontmij Consortium, a consultant from the TransportNI Major Works Consultancy Framework 2013, independent of the A6 Londonderry to Dungiven project, was commissioned to review the study carried out by AECOM and to compare the alternative 'green route' with the Published Route.
- This independent review also endorsed the findings of the earlier review which concluded that the Published Route remains the Department's preferred route. In terms of cost the alternative route is almost £10 million more expensive than the Department's Published Route. The review also concluded that, on balance, the alternative 'green route' is less favorable than the Department's Published Route in terms of environmental impact having a more significant impact on land holdings, the potential for greater impact on the Owenrigh and Roe Rivers in combination.

Brolly Route

- The Department developed an engineering alignment of the mainline at Muldonagh which would require the demolition of the Brolly farm house and farmyard buildings to allow an informed comparison to be made between it and the Published Route. The public at large has not had an opportunity to comment on the alternative route as it has not been published into the public domain. (Publication into the public domain is not a requirement of DMRB Stage 2 assessment.) Statutory Consultees have not been consulted about the alternative route. (In its consideration, the Department took note of the responses obtained from Statutory Consultees for the possible routes being examined before selection of the preferred route and for the preferred route.) The assessment shows, on balance, the Published Route is preferable to the alternative route. The Department has determined that the alternative route should not be investigated any further and the Published Route taken forward as planned.

- 4.2.3 The Department notes the Inspector's handling of the alternative routes presented during the Inquiry, and his recommendations that the Department should consider each alternative route and, should this indicate that either alternative route would on balance be preferable when compared with the Published Route, then it is recommended that every effort should be made by Roads Service to adopt the alternative alignment.

The Department is satisfied with the way the Inspector dealt with this matter. The Department, in reaching its decision on the alternative routes, carried out proportionate DMRB Stage 2 assessments to allow it to judge the alternative routes on the same basis as was used in the selection of Published Route (a refined version of the preferred route

announced in May 2009). No new evidence or new matter of fact was taken into account by the Department in its decision not to adopt either of the alternative routes.

4.2.4 Concerning the selection of the preferred route between Drumahoe and Burntollet:

- The Department reassessed its DMRB Stage 2 assessment of the Drumahoe to Burntollet possible routes within the preferred corridor and revealed to the public in September 2007; this included a review of responses received from Statutory Consultees during the DMRB Stage 1 and DMRB Stage 2 process and from the public during and after the September 2007, May 2008 and May 2009 Community Information Events. In its review, the Department has consulted with Messrs. Doherty and, as far as practicable, with all other landowners between Drumahoe and Burntollet who would be affected by the several routes examined during the DMRB Stage 2. The re-examination shows, on balance, the Published Route is preferable to the other routes examined during the DMRB Stage 2 assessment. The Department has determined that the Published Route (a refined version of the DMRB Stage 2 preferred route) is preferable and should be taken forward as planned.

4.3 Post Inquiry Correspondence

4.3.1 Following the close of the Inquiry, correspondence was received from Messrs. Hoy Dorman on behalf of City Industrial Waste Ltd., Mr. William Ross, Mrs. Isobel Greenlees and Mr. Cecil Ross.

In their report, the Inspector requested that the Department respond to each of the points raised in the submissions.

4.3.2 The Department has carefully considered the matters raised in the post-inquiry correspondence alongside the Inspector's Report in reaching its decision. The Department is satisfied that nothing new is raised in this correspondence that has not already been adequately addressed by the Inspector, or which causes the Department to disagree in any way with the Inspector's conclusions and recommendations.

5. Measures to Mitigate Adverse Effects

The following is a summary of measures to mitigate adverse effects; the measures are described in full in Part II: Environmental Assessment of the Environmental Statement.

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

- Extensive planting of native trees and shrubs of local provenance throughout the scheme and particularly at Dungiven Priory to help re-assimilate the scheme into the existing landscape setting;
- Re-use of topsoil on new verges to ensure conservation of residual seed-banks of locally occurring plants species;
- The creation of a bog restoration area to mitigate for the bog habitat lost along the scheme;
- Provision of pollution control measures as part of the highway drainage system which would include the creation of SuDS detention basins and swales providing additional wetland areas for wildlife;
- The A2 Clooney Road would be lit along its entire length and the new A6 route would be lit at junctions only, to limit light pollution. The lighting units would be designed to minimise the spread of light to nearby properties;
- Use of low-noise surfacing which would reduce the level of traffic noise when compared to traditional forms of road surface;
- Slopes would be in keeping with the local landform and would either be grassed or planted with mixed woodland.

5.2 Code of Construction Practice

5.2.1 A Code of Construction Practice (CoCP) set out in the Environmental Statement will be a mandatory requirement in the construction contract for the A6 Londonderry to Dungiven dual carriageway to ensure that the Schedule of Environmental Commitments identified in the Environmental Statement (measures which are considered necessary to protect the environment, prior to construction, during construction and/or during operation of the proposed scheme), are fulfilled during delivery of the Project. Objectives and measures are also included for the management, design and construction of the Project to control the material impact of construction insofar as it may affect the natural environment and the environment, amenity and safety of local residents, businesses and the public in the vicinity of the construction works.

5.2.2 The CoCP refers to a number of documents that the contractor will be required develop to set out in detail the management systems, procedures, approaches and methodologies that will be implemented during construction of the Project. These include:

- Construction Phase Health and Safety Plan;

- Construction Environmental Management Plan (CEMP) which will include a number of subsidiary plans;
- Other management plans; and
- Method Statements.

5.2.3 The CoCP requires the Contractor and Roads Service to provide a sufficient level of environmental supervision to monitor the construction works.

5.2.4 The objectives and measures set out in this CoCP have been taken into account during the preparation of this Environmental Statement to demonstrate a proposed environmental management approach during the construction of the scheme.

5.2.5 It is accepted that relevant legislation and construction good practice constantly alter and change. Whilst the guidance and legislation contained within the CoCP are of relevance at the time the Environmental Statement was written, the Contractor will be responsible for complying with the most up-to-date legal requirements applicable to their scope of works to design and construct the scheme. The Contractor is also responsible for identifying any other applicable requirements, including any requirements under Health and Safety.

5.3 Residual Environmental Effects

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

Air Quality

5.3.2 There would be no significant effect on either local or regional air quality as a result of the proposed scheme. Local air quality pollutant concentrations would remain within the relevant National Air Quality Standards and are forecast to marginally decrease at the majority of locations. With strategic traffic moving to the proposed scheme, there would be a net benefit with improved air quality for the majority of properties between Londonderry and Dungiven. The proposed scheme would remove the need for an Air Quality Management Area (AQMA) in Dungiven. In terms of regional air quality, generally there would be an overall improvement.

5.3.3 During construction, there would be a risk of potential nuisance, and health & safety impacts associated with the possible generation of excessive dust; however these impacts would be minimised with effective implementation of the Contractor's Dust Minimisation Plan.

Cultural Heritage

5.3.4 There would be no direct effects on any Scheduled sites or listed buildings. However there would be significant impacts on the setting of a number of sites, most notably Brackfield Bawn and Dungiven Priory (both in state care) and sundry standing stones during the construction and operation phases.

5.3.5 The scheme has been designed to retain these sites in their current position, however mitigation in the form of screen planting is proposed to reintegrate the cultural heritage features and their associated surroundings.

- 5.3.6 Whilst the proposed scheme has been designed to avoid most known archaeological features, it is likely that some archaeology may be encountered on such a large linear construction site. Excavation trenching, monitored by qualified archaeologists, would take place in advance of construction, and any uncovered remains would be excavated, recorded and removed.

Ecology and Nature Conservation

- 5.3.7 The proposed scheme would cross European designated sites, the River Faughan and Tributaries Special Area of Conservation (SAC) and the River Roe and Tributaries Special Area of Conservation (SAC). Although impacts would be locally significant, they would not adversely affect the integrity of the sites.
- 5.3.8 Protected habitats and species, fisheries and bird surveys have been undertaken. The proposed scheme would result in habitat loss for several protected species and mitigation measures would be provided to minimise these adverse effects.
- 5.3.9 Mitigation measures, such as the creation of a bog restoration area south of Foreglen Village and the use of native woodland species of local provenance roadside planting and the creation of sustainable drainage features, would help reduce the residual impact on local habitats and their associated wildlife.

Landscape Effects

- 5.3.10 The Londonderry to Claudy part of the scheme would pass along the northern fringe of an Area of High Scenic Value between the Cross and Burntollet and an Area of Local Nature Conservation and Amenity Importance at Lough Enagh. The Claudy to Dungiven part of the scheme passes through the Sperrin Mountain Area of Outstanding Natural Beauty to the south of Dungiven.
- 5.3.11 Sensitive design and landscaping would gradually integrate the road into the surrounding landscape. Views from dwellings near the proposed dual carriageway would change. Mitigation of these impacts has been considered through the selection of the alignment of the road, the design of structures and planting to address residual impacts. The construction of grade-separated junctions with associated lighting and large bridge structures would be the most visually significant features of the scheme.

Land Use

- 5.3.12 The Londonderry to Claudy part of the scheme requires the demolition of 28 properties; this includes 14 residential, 6 commercial, 6 farm and 2 other properties. A number of private properties/areas would also experience private land loss/impacts.
- 5.3.13 The Claudy to Dungiven part of the scheme requires the demolition of one residential dwelling, 12 farm outbuildings and 3 other buildings. There will also be land lost from community facilities including Owenbeg GAA complex, Dungiven Castle Environmental Park, and Dungiven Priory.
- 5.3.14 A significant number of agricultural landowners would be affected by the scheme, resulting in loss on land and farm severance. Accommodation crossings and alternative private means of access would, as far as possible, allow continued farming activity on retained lands.

Noise and Vibration

- 5.3.15 For the Londonderry to Claudy part of the scheme, there would be fewer properties near the proposed dual carriageway than along the existing strategic route. Hence, there would be a net benefit with slightly reduced noise levels for the majority of properties between Caw and Drumahoe. Traffic noise from the new road will impact properties that are not currently subject to noise from strategic traffic, due to their existing rural location (i.e. between Stradreagh and Drumahoe) and low existing ambient noise levels.
- 5.3.16 For the Claudy to Dungiven part of the scheme, there would be more properties near the proposed dual carriageway than along the existing strategic route. Hence there would be a net disbenefit, though for many of these the increase would be negligible. Two schools adjacent to the proposed scheme will experience significant noise impacts along the sides of some of their buildings; however there would be no impact on the function of the school. Traffic noise from the new road would impact properties that are not currently subject to noise from strategic traffic, due to their existing rural location (i.e. between Claudy and Dungiven) and low existing ambient noise levels.

Pedestrians, Cyclists, Equestrians and Community Effects

- 5.3.17 For the Londonderry to Claudy part of the scheme, local vehicle movements would be improved on the residual road network between Caw and The Cross, due to the removal of a proportion of strategic traffic. In the wider area, the scheme would largely maintain the local road network, cycleways and footways, with mitigation of overbridges, underpasses or short diversions where required. The local community would experience beneficial effects associated with reduced severance along stretches of the existing A6 as a result of strategic traffic using the new scheme. A number of community facilities would also experience direct and indirect impacts associated with the proposed scheme.
- 5.3.18 For the Claudy to Dungiven part of the scheme, there will be no significant impact to pedestrians, cyclists, equestrians and community facilities because the proposed scheme incorporates over bridges and underpasses to maintain the existing road network, cycleway and walkways. In addition, the proposed landscape planting mitigation will maintain the amenity of the area around the proposed scheme.

Vehicle Travellers

- 5.3.19 The new road would ensure more reliable journey times for strategic traffic and local traffic would benefit greatly from reduced traffic levels on the local road network. New and interesting views would be opened up to the travelling public over the surrounding rural landscape in the Faughan valley between Stradreagh and The Cross and in the Roe Valley at Dungiven.

Road Drainage and the Water Environment

- 5.3.20 The proposed scheme would drain into a segregated system of sustainable drainage detention basins. These would control the rate of outfall into local watercourse, reducing the possibility of flooding of surrounding lands and other pollution impacts. This drainage system would also be the basis for creating wet and marginal habitats and would help reduce pollution impacts.

Geology and Soils

5.3.21 The proposed scheme would not have any significant impacts on geological or soil resources. Proposed mitigation measures include following good site practice and management and adhering to pollution prevention guidance such as the practical measures set out in the Construction Industry Research and Information Association (CIRIA) Reports 'Control of Water Pollution from Linear Construction Projects'.

Cumulative Effects

5.3.22 Cumulative impacts are impacts that can be increased by other developments. The assessment has concluded that there would be no significant cumulative impacts.

6. Construction

6.1 Funding

6.1.1 The budget statement of 17 December 2015 set out the Executive's plans to invest £258m in improving the A6 route between Londonderry and Belfast over the 5 year period between 2016/17 and 2020/21. This funding will facilitate the construction of elements of the A6 Londonderry to Dungiven dualling scheme, including a bypass of Dungiven.

6.2 Construction Effects

6.2.1 It would take approximately three years to construct the entire proposed A6 Londonderry to Dungiven dual carriageway as a single contract. The multiple Vesting Orders would allow construction in parts, such as the improvements to the A2 Clooney Road corridor or the A6 Dungiven Bypass. Whilst the time taken to complete each of these individual elements would be less, with phased construction, delivery of the entire scheme could extend over 10 years or more.

6.2.2 During construction, the existing A2 and A6 would remain open to traffic. Side roads, where they cross or intersect with the new dual carriageway, would experience occasional disruption, however the aim would be to minimise disruption to local residents and road users.

6.2.3 The detailed construction sequence would be a matter for the appointed contractor but certain guiding principles would be stipulated where necessary, based on consultation with Roads Service, emergency services and other stakeholders. Such measures would include limiting disruption to existing patterns of movement and limiting the routes for construction traffic use. The contract would include provisions to minimise the effects of construction noise, temporary diversion, works access and working hours.

6.2.4 In general, it is envisaged that construction work would take place during normal working hours (7.00am to 7.00pm Monday to Friday, 7.00am to 2.00pm on Saturdays). However, the Contractor may need to work outside these hours, particularly for setting up traffic management arrangements.

6.2.5 Temporary and permanent effects from construction and associated mitigation measures are considered in the Environmental Statement. In addition there are also many mandatory and good practice requirements and guidelines related to protection of the environment, which the contractor would need to consider during construction. As part of the construction contract, there would be requirements for the appointed Contractor to implement all committed mitigation measures including those set out in the Environmental Statement, and incorporate these into their methods of working. The Contractor would have to demonstrate formal adoption of these commitments, requirements and measures and include them in their Construction Environmental Management Plan (CEMP). The commitments, requirements and measures contained therein would require approval from the relevant statutory bodies and also be audited during the construction phase by on-site environmental representatives appointed by Roads Service.

6.3 Dungiven Bypass constructed separately from the remainder of the scheme

6.3.1 This would use part of the Claudy to Dungiven dual carriageway described in the Environmental Statement, starting approximately 590 metres west of Derrychrier Road

and continuing south of Dungiven to re-join the A6 Glenshane at a new roundabout east of Dungiven.

- 6.3.2 A new roundabout and short length of additional 500 metres of dual carriageway would have to be constructed west of Derrychrier Road to connect this part of the Claudy to Dungiven dual carriageway to the existing A6 Foreglen Road.
- 6.3.3 Following later construction of the remainder of the Londonderry to Dungiven dual carriageway, this temporary roundabout and link road would become redundant. The roundabout would then be removed and the affected land reinstated to its current use. There would be no significant additional environmental impacts, if the Dungiven Bypass was constructed separately from the remainder of the scheme.

7. THE DEPARTMENT'S DECISION

- 7.1 The Department has carefully considered the Inspector's Report together with all objections, comments, alternative proposals, representations and expressions of support.
- 7.2 The Department has carefully considered the matters raised in the post-inquiry correspondence alongside the Inspector's Report in reaching its decision. The Department is satisfied that nothing new is raised in this correspondence that has not already been adequately addressed by the Inspector, or which causes the Department to disagree in any way with the Inspector's conclusions and recommendations.
- 7.3 Consideration of Alternative Routes
- 7.3.1 The Department notes the Inspector's handling of the alternative routes presented during the Inquiry, and his recommendations that the Department should consider each alternative route and, should this indicate that either alternative route would on balance be preferable when compared with the Published Route, then it is recommended that every effort should be made by Roads Service to adopt the alternative alignment.
- 7.3.2 The Department is satisfied with the way the Inspector dealt with this matter. The Department, in reaching its decision on the alternative routes, carried out proportionate DMRB Stage 2 assessments to allow it to judge the alternative routes on the same basis as was used in the selection of the Published Route (a refined version of the preferred route announced in May 2009). No new evidence or new matter of fact was taken into account by the Department in its decision not to adopt either of the alternative routes.
- 7.4 Decision on the Environmental Statement
- 7.4.1 The Department is satisfied that the requirements of Council Directive No. 85/337/EEC (on the assessment of the effects of certain public and private projects on the environment), (as amended) ("the Directive"), as implemented by Part V of the 1993 Order have been fully complied with in respect of the published scheme ("the project" for the purpose of the Directive).
- 7.4.2 The Department is satisfied that the Environmental Impact Assessment undertaken for the project and the Environmental Statement, have properly identified, assessed and addressed all significant environmental effect, and considered and given reasons for dismissing the main alternatives, as well as assessing the proposed measures to minimise these impacts.
- 7.4.3 The Department is satisfied that members of the public and others concerned have been given reasonable opportunity to express their opinion before deciding to proceed with the project to which the assessment relates.
- 7.4.4 Therefore, having considered the Environmental Statement and any opinions expressed on it by the public and others, the Department has decided, to proceed with the project to which the assessment relates. For the purpose of Article 67A(7) of the 1993 Order, publication of the Department's decision to proceed with the scheme will be given by public notice as set out in Article 67A(8) and (9).
- 7.4.5 The decisions and orders set out in this Section will be subject to the requirement to carry out the mitigation and other works referred to in Section 5 of this report and those actions agreed at Annex A following the Inspectors' recommendations.

7.5 Decision on the Direction Order

7.5.1 The Department has decided to make the Direction Order for the scheme with the modifications listed in Annex B of this statement.

7.5.2 The Department is satisfied that members of the public and others concerned have been given reasonable opportunity to express their opinion before deciding to proceed with the project to which the assessment relates.

7.6 Decision on the Stopping-Up Order

7.6.1 The Department will, at a later time, make The Private Accesses Stopping-Up Order for the scheme with the modifications listed in Annex C of this statement.

7.6.2 The Department is satisfied that members of the public and others concerned have been given reasonable opportunity to express their opinion before deciding to proceed with the project to which the assessment relates.

7.7 Decision on the Vesting Orders

7.7.1 The Department will, at a later time, make the Vesting Orders either singly or as a group with the modifications listed in Annex D of this statement.

7.7.2 The Department is satisfied that members of the public and others concerned have been given reasonable opportunity to express their opinion before deciding to proceed with the project to which the assessment relates.

8. EUROPEAN HABITATS DIRECTIVE

8.1 Background

8.1.1 Regulation 43(1) of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) (“the Habitats Regulations”) (which implement in Northern Ireland Council Directive 92/43/EEC *on the conservation of natural habitats and of wild fauna and flora* (the Habitats Directive)) requires that a “competent authority”, before deciding to undertake, or give consent, permission or other authorisation for a plan or project which—

(a) is likely to have a significant effect on a European site in Northern Ireland (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of the site,

shall make an Appropriate Assessment of the implications for the site in view of the site’s conservation objectives.

8.1.2 Regulation 43 & 44 of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) transpose the obligations on the member state highlighted in Article 6.2, 6.3 and 6.4 of the Habitats Directive. This statutory undertaking has given rise in Northern Ireland to the colloquial term of Article 6 assessment as under guidance from Europe, an Appropriate Assessment is only part of the assessment process.

8.1.3 Appropriate Assessment (AA) is required by law for all European sites. A European site is any classified Special Protection Area (SPA) and any Special Area of Conservation (SAC) from the point where the Commission and the Government agree the site as a Site of Community Importance (SCI). An Appropriate Assessment is also required as a matter of Government policy for potential SPAs, candidate SACs and listed Ramsar Sites for the purposes of considering development proposals affecting them.

8.1.4 An AA is not the same as an Environmental Impact Assessment (EIA) carried out under the provisions of Directive 85/337/EEC (as amended). However, in many cases, projects which are likely to affect European sites will be projects which will require a Environmental Impact Assessment (EIA). Whilst Appropriate Assessment is independent of any outcome of the EIA of highways and/or roads projects on ecology and nature conservation, the two processes while different, are closely linked and should be informed by one-another. An AA can be identified within an environmental statement or reported separately.

8.1.5 An AA needs to be undertaken in respect of a plan or project before any “competent authority” decides to give consent, permission or other authorization for the plan or project. The AA must undertaken by the “competent authority”, as defined in Regulation 5 of the Habitats Regulations. The Department for Regional Development is the “competent authority” for strategic road improvement schemes in Northern Ireland.

8.2 A6 Londonderry to Dungiven Dual Carriageway

8.2.1 A Statement to Inform the Appropriate Assessment was undertaken on behalf of the Department in accordance with The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) which implement in Northern Ireland the requirement under Article 6 of Council Directive 92/43/EEC, The Habitats Directive, to assess the effects of the A6 Londonderry to Dungiven dual carriageway on the integrity of

the River Faughan and Tributaries Special Area of Conservation (SAC) and the River Roe and Tributaries Special Area of Conservation (SAC).

- 8.2.2 A precautionary approach has been adopted to the habitats assessment as required by EU law and account has been taken of the view of the Court of Justice, that where an Appropriate Assessment is required, consent for the scheme should only be granted if it is certain that the scheme would not, alone or in combination with other projects, have an adverse effect on the integrity of the SAC or prevent it from meeting its conservation objectives.
- 8.2.3 Statements to Inform the Appropriate Assessment (SIAA) have been prepared. These concluded that with the inclusion of appropriate mitigation, it is considered extremely unlikely that the scheme would adversely effect the ecological integrity of the River Faughan and Tributaries SAC or River Roe and Tributaries SAC. NIEA - Natural Heritage (Conservation Designations and Protection unit) who are the National Competent Authority were consulted at the time of the original Environmental Statement (ES) and Habitats Regulations (HRA) publication and confirmed that they were in agreement with the findings of the assessment at the time. The Loughs Agency were also consulted at the time and indeed made representation at the subsequent Public Inquiry. The HRA was reviewed and updated and refurbished in March 2014 and took cognisance of the comments expressed by both NIEA and the Loughs Agency. In the circumstances, the Department is satisfied that applying the above approach and for the reasons set out in the SIAA no reasonable scientific doubt exists with regard to the effect of the scheme on either SAC.
- 8.2.4 Accordingly, in light of the assessment undertaken and the information presented within the SIAA and the ES, the Department (as the competent authority) is content that the construction and operation of the A6 Londonderry to Dungiven dual carriageway would not, by itself or in combination with other known plans or projects, adversely effect the integrity of the River Faughan and Tributaries SAC and the River Roe and Tributaries SAC or their ability to meet their conservation objectives.
- 8.2.5 As the scheme progresses towards construction the Department will review its Environmental Statement and Habitats Regulations Assessment, as necessary at the time and before making any Vesting Order.

ANNEX A

RESPONSES TO RECOMMENDATIONS IN SECTION 12.3 OF THE INSPECTOR'S REPORT.

(In this statement, references to pages in the Inspector's Report are indicated by the abbreviation "IR page no." The Inspector's Recommendations are shown in bold text and the Department's Responses as bullet points.)

Recommendation (IR page 60) – Mr. Gerry Quinn on Behalf of Faughan Anglers and (IR page 94) – Mr. Jim Haughey on behalf of Ulster Angling Federation

That:

- 1. A copy of the finalised version of the 'EIA scoping guidance for roads schemes likely to impact upon the water environment' to be sent to Mr. Haughey.**
 - The Department will provide a copy of the document to Mr. Haughey.
- 2. The clearances under the proposed bridge over the river Roe near Dungiven to be re-examined.**
 - The Department confirms that the headroom available on each river bank at the River Roe Bridge is 11.7m.
- 3. See also Recommendation (IR page 727) – Loughs Agency**
 - The Department's response to Recommendation (IR page 727) – Loughs Agency is at page 63 of this statement.

Recommendation (IR page 76) – Mr Leslie Ross

That:

- 1. Roads Service to consider the alternative 'green route' alignment proposed by Mr. Leslie Ross at the public Inquiry in sufficient detail to allow an informed comparison to be made between it and the preferred route to the south of Dungiven outlined by Roads Service. A Stage 2 Comparative Assessment of this alternative route would allow the Department to judge it on the same basis as was used in the Selection of the Preferred Route. Should this indicate that it would on balance be preferable when compared with the Preferred Route, then it is recommended that every effort should be made by Roads Service to adopt the alternative alignment.**
 - The Department developed an engineering alignment of the alternative 'green' route in consultation with Mr. Ross and this was subjected to a DMRB Stage 2 engineering, economic and environmental assessment to allow an informed comparison to be made between it and the Published Route. The assessment is reported separately in report "A6 Claudy to Dungiven – Alternative Route Report (Ross 'Green' Route). The public at large has not had an opportunity to comment on the alternative route as it has not been published into the public domain. (Publication into the public domain is not a requirement of DMRB Stage 2 assessment.) Statutory Consultees have not been consulted about the alternative route. (In its consideration, the Department took note of the responses obtained

from Statutory Consultees for the possible routes being examined before selection of the preferred route and for the preferred route.) The Department's assessment shows, on balance, the Published Route is preferable to the alternative route. An independent review was undertaken of the assessment which also endorsed the Department's preferred route in preference to the alternative 'green route

- The Department has therefore determined that the alternative route should not be investigated any further and the Published Route be taken forward as planned.

The Department will provide Mr. Ross with a report detailing the assessment of the alternative 'green' route and a comparison with the Published Route.

Recommendation (IR page 104) – Mr. Coleman Marshall

That:

1. Should the decision be taken to implement the planned improvements to the A2 as a separate contract in advance of the A6 Londonderry to Dungiven Scheme, a temporary connection to be made for Mr. Marshall on the fourth, or future A6 arm of the Stradreagh Roundabout.

- The Department will not provide a temporary connection to the fourth, or future A6 arm of the Stradreagh Roundabout should the planned improvements to the A2 be taken forward as a separate contract. The Department has determined that it would be difficult to stop-up such 'temporary access' when the remainder of the scheme was built.
- The Department confirms that, during the development of the scheme, several access options, including an access from the Stradreagh Roundabout, were examined. Having reconsidered these options, the Department has determined that the published scheme Marshall access from the realigned Ardlough Road should be taken forward as planned.
- The Department will provide a drawing of the unchanged access to Mr Marshall.

Recommendation (IR page 109) – Dr. T G Emerson

That:

1. Retained sections of the A6 providing access to Dr. Emerson's property to remain in Departmental ownership and be fully maintained by Roads Service.

- The Department confirms that the retained sections of the A6 providing access to Dr. Emerson's property will be retained in Departmental ownership and will continue to be maintained by Roads Service.

2. Roads Service to have further discussions with Dr. Emerson concerning the proposed turning arrangements for bin lorries.

- The Department confirms that the paved width of the access to Dr. Emerson's property is 3.5m wide flanked by 0.5m verges. Passing places are provided at approximately 170m centres and a turning head is included to allow service vehicles such as refuse lorry, oil delivery lorry etc. to execute a three point turn.

- The Department is committed to continuing dialogue with Dr. Emerson regarding the proposed access.

Recommendation (IR page 114) – Mr. Pat Andrews on behalf of Mr. T Robinson

That:

1. Roads Service to enter into further discussion with Mr. Robinson and his Agent to explore the options for maintaining adequate post scheme access to Mr. Robinson's entire development lands adjacent to the existing A2 road.

- The Department is committed to continuing dialogue with Mr. Robinson and his agent regarding access.

Recommendation (IR page 124) – Mr. David & Ms. Karen Hawthorne

That:

1. The possibility of constructing a 'green bridge' or earth bank over the proposed dual carriageway to be investigated and considered by the Department. It is assumed that it would be necessary for such a structure to be located on the existing bat foraging route between the Hawthorne farm buildings and the Faughan River.

- The Department has carried out extensive research on the presence of bats and their foraging routes during the development of the scheme – this is reported in Volume 2B Annex 10D (Bat Survey Report) and 10E (Brackfield Bat Survey Report) of the Londonderry to Dungiven Section1 Environmental Statement.
- The Department confirms that the published scheme includes a Bat bridge, critically located on the forage route across the existing road, and additional planting is included to ensure that the bat foraging route between the Hawthorne house and the established forest southwest of Glenshane Road remains uninterrupted.
- The Department will provide a copy of the Bat survey reports and a drawing showing a typical Bat bridge to Mr. and Mrs. Hawthorne.

2. Roads Service to carry out a short duration desk based research exercise to compare the merits of two plus one lane light controlled road with the proposed dual carriageway between Dungiven and Londonderry.

- In situations where traffic flow in opposing directions is unbalanced at different times of the day, consideration can be given to the provision of an odd number of lanes to enable the direction of flow on the centre lane(s) to be altered for fixed periods of time to suit traffic conditions. Care must be taken to ensure opposing flows are adequately signed and separated. This is usually achieved by symbolic variable message signs on overhead gantries, often reinforced by the use of different coloured surfacing on the tidal flow lanes. Provision for tidal flow may be particularly appropriate for major commuter routes along purpose built radial routes and at places where the carriageway cannot be widened, such

as bridges, tunnels and frontage development; however signing equipment can be visually intrusive and safety issues require attention.

- The Department will not construct a tidal flow system for the new route at Burntollet. Observed traffic flow here is not tidal and tidal flow operation over a short section would be confusing to drivers and would be inconsistent with the dual carriageway standard of the remainder of the road. The Department considers that the safest road schemes are usually the most straightforward ones that contain no surprises for the driver.

Recommendation (IR page 132) – Mr. Alexander Gourley on behalf of Mr. R Craig

That:

1. Roads Service to re-assess the possibility of relocating the proposed park and ride facility to an area to the west of the proposed Stradreagh Roundabout.

- The Department has reviewed the several possible park and ride sites that had previously been examined and is content that the published scheme site south of Maydown Roundabout on Mr. Craig's land remains the most appropriate location.
- The Department confirms that plot 151 will be acquired unchanged. This includes for additional land to allow future expansion of this facility.
- The Department will provide a drawing showing the unchanged plot 151 to Mr. Craig and his agent.

Recommendation (IR page 138) – Hoy Dorman on behalf of City Industrial Waste

That:

1. It is recommended that Roads Service should respond to each of the points raised by Mr. Hoy in his written submission dated 3 September 2012 and every effort should be made to meet his requests on behalf of City Industrial Waste Limited where it is appropriate and practical to do so.

- The Department has considered Mr. Hoy's post inquiry submission of 3 October 2013 and has responded directly to Mr. Hoy.

Recommendation (IR page 169) – Thomas Donaghy on behalf of Mr William McCay and (IR page 307) – Mr. W.G.P. McKay and Mrs. B.E.J. McKay

That:

1. Roads Service to consider designing the proposed farm accommodation overbridge to serve the McCay's home and retained lands with a one metre verge on either side of the carriageway and, if that is feasible, to provide detailed drawings as soon as possible to the McCay's Agent for comment.

- The Department agrees to widen the proposed farm accommodation overbridge to provide a 4.0m carriageway flanked by 1.0m verges.
 - The Department will provide a drawing showing the revised bridge cross-section to Mr. and Mrs. McCay and their agent.
- 2. In relation to the proposed access laneway to the McCay's retained lands at the proposed Liberty Glen Bridge, Roads Service to provide detailed drawings showing the location and design of the laneway as soon as possible to the McCay's Agent for comment.**
- The Department agrees to construct a laneway from the existing Glenshane Road, passing underneath the new Liberty Glen Bridge on the south bank, to the McCay retained lands.
 - The Department will provide a drawing showing the laneway to Mr. & Mrs. McCay and their agent.
- 3. In relation to the proposed farm accommodation overbridge to serve the McCay's home and retained lands, Roads Service to provide detailed drawings showing the cross-section as soon as possible to the McCay's Agent for comment.**
- As noted above, the Department agrees to widen the proposed farm accommodation overbridge to provide a 4.0m carriageway flanked by 1.0m verges.
 - The Department will provide a drawing showing the revised bridge cross-section to Mr. & Mrs. McCay and their agent.
- 4. Roads Service to review the amount of land required from the McCays at Liberty Glen, Fawney (draft Vesting Order plot 3-08) for the proposed scheme. This review to be carried out at the detailed design stage and any areas deemed surplus to requirements to be removed from the vesting proposals. Any revised drawings should be provided to the McCay's Agent for comment.**
- The Department confirms that plot 3-08 will be acquired unchanged. After the new road opens to traffic, any land that is not required by the Department for the performance of its present and future responsibilities will be, subject to public sector trawls, sold back to Mr. McCay at the then market value.
 - The Department will provide a drawing showing the unchanged plot 3-08 to Mr. Cay and his agent.

Recommendation (IR page 175) – Thomas Donaghy on behalf of Mr. Thomas O'Neill & Family

That:

- 1. Roads Service to remove Vesting Plots 7-57 and 7-60, which appear not to be required for the proposed scheme, from the vesting proposals. Any revised drawings should be provided to Mr. O'Neill's Agent for comment.**

- The Department agrees that plots 7-57 and 7-60 will be removed from the Vesting Order before it is made. The Department agrees to reduce plot 7-62 by 596m² before the Vesting Order is made.
- The Department will provide a drawing showing the deleted plots 7-57 and 7-60 and the reduced plot 7-62 to Mr. O'Neill and his agent.

Recommendation (IR page 181) – Thomas Donaghy on behalf of Mr. Thomas McLaughlin

That:

1. **Roads Service to provide a copy of the details given by them to NIEA on likely fill materials for this proposed soil deposition area to Mr. McLaughlin's Agent for information.**
 - The Department will provide a copy of the document to Mr. McLaughlin and his agent.

Recommendation (IR page 185) – Thomas Donaghy on behalf of Mr. Thomas Cairns

That:

1. **Roads Service to review the amount of land required from Mr. Cairns for the proposed scheme to the north of the proposed dual carriageway. This review to be carried out at the detail design stage and any area deemed surplus to requirements to be removed from the vesting proposals. Any revised drawings should be provided to Mr. Cairns's Agent for comment.**
 - The Department agrees to reduce plot 7-15 by 9,189m² before the Vesting Order is made.
 - The Department will provide a drawing showing the reduced plot 7-15 to Mr. Cairns and his agent.

Recommendation (IR page 191) – Thomas Donaghy on behalf of Mr. Samuel Nutt

That:

1. **Roads Service to review the amount of land required for the proposed shared access laneway to the south of the proposed scheme on Mr. Nutt's land. This review to be carried out at the detail design stage and any area deemed surplus to be removed from the vesting proposals. Any revised drawings should be provided to Mr. Nutt's Agent for comment.**
 - Plots 5-38, 5-63 and 5-64 being vested from Mr. Nutt are required to ensure the Design & Build contractor has sufficient land and working space available to construct the new road.
 - The Department confirms that plots 5-38, 5-63 and 5-64 will be acquired unchanged. After the new road opens to traffic, any land that is not required by the Department for the performance of its present and future responsibilities will be, subject to public sector trawls, sold back to Mr. Nutt at the then market value.

- The Department will provide a drawing showing the unchanged plots 5-38, 5-63 and 5-64 to Mr. Nutt and his agent.

Recommendation (IR page 200) – Thomas Donaghy on behalf of Mrs. Roisin McGinley

That:

- 1. Depending on the final access solution for this property and the associated car park, Roads Service to consider providing appropriate directional signage to mitigate the loss of any passing trade to the Bed & Breakfast business.**
 - The Department agrees to provide Traffic Signs Manual compatible signage.
- 2. Roads Service to further develop their design options for access to this property and the associated car park that serves the Bed & Breakfast business and to consult with Mrs. McGinley and her Agent on their proposals.**
 - The Department has developed two access options; a direct access from Temple Road with potential for up to 8 car parking spaces and an access through Maydown Village with potential for up to 20 car parking spaces. The Department would be content to build either one of these options.
 - The Department will provide a drawing showing the both accesses and car parking proposals to Mrs. McGinley and her agent.

Recommendation (IR page 210) – Thomas Donaghy on behalf of Mr. Louis Peoples

That:

- 1. Roads Service to investigate Mr. Donaghy's request to remove the part of Plot 7-03 inside his Client's boundary from the vesting proposals.**
 - The Department agrees to reduce plot 7-03 by 257m² before the Vesting Order is made.
 - The Department will provide a drawing showing the reduced plots to Mr. Peoples and his agent.
- 2. Roads Service to adjust the layout of the proposed compact connector to include a right turn pocket in order to improve safety for Mr. Peoples when entering and leaving his property.**
 - The Department agrees to install a right turn pocket on the Claudy Junction north compact connector loop to facilitate safe access to the lane connecting to Mr. Peoples' property.
 - The Department will provide a drawing showing the right turn pocket to Mr. Peoples and his agent.
- 3. Roads Service to provide Mr. Donaghy with detailed drawings confirming that the proposed access from the property on to the connector loop would be in accordance with current road standards.**

- The Department will provide a drawing and written explanation to Mr. Peoples and his agent, confirming that the access from Mr. Peoples' property to the compact connector loop is in accordance with current road standards.

4. Roads Service to investigate the possibility of erecting 'no entry' signs at an appropriate point on the connector loop, in order to prevent access to the east bound carriageway in the wrong direction.

- The Department agrees to provide a Traffic Signs Manual compatible sign to ensure traffic does not travel the wrong way down the eastbound carriageway of the new road.
- The Department will provide a drawing showing the location and type of sign to Mr. Peoples and his agent.

Recommendation (IR page 218) – Thomas Donaghy on behalf of The Gormley Family

That:

1. Roads Service to provide Mr. Donaghy with a copy of any papers relevant to NIEA's preference for the route of the proposed PMA laneway to serve the Gormley's retained lands to the north of the proposed new road.

- The Department will provide the relevant NIEA Built Heritage papers to the Gormley Family and their agent.

2. Roads Service to remove the existing access laneway/track on the northern portion of the Gormley's land which appears not to be required for the proposed scheme, from the vesting proposals. Any revised drawings to be provided to the Gormley family's Agent for comment.

- The Department agrees to remove plots 5-17, 5-21 and 5-24 from the Vesting Order before it is made.
- The Department will provide a drawing showing the plots being deleted to the Gormley Family and their agent.

Recommendation (IR page 229) – Thomas Donaghy on behalf of Mr. Esmond Evans

That:

1. Roads Service to review the location and size of the SuDS pond required for the proposed scheme and the associated outfall on Mr. Evan's land at Vesting Plot 5-73. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the vesting proposals. Any revised drawings should be provided to Mr. Evan's Agent for comment.

- The Department has reviewed the size and location of the SuDS pond on plot 5-73 and is content that it is the optimum size and location to provide storage and attenuation for the calculated volume of run-off from the impermeable and impermeable areas being drained.

- The Department confirms that plots 5-73 will be acquired unchanged. After the new road opens to traffic, any land that is not required by the Department for the performance of its present and future responsibilities will be, subject to public sector trawls, sold back to Mr. Evans at the then market value.
- The Department confirms that it will install the SuDS pond outfall at a depth that will allow normal farming activity above.
- The Department will provide a drawing showing the unchanged SuDS pond, the unchanged pot 5-73 and outfall detail to Mr. Evans and his agent.

Recommendation (IR page 235) – Thomas Donaghy on behalf of Mr. Edward Campbell & Mrs. Dorothy Campbell)

That:

- 1. In accordance with the commitment given in the written response, Roads Service to reduce proposed Vesting Plot 4-22 so that no part of Mr. and Mrs. Campbell's residential garden would be required for the proposed scheme. Any revised drawings should be provided to the Objector's Agent as soon as possible for comment.**
 - The Department agrees to reduce plot 4-22 by 234m² before the Vesting Order is made, to ensure that Mr. and Mrs. Campbell's residential garden will not be impacted by construction of the new road.
 - The Department will provide a drawing showing the reduced plot to Mr. and Mrs. Campbell and their agent.
- 2. Roads Service to review the amount of land required for the proposed re-alignment of the Every Road through Mr. and Mrs. Campbell's land. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the vesting proposals. Any revised drawings should be provided to the Objectors Agent for comment.**
 - The Department agrees to refine the alignment of Ervey Road during the Design and Build contractor's development of the detail design, with a view to reducing the area of land required from Mr. and Mrs. Campbell to build the realigned Ervey Road. After the new road opens to traffic, any land that is not required by the Department for the performance of its present and future responsibilities will be, subject to public sector trawls, sold back to Mr. and Mrs. Campbell at the then market value.
 - The Department confirms that it will provide a drawing of the refined design to Mr. and Mrs. Campbell and their agent when this becomes available.

Recommendation (IR page 247) – Thomas Domaghy on behalf of Mr. Andrew McClean

That:

- 1. Roads Service to provide detailed drawings to Mr. McClean’s Agent showing the location and specification of the proposed access to Mr. McClean’s retained lands at Stradreagh.**
 - The Department will provide drawings and specification of the proposed access to Mr. McClean’s retained lands at Stradreagh to Mr. McClean and his agent.

Recommendation (IR page 262) – Mr. John Montgomery

That:

- 1. Roads Service to review the amount of land required from Mr. Montgomery for the proposed scheme. This review to be carried out at the detailed design stage and any areas deemed surplus to requirements to be removed from the vesting proposals. Any revised drawings should be provided to Mr. Montgomery’s Agent for comment.**
 - The Department agrees to refine the Baranait Road and Claudy junction during the detailed development of the design by the Design and Build contractor, with a view to reducing the area of land required from Mr. Montgomery to build the junction. After the new road opens to traffic, any land that is not required by the Department for the performance of its present and future responsibilities will be, subject to public sector trawls, sold back to Mr. Montgomery at the then market value.
 - The Department confirms that it will provide a drawing of the refined junction design to Mr. Montgomery when this becomes available.
- 2. Draft Vesting Order Plots 7-39 and 7-40 to be reduced by Roads Service in line with the commitments made by Roads Service before the Vesting Order is made. Any revised drawings should be provided to Mr. Montgomery’s Agent for comment.**
 - The Department agrees to reduce plot 7-39 by 7,239m² and to reduce plot 7-40 by 2,393m² before the Vesting Order is made.
 - The Department will provide a drawing showing the reduced plots to Mr. Montgomery for comment.
- 3. Roads Service to provide Mr. Montgomery with an up to date map showing the proposed Baranait Road underpass and relevant dimensions.**
 - The Department will provide a map showing the published scheme Baranait Road underpass to Mr. Montgomery for comment.
- 4. Roads Service to give careful consideration to providing semi-mature trees in appropriate locations on and around Mr. Montgomery’s land to preserve visual amenity.**

- The Department agrees to include additional semi-mature planting on and around Mr. Montgomery's land to preserve visual amenity. The cost of this additional planting will be taken into consideration in the compensation paid to Mr. Montgomery for land vested for the new road.

Recommendation (IR page 273) – Mr. David Thompson

That:

1. Roads Service to give further consideration of providing a reduced height access under the mainline at Burntollet in order to reduce the road distance between Mr. Thompson's lands.

- The Department has further examined access between Mr. Thompson's home farm at Kildoag Road and his out-farm at Mavis Road, a round trip of 9.5km via the existing road network and 17.2km via the proposed road network.
- Whilst the Department recognises the impact that the new road will have on Mr. Thompson's farming operation, it has determined that it is not possible to implement any cost effective measures to reduce the post construction road travel distance between his home farm at Kildoag Road and his out-farm at Mavis Road.

Recommendation (IR page 286) – Mr. Liam Doherty & Mrs. Anne Doherty and Mr. John Doherty and Mrs. Louise Doherty

That:

1. Roads Service to reassess the choice of the route in the area of the Doherty land holding. This to include consultations with both the Doherty family and all adjacent land and property owners who would be affected were such a change to be made. Should this indicate that it would on balance be preferable when compared with the Preferred Route, then it is recommended that every effort should be made by Roads Service to adopt the alternative alignment.

- The Department has re-examined its DMRB Stage 2 assessment of the possible routes within the preferred corridor and revealed to the public in September 2007; this included a review of responses received from Statutory Consultees and the public during the DMRB Stage 1 and DMRB Stage 2 process and from the public during and after the September 2007, May 2008 and May 2009 Community Information Events. In its review, the Department has consulted with the Messrs. Doherty and, as far as practicable, with all other landowners between Drumahoe and Burntollet who would be affected by the several routes examined during the DMRB Stage 2 assessment.
- The Department's assessment shows, on balance, the Published Route is preferable to the other routes examined during the DMRB Stage 2 assessment. The Department has determined that the other routes examined during the DMRB Stage 2 should not be investigated any further and the Published Route be taken forward as planned.

- The Department will provide a Technical Note of the re-examination of the DMRB Stage 2 assessment of possible routes within the preferred corridor revealed to the public in September 2007 to the Messrs. Doherty.

Recommendation (IR page 318) – GM Design Associates on behalf of Mr. Gordon Chambers, W & J Chambers Ltd

That:

1. Roads Service to continue discussions with the land owner and his Agent in order to reach agreement on the final location of the proposed culvert.

- The Department agrees to realign the proposed culvert around the periphery of Mr. Chambers' lands, subject to Mr. Chambers' agreeing to a way leave for the culvert. Agreement of the way leave would allow plot 3-29 to be reduced by 3,530m² before the Vesting Order is made.
- The Department will provide a drawing showing the realigned culvert and reduced plot 3-29 to Mr. Gordon Chambers and his agent.

2. Roads Service to review the amount of land owned by Mr. Chambers required to mitigate the visual impact on Riverside Crescent of the proposed adjacent grade separated structure. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the vesting proposals.

- The Department agrees to refine the design of the new road during the Design and Build contractor's detail development of the design, with a view to reducing the land required to mitigate the visual impact of the Drumahoe grade-separated junction on Riverside Crescent.
- After the new road opens to traffic, any land that is not required by the Department for the performance of its present and future responsibilities will be, subject to public sector trawls, sold back to Mr. Chambers at the then market value.

3. Roads Service to review the possibility of providing a reduced height accommodation crossing to mitigate farm severance at the detailed design stage.

- The Department has determined that it would be possible to install a reduced height underpass to maintain access between the Chambers' retained land east and west of the new road.
- Having taken into account the magnitude of the severance, the availability of alternative means of access, the area of the retained lands and its unlikely use for sizeable dairy farming, the Department has determined that it cannot agree to construct a reduced height underpass here.

Recommendation (IR page 365) – Denis Mullan Solicitor on behalf of personal representatives of Mr. Eugene Brolly and (IR page 537) – Thomas Donaghy on behalf of Mr. Eugene Brolly

That:

1. **The request for a realignment of the main line should be reassessed in order to provide a more factual basis for a final decision by Roads Service.**
 - The Department has developed an engineering alignment of the mainline which would require demolition of the farm house and farm buildings, to allow an informed comparison to be made between it and the Published Route. The public at large has not had an opportunity to comment on the alternative route as it has not been published into the public domain. (Publication into the public domain is not a requirement of DMRB Stage 2 assessment.) Statutory Consultees have not been consulted about the alternative route. (In its consideration, the Department took note of the responses obtained from Statutory Consultees for the possible routes being examined before selection of the preferred route and for the preferred route.)
 - The Department's assessment shows, on balance, the Published Route is preferable to the alternative route. The Department has therefore determined that the alternative route should not be investigated any further and the Published Route will be taken forward as planned.
 - The Department will provide a report recording the assessment of the alternative route to the personal representatives of Mr. Brolly and his agents.
2. **Roads Service to write to Mr. Brolly detailing the options available concerning the future ownership of the laneways which would be constructed by the Department as part of the proposed scheme. Indications of the possible legalities surrounding the use of these laneways to be included.**
 - The Department has written to the personal representatives of Mr. Brolly and his agents, confirming that the laneways constructed to maintain access to his house, farmyard and retained land either side of the new road will remain with Roads Service.
 - The Department has confirmed to the personal representatives of Mr. Brolly and his agents that the PSNI do not, as a rule, enforce the rules of the road on laneways accessing homes and farms and that the Driver Vehicle Agency (DVA) may enter lanes accessing homes and farms to take action for motor tax evasion or fuel excise evasion.

Recommendation (IR page 391) – Hoy Dorman on behalf of Mr. William Ross

That:

1. **In relation to the proposed road bridge across the River Roe, Roads Service to consult further with Mr. Ross on the width and specification of the laneways underneath the bridge on each side of the river that will be required to serve Mr. Ross's retained lands.**

- The Department confirms that the geometry of the bridge carrying the new road across the River Roe allows for laneways wider than the published scheme 3.5m wide lane flanked by 1m wide verges.
- The Department is committed to continuing dialogue with Mr. William Ross and his agent regarding the width and specification of the access lanes.

2. Roads Service to review the location and size of the SuDS ponds required for the proposed scheme on Mr. Ross's land. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the vesting proposals. Any revised drawings should be provided to Mr. Ross's Agent for comment.

- The Department has reviewed the size and location of the published scheme SuDS pond partly on Mr Ross's land and has determined that this pond and the ponds south of the mainline and east of the River Roe could be merged into a new pond located in the triangular plot of retained land left following the vesting of plot 3-04 from Mr. P McCloskey. This would require acquisition by agreement or vesting of 4,250m² of additional land from Mr. P McCloskey.
- The Department agrees to reduce plot 3-01 by 2,085m² north of the new road and by 3,044m² south of the new road before the Vesting Order is made, subject to satisfactory purchase of additional land from Mr. P Mcloskey.
- The Department will provide a drawing showing the relocated SuDS pond and the reduced plots to Mr. William Ross and his agent.

3. Roads Service to consider the post Inquiry written submission from Hoy Dorman Consulting on behalf of Mr. Ross and reply to the points made in writing. Every effort should be made to meet his requests on behalf of Mr. William Ross where it is appropriate and practical to do so.

- The Department has considered Mr. Hoy's 3 October 2013 post inquiry submission and has responded directly to Mr. Hoy.

Recommendation (IR page 392) – Thomas Donaghy on behalf of Mr. William O'Kane

That:

1. Roads Service to investigate the possibility of relocation of the SuDS pond to the other side of Bleach Green Lane.

- The Department has reviewed the size and location of the published scheme SuDS pond partly on Mr O'Kane's land and has determined that this pond and the ponds south of the mainline and east of the River Roe can be merged into a new pond located in the triangular plot of retained land left following the vesting of plot 3-04 from Mr. P McCloskey; this would require acquisition by agreement or by vesting of 4.520m² of additional land from Mr. P McCloskey.

- The Department agrees to remove plot 3-02 from the Vesting Order before it is made subject to satisfactory purchase of additional land from Mr. P Mcloskey.
- The Department will provide a drawing showing the relocated SuDS pond and the deleted plot 3-02 to Mr. O'Kane and his agent.

Recommendation (IR page 396) – Thomas Donaghy on behalf of Mr. William Irwin

That:

1. Roads Service to verify if the current proposals to alter Mr. Irwin's access to the realigned Feeny Road to meet the requirements of the DMRB are achievable without the need to acquire additional land.

- The Department has examined visibility at Mr. Irwin's existing entrance from Feeny Road and has determined that visibility could be increased to comply with Development Control Advice Note 15 (DCAN 15) standard. This would require the acquisition by agreement or by supplementary Vesting Order of 346m² additional land from Mr. William Ross and 69m² additional land from Mr Irwin.
- The Department agrees to improve visibility at Mr. Irwin's existing entrance from Feeny Road and agrees to improve visibility to DCAN 15 standard subject to satisfactory purchase of the required land from Messrs Ross and Irwin.
- The Department will provide a drawing showing the improved access to Mr. Irwin and his agent.

Recommendation (IR page 405) – Thomas Donaghy on behalf of Mr. Sidney Canning

That:

1. Roads Service to provide of a visual screen or bund around the southern side of the southern connector loop at Feeny Road. Details of the proposals to be submitted to Mr. Donaghy in due course.

- The Department agrees to provide a 2m high by 15m wide landscaping bund surmounted by 1.5m high noise reflecting close-boarded fence, constructed within the published scheme Vesting Order boundary.
- The Department will provide a drawing showing the landscaping bund and noise reflecting close-boarded fence to Mr. Canning and his agent.

Recommendation (IR page 411) – Thomas Donaghy on behalf of Mr. Seamus O'Kane & Mrs. Lorna O'Kane

That:

1. Roads Service to liaise with Mr. and Mrs. O'Kane and make reasonable endeavours to keep them informed as to how the proposed scheme is proceeding and as to when any

vesting of their property is likely to happen so that Mr. and Mrs. O’Kane can plan accordingly.

- The Department is committed to continuing dialogue with Mr. and Mrs. O’Kane and their agent to keep them informed of progress on the scheme and when vesting of their property is likely to happen.

Recommendation (IR page 414) – Thomas Donaghy on behalf of Mr. Roland Wilson

That:

1. Roads Service to review the amount of land required to construct the proposed eastbound connector loop in Plot 2-04. Land surplus to requirements to be retained by the owners and Roads Service to make any necessary access provisions.

- The Department agrees to reduce plot 2-03 by 6,113m² before the Vesting Order is made.
- The remaining part of plot 2-03 and all of plot 2-04 are required to ensure the Design & Build contractor has sufficient land and working space available to construct the new road. After the new road opens to traffic, any land that is not required by the Department for the performance of its present and future responsibilities will be, subject to public sector trawls, sold back to Mr. Wilson at the then market value.
- The Department will provide a drawing showing the reduced plot 2-03 to Mr. Wilson and his agent.

Recommendation (IR page 416) – Thomas Donaghy on behalf of the Personal Representatives of Mr. Joseph Craig

That:

1. Roads Service to review the location and size of the SuDS pond required for the proposed scheme on Mr. Craig’s neighbours’ land. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the vesting proposals. Any revised drawings should be provided to Mr. Craig’s Agent for comment.

- The Department has reviewed the size and location of the published scheme SuDS pond on Mr. Craig’s neighbours’ plot 8-62 and is content that it is the optimum size and location to provide storage and attenuation for the calculated volume of run-off from the impermeable and permeable areas being drained. The Department has elongated the SuDS pond to allow construction of a private laneway from Ballyhanedin Road as recommended in the Inspectors’ Report at paragraphs 8.65, 8.82 and 8.126.
- The Department confirms that plots 8-57 and 8-59 will be acquired unchanged to ensure the Design & Build contractor has sufficient land and working space available to construct the new road. After the new road opens to traffic, any land that is not required by the Department for the performance of its present and future responsibilities will be, subject to public sector trawls, sold back to the Personal Representatives of Mr. Craig at the then market value.

- The Department will provide a drawing showing the elongated SuDS pond and additional laneway to the Personal Representatives of Mr Craig and their agent.

Recommendation (IR page 420) – Thomas Donaghy on behalf of the Personal Representatives of Mr. John Hegarty

That:

1. Roads Service to review the location and size of the SuDS pond required for the proposed scheme on Mr. Hegarty’s land. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the vesting proposals. Any revised drawings should be provided to Mr. Hegarty’s Agent for comment.

- The Department has reviewed the size and location of the published scheme SuDS pond on plot 8-62 and is content that it is the optimum size and location to provide storage and attenuation for the calculated volume of run-off from the impermeable and permeable areas being drained. The Department has elongated the SuDS pond to allow construction of a private laneway from Ballyhanedin Road as recommended in the Inspectors’ Report at paragraphs 8.65, 8.82 and 8.126.
- The Department confirms that plot 8-62 will be acquired unchanged to ensure the Design & Build contractor has sufficient land and working space available to construct the new road. After the new road opens to traffic, any land that is not required by the Department for the performance of its present and future responsibilities will be, subject to public sector trawls, sold back to the Personal Representatives of Mr. Hegarty at the then market value.
- The Department will provide a drawing showing the elongated SuDS pond and the unchanged plot 8-62 to the Personal Representatives of Mr. John Hegarty and their agent.

2. Roads Service to review the option of creating a private means of access laneway from Ballyhanedin Road that would be more convenient for any retained land of Mr. Hegarty and for neighbouring landowners and which might also facilitate better service access to the proposed SuDS pond on Mr. Hegarty’s land.

- The Department agrees to construct a private means of access laneway from Ballyhanedin Road to provide a more convenient access to Mr. Hegarty’s retained lands and to neighbouring lands. The SuDS pond located on plot 8-62 has been elongated to facilitate construction of this private laneway from Ballyhanedin Road.
- The Department will provide a drawing showing the elongated SuDS pond and the new private laneway from Ballyhanedin Road to the Personal Representatives of Mr. Hegarty and their agent.

Recommendation (IR page 427) – Thomas Donaghy on behalf of Mr. Paul Ward

That:

1. Roads Service to consider and review the option of combining some sort of reduced height agricultural underpass for Mr. Ward’s land, shared or otherwise, with one of the drainage culverts that will be required to channel water underneath the existing and proposed roads.

- The Department agrees to provide an agricultural underpass for use by Mr. Ward and his neighbours. The tunnel will accommodate up to a Land Rover and Lfor Williams livestock trailer combination; larger vehicles will need to use the farm access lanes also being provided.
- The Department will provide a drawing showing the farm tunnel to Mr. Ward and his agent.

2. Roads Service to review the location and size of the SuDS pond required for the proposed scheme on Mr. Ward’s land. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the vesting proposals. Any revised drawings should be provided to Mr. Ward’s Agent for comment.

- The Department has reviewed the size and location of the published scheme SuDS pond on plot 7-69 and is content that it is the optimum size to provide storage and attenuation for the calculated volume of run-off from the impermeable and permeable areas being drained.
- The Department agrees to relocate the SuDS pond further west on plot 7-69 being vested from Mr. Ward. Plot 7-69 will be reduced by 2,562m² before the Vesting Order is made.
- The Department will provide a drawing showing the relocated SuDS pond and the reduced plot 7-69 to Mr. Ward and his agent.

Recommendation (IR page 431) – Thomas Donaghy on behalf of Mr. Patrick McLaughlin

That:

1. Roads Service to consider and review the option of combining some sort of reduced height agricultural underpass for Mr. McLaughlin’s land, shared or otherwise, with one of the drainage culverts that will be required to channel water underneath the existing and proposed roads.

- The Department agrees to provide an agricultural underpass for use by Mr. McLaughlin and his neighbours. The tunnel will accommodate up to a Land Rover and Lfor Williams livestock trailer combination; larger vehicles will need to use the farm access lanes also being provided.
- The Department will provide a drawing showing the farm tunnel to Mr. McLaughlin and his agent.

Recommendation (IR page 434) – Thomas Donaghy on behalf of Mr. Patrick McKeever

That:

- 1. Roads Service to ensure that proper access is provided from the proposed shared access laneway all the way to the northern boundary of Mr. McKeever's severed lands.**
 - The Department agrees to provide access to Mr McKeever's retained land from the published scheme multi user concrete farm laneway south of the new road and extending west from Gortilea Road. The location will be fine tuned during accommodation works discussions with Mr McKeever and his agent.
 - The Department will provide a drawing showing the provisional location of the access to Mr. McKeever and his agent.

Recommendation (IR page 440) – Thomas Donaghy on behalf of Mr. Oliver Donaghy

That:

- 1. Roads Service to review the location and size of the SuDS pond required for the proposed scheme on Mr. Donaghy's land. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the vesting proposals. Any revised drawings should be provided to Mr. Donaghy's Agent for comment.**
 - The Department has reviewed the size and location of the published scheme SuDS pond on plot 9-33 and is content that it is the optimum size and location to provide storage and attenuation for the calculated volume of run-off from the impermeable and permeable areas being drained.
 - The Department will acquire plots 9-33, 10-02 and 10-03 unchanged to ensure the Design & Build contractor has sufficient land and working space available to construct the new road. After the new road opens to traffic, any land that is not required by the Department for the performance of its present and future responsibilities will be, subject to public sector trawls, sold back to Mr. Donaghy at the then market value.
 - The Department will provide a drawing showing the unchanged SuDS pond and unchanged plots 9-33, 10-02 and 10-33 to Mr. Donaghy and his agent.

Recommendation (IR page 442) – Thomas Donaghy on behalf of O'Kane & Devine Construction Ltd

That:

- 1. Roads Service to investigate the possibility of relocating the proposed new access to the Abbeyfields Development from Chapel Road on a stand-alone basis in advance of the main scheme. Roads Service to discuss this alternative with Mr. Donaghy and O'Kane and Devine Construction, with a view to making the necessary alterations as soon as possible, taking into account other constraints.**

- The Department has investigated the opportunity to provide an interim form of the published scheme Abbeyfields access to connect the Abbeyfields Access to the existing Glenshane Road. The Department has determined that this is not possible due to adverse geometry where this interim Abbeyfields access would connect to the existing Glenshane Road.
 - The Department will provide a Technical Note recording the investigation and a drawing showing the adverse geometry at the connection to the existing Glenshane Road to Messrs. O’Kane and Devine and their agent.
- 2. Roads Service to provide a cross section drawing showing the proposed driveway access to No. 44 Chapel Road.**
- The Department will provide a drawing showing the cross section of the proposed driveway access to No. 44 Chapel Road to Messrs. O’Kane and Devine and their agent.
- 3. Roads Service to provide evidence that the proposed right turn pocket from Chapel Road into Abbeyfields would be in accordance with the requirements of the DMRB.**
- The Department will provide a Technical Note recording the compliance of the proposed right turn pocket from Chapel Road into Abbeyfields with the Design Manual for Roads and Bridges (DMRB) to Messrs. O’Kane and Devine and their agent.
- 4. Roads Service to provide evidence that the proposed junction with Tracy’s Way would be in accordance with the requirements of the DMRB.**
- The Department will provide a Technical Note recording the compliance of the proposed junction with Tracy’s Way with the Design Manual for Roads and Bridges (DMRB) to Messrs. O’Kane and Devine and their agent.

Recommendation (IR page 445) – Thomas Donaghy on behalf of Mr. Noel McFeely

That:

- 1. Roads Service to review the amount of land owned by Mr. McFeely and required for the proposed scheme. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the vesting proposals.**
- The Department confirms that plot 10-10 will be acquired unchanged to ensure the Design & Build contractor has sufficient land and working space available to construct the new road. After the new road opens to traffic, any land that is not required by the Department for the performance of its present and future responsibilities will be, subject to public sector trawls, sold back to Mr. McFeely at the then market value.
 - The Department will provide a drawing showing the unchanged plot 10-10 to Mr. McFeely and his agent.

Recommendation (IR page 460) – Thomas Donaghy on behalf of Mr. Liam Brolly

That:

- 1. Roads Service to review the location of the access laneways and associated overbridge for the proposed scheme to serve Mr. Brolly's house, farm and nearby land and properties. This review to be carried out in consultation with Mr. Brolly and his neighbour at 219 Foreglen Road with a view to reaching a compromise on a route that would be satisfactory to all the parties affected.**
 - The Department has reviewed the location of the published scheme access laneways and overbridge providing continued access to Mr Brolly's house, farm and neighbouring properties; this included dialogue with Mr. Brolly and his neighbour.
 - The Department's assessment shows, on balance, the published scheme overbridge and access laneways south of the new road is preferable and should be built as planned.
 - The Department agrees to realign that part of the laneway north of the new road and connecting to the existing Foreglen Road.
 - A drawing showing the realigned access lane north of the new road and connecting to the existing Foreglen Road has been provided to Mr. Brolly and his agent.

- 2. Roads Service to review the location and size of the PMA laneway to the north of the proposed dual carriageway with a view to minimising the land take required. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the vesting proposals. Any revised drawings should be provided to Mr. Brolly's Agent for comment.**
 - The Department confirms that plot 9-17 is required to ensure the Design & Build contractor has sufficient land and working space available to construct the new road. After the new road opens to traffic, any land that is not required by the Department for the performance of its present and future responsibilities will be, subject to public sector trawls, sold back to Mr. Brolly at the then market value.
 - A detailed design stage drawing showing the access lane between the new road and the existing Foreglen Road will be provided to Mr. Brolly and his agent.

- 3. Roads Service to review the location and size of the SuDS pond required for the proposed scheme on Mr. Brolly's land. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the vesting proposals. Any revised drawings should be provided to Mr. Brolly's Agent for comment.**
 - The Department has reviewed the size of the published scheme SuDS pond on plots 9-13 and 9-15 and is content that the pond is the optimum size to provide storage and attenuation for the calculated volume of run-off from the impermeable and permeable areas being drained.

- The Department agrees to relocate the SuDS pond within plots 9-13 and 9-15 closer to the new road. Plot 9-13 will be reduced by 461m² and plot 9-15 will be reduced by 1,196m² before the Vesting Order is made.
- The Department will provide a drawing showing the relocated SuDS pond and the reduced plots 9-13 and 9-15 to Mr. Brolly and his agent.

4. Roads Service to review whether the alignment of the proposed dual carriageway could be moved further north in this locality so as to minimise the impact on Mr. Brolly's farm holding.

- The Department has developed an engineering alignment of the mainline which would require demolition of the Mr. Eugene Brolly's farm house and farm buildings to allow an informed comparison to be made between it and the Published Route. This alignment would move the new road further north from Mr Liam Brolly's house and farmyard. The public at large has not had an opportunity to comment on the alternative route as it has not been published into the public domain. (Publication into the public domain is not a requirement of DMRB Stage 2 assessment.) Statutory Consultees have not been consulted about the alternative route. (In its consideration, the Department took note of the responses obtained from Statutory Consultees for the possible routes being examined before selection of the preferred and for the preferred route.)
- The Department's assessment shows, on balance, the Published Route is preferable to the alternative route. The Department has therefore determined that the alternative route should not be investigated any further and the Published Route will be taken forward as planned.
- The Department will provide a Technical Note recording the assessment of the alternative route to Mr. Liam Brolly and his agent.

Recommendation (IR page 462) – Thomas Donaghy on behalf of Mr Lawrence O'Hara

That:

1. Roads Service to review the location and size of the 'hammerhead' for the proposed scheme on Mr. O'Hara's land. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the vesting proposals. Any revised drawings should be provided to Mr. O'Hara's Agent for comment.

- The Department agrees to relocate the 'hammerhead' further west on plot 10-03 being vested from Mr. Oliver Donaghy. Plot 10-07 will be reduced by 287m² before the Vesting Order is made.
- The Department will provide a drawing showing the relocated 'hammerhead' and the reduced plot 10-07 to Mr. O'Hara and his agent.

Recommendation (IR page 467) – Thomas Donaghy on behalf of Mr. Kieran Duffy

That:

- 1. Roads Service to provide the requested photomontage to Mr. Donaghy showing the view of the proposed dual carriageway from number 365 Foreglen Road.**
 - The Department will provide a photomontage showing the new dual carriageway as viewed from No. 365 Foreglen Road to Mr. Duffy and his agent.

Recommendation (IR page 474) – Thomas Donaghy on behalf of Mr. Jude McLaughlin

That:

- 1. Roads Service to review the location and size of the third party access laneway for the proposed scheme on Mr. McLaughlin's land. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the vesting proposals. Any revised drawings should be provided to Mr. McLaughlin's Agent for comment.**
 - The Department agrees to relocate the third party access lane inside plot 10-05 being vested from Mr. McLaughlin. Plot 10-05 will be reduced by 530m² before the Vesting Order is made.
 - The Department will provide a drawing showing the relocated third party access lane and the reduced plot 10-05 to Mr. McLaughlin and his agent.

Recommendation (IR page 479) – Thomas Donaghy on behalf of Mr. Jude McCloskey

That:

- 1. Roads Service to review the option of creating a private means of access laneway from Ballyhanedin Road that would be more convenient for any retained land of Mr. McCloskey and for neighbouring landowners.**
 - The Department agrees to build a private access laneway from Ballyhanedin Road to provide alternative access for Mr McCloskey and neighbouring landowners.
 - The Department will provide a drawing showing the additional private access lane to Mr. McCloskey and his agent.
- 2. Roads Service to review the location and size of the SuDS pond required for the proposed scheme on Mr. McCloskey's land. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the vesting proposals. Any revised drawings should be provided to Mr. McCloskey's Agent for comment.**
 - The Department has reviewed the size and location of the published scheme SuDS pond on plots 8-11 and 8-15 and is content that it is the optimum size and location to provide

storage and attenuation for the calculated volume of run-off from the impermeable and permeable areas being drained.

- The Department confirms that plots 8-11 and 8-15 will be acquired unchanged to ensure the Design & Build contractor has sufficient land and working space available to construct the new road. After the new road opens to traffic, any land that is not required by the Department for the performance of its present and future responsibilities will be, subject to public sector trawls, sold back to Mr. McCloskey at the then market value.
- The Department will provide a drawing showing the unchanged SuDS pond and unchanged plots 8-11 and 8-15 to Mr. McCloskey and his agent.

Recommendation (IR page 486) – Thomas Donaghy on behalf of Mr. Joseph Mullan

That:

1. Roads Service to clarify and agree with Mr. Donaghy and Mr. Mullan exactly what accommodation works might be provided to access the field to the north of the dual carriageway.

- The Department confirms that the published scheme includes provision for Mr. Mullan's retained lands north of the new road to be accessed via a concrete laneway from Dernaflaw village (south). The Department also confirms that this laneway will be used by others.
- The Department will provide a drawing showing the published scheme access laneway to Mr. Mullan and his agent.

2. Roads Service to give consideration to the possibility of providing a pedestrian underpass on Mr. Mullan's eastern boundary to enable the existing north - south laneway to continue to be used. If the number of people using this facility at present is found to be very small and / or infrequent, then the cost may not be justified.

- The Department has not been able to locate any extant pedestrian way across Mr Mullan's land linking from Derrychrier Road to Dernaflaw village (south). Thus the Department will not construct a pedestrian underpass here.

Recommendation (IR page 490) – Thomas Donaghy on behalf of Mr. John McCloskey

That:

1. Roads Service to review the location and size of the SuDS pond required for the proposed scheme on Mr. McCloskey's land. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the vesting proposals. Any revised drawings should be provided to Mr. McCloskey's Agent for comment.

- The Department has reviewed the size and location of the published scheme SuDS pond on plot 9-32 and is content that it is the optimum size and location to provide storage and attenuation for the calculated volume of run-off from the impermeable and permeable areas being drained.

- The Department confirms that plot 9-32 will be acquired unchanged to ensure the Design & Build contractor has sufficient land and working space available to construct the new road. After the new road opens to traffic, any land that is not required by the Department for the performance of its present and future responsibilities will be, subject to public sector trawls, sold back to Mr. McCloskey at the then market value.
- The Department will provide a drawing showing the unchanged SuDS pond and the unchanged plot 9-32 to Mr. McCloskey and his agent.

Recommendation (IR page 497) – Thomas Donaghy on behalf of Mr. John Holloway and (IR page 622) – McGuinness & Canavan Solicitors on behalf of Mr. John & Mrs. Agnes Holloway

That:

1. Roads Service to review the amount of land owned by John and Agnes Holloway and required for the proposed scheme. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the vesting proposals.

- The Department is content that plots 11-02 and 11-05 is the minimum required to construct the road, field cut-off drains and the multi-user concrete farm laneway south of the new road and extending west from Killunaught Road.
- The Department confirms that plots 11-02 and 11-05 will be acquired unchanged to ensure the Design & Build contractor has sufficient land and working space available to construct the new road. After the new road opens to traffic, any land that is not required by the Department for the performance of its present and future responsibilities will be, subject to public sector trawls, sold back to Mr. Holloway at the then market value.
- The Department will provide a drawing showing the unchanged plots 11-02 and 11-05 to Mr. and Mrs. Holloway and their agents.

2. Roads Service should provide a significant acoustic barrier or noise bund as close to the proposed road as possible to mitigate the predicted noise impacts on John and Agnes Holloway's family home.

- The published scheme includes a noise bund located on the eastbound carriageway to reduce traffic noise at Mr. Holloway's house.
- The Department agrees to erect a close boarded fence on top of the noise bund to provide further visual and noise screening.
- The Department will provide a drawing showing the published scheme noise bund and the new close boarded fence to Mr. McCloskey and his agents.

Recommendation (IR page 514) – Thomas Donaghy on behalf of Dr. Esther Harper & Mr. Ian Evans, (IR page 653) – Dr. Esther Harper and (IR page 659) – Mr. Ian Evans

That:

1. Roads Service to ensure that the Objectors and their Agent are kept fully informed about all proposals relating to their access laneway and the location of the proposed Dungiven West Roundabout.

- The Department confirms that it will continue dialogue with Dr. Harper, Mr. Evans and their agent to keep them fully informed about all proposals relating to their access laneway and the location of the Dungiven West Roundabout.

2. Roads Service to provide drawings confirming that the proposed relocated entrance to the east of the existing laneway would be in accordance with DMRB standards.

- The Department will provide a drawing, confirming that the relocated entrance to the east of the existing laneway is in accordance with DMRB standards, to Dr. Harper, Mr. Evans and their agent.

3. Roads Service to actively investigate the possibility of locating the proposed roundabout further to the west in order to avoid the diversion of the existing laneway to the property. Should negotiations with the third party land owner be successful, relocation some 90m further west is strongly recommended.

- The Department has reviewed the location of the Dungiven West Roundabout and is content that it could be moved approximately 90m west of the published scheme location, subject to satisfactory purchase of land to construct the relocated roundabout.
- The Department will provide a drawing showing the possible relocation of the Dungiven West Roundabout to Dr. Harper, Mr. Evans and their agent.

4. Roads Service to reassess the size and location of the proposed SuDS pond in due course, with a view to minimising the land take.

- The Department has reviewed the size and location of the published scheme SuDS pond on plot 1-06 and is content that it is the optimum size to provide storage and attenuation for the calculated volume of run-off from the impermeable and permeable areas being drained. The Department has determined that the pond can be reshaped, and agrees to reduce plot 1-06 by 2,510m² before the Vesting Order is made.
- The Department will provide a drawing showing the reshaped SuDS pond and the reduced plot 1-06 to Dr. Harper, Mr. Evans and their agent.

5. Roads Service to endeavour to reach agreement with the Objectors and their Agent concerning the identification of a temporary storage area for the materials which would be required to reinstate the ground following the eventual removal of the proposed Dungiven West Roundabout. It would be preferable if this land could remain in the ownership of the Objectors and be removed from the draft Vesting Order.

- The Department will acquire plots 1-08 and 1-10 unchanged and the reduced plot 1-06 to ensure the Design & Build contractor has sufficient land and working space available to construct the Dungiven Bypass and to stockpile surplus material for use in the later construction of the remainder of the road.
- The Department confirms that after the remainder of the new road has been built and the stockpiled material and the Dungiven West Roundabout has been removed, any land that is not required by the Department for the performance of its present and future responsibilities will be sold back to Messrs. Harper and Evans at the then market value.
- The Department also confirms that it will continue dialogue with Dr. Harper, Mr. Evans and their agent to keep them fully informed about all proposals relating to their access laneway and the location of the Dungiven West Roundabout.
- The Department will provide a drawing showing the size and profile of the stockpiled material to Dr. Harper, Mr. Evans and their agent.

Recommendation (IR page 520) – Thomas Donaghy on behalf of Messrs. Harry & Sean McGilligan

That:

- 1. Roads Service to review the amount of land owned by Mr. Harry McGilligan and Mr. Sean McGilligan and required for the proposed scheme. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the vesting proposals.**
 - The Department confirms that plots 10-18, 10-19, 11-16, 11-17 & 11-18 included in the published scheme Vesting Order will be acquired unchanged to provide the Design and build contractor with sufficient land and working space to build the scheme. After the new road opens to traffic, any land that is not required by the Department for the performance of its present and future responsibilities will be, subject to public sector trawls, sold back to Mr. McCloskey at the then market value.
 - The Department will provide a drawing showing the unchanged plots to Messrs. Harry and Sean McGilligan and their agent.
- 2. Roads Service to continue discussion with the landowners and their Agent in order to reach agreement on access to the retained lands.**
 - Roads Service confirms that in dialogue before the Inquiry, Messrs. McGilligan made known the location of existing gates and confirmed that the retained lands at plot 10-19 can be accessed via the published scheme farm access laneway south of the new road and extending west from Killunaught Road and an existing farm lane.
 - The Department also confirms that it will continue dialogue with Messrs. McGilligan and their agent regarding access to their retained lands.

Recommendation (IR page 532) – Thomas Donaghy on behalf of Gerald Hasson

That:

- 1. Roads Service to review the location and size of the SuDS pond required for the proposed scheme on Mr. Hasson’s land. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the vesting proposals. Any revised drawings should be provided to Mr. Hasson’s Agent for comment.**
 - The Department has reviewed the size and location of the published scheme SuDS pond on plots 8-48 and 8-51 and is content that it is the optimum size and location to provide storage and attenuation for the calculated volume of run-off from the impermeable and permeable areas being drained.
 - The Department confirms that plots 8-48, 8-51 and 8-52 will be acquired unchanged to ensure the Design & Build contractor has sufficient land and working space available to construct the new road. After the new road opens to traffic, any land that is not required by the Department for the performance of its present and future responsibilities will be, subject to public sector trawls, sold back to Mr. Hasson at the then market value.
 - The Department will provide a drawing showing the published scheme SuDS pond and the unchanged plots 8-48, 8-51 and 8-52 to Mr. Hasson and his agent.
- 2. Roads Service to have further discussions with Mr. Hasson and his Agent concerning possible alterations to the entrance gates, pillars and driveway to be carried out as part of agreed accommodation works.**
 - The Department confirms that it will continue dialogue with Mr. Hasson and his agent regarding possible alterations to his entrance gates, pillars and driveway and that any such changes will be carried out as part of the accommodation works package to be agreed later with Mr. Hasson and his agent.

Recommendation (IR page 541) – Thomas Donaghy on behalf of Mrs. Ellen O’Kane

That:

- 1. Roads Service to provide revised photomontages as requested by Mr. Donaghy.**
 - The Department will provide a photomontage showing the new dual carriageway viewed from the location requested by Mrs. O’Kane’s agent to Mrs. O’Kane and her agent.

Recommendation (IR page 545) – Thomas Donaghy on behalf of Mr. Diarmuid O’Kane

That:

- 1. Roads Service to provide the requested drawings to Mr. Donaghy showing the realignment of the proposed private means of access laneway.**

- The Department agrees to realign the Killunaught Road end of the multi user concrete farm laneway south of the new road and extending west from Killunaught Road. Plot 11-13 will be reduced by 3,000m² before the Vesting Order is made.
- The Department will provide a drawing showing the realigned Killunaught road end of the farm laneway and the reduced plot 11-13 to Mr. O’Kane and his agent.

Recommendation (IR page 547) – Thomas Donaghy on behalf of Derry County GAA

That:

1. **Roads Service to discuss the detailed specification for the proposed ball-stop system with Derry County GAA and reach agreement as to whether this will be provided by the Department as part of accommodation works, or by the GAA itself through the financial compensation route.**
 - The Department confirms that it will continue dialogue with the Derry County GAA and their agent regarding the provision of ball-stop fencing.

Recommendation (IR page 552) – Thomas Donaghy on behalf of Mr. Declan O’Neill

That:

1. **Roads Service to have further discussions with Mr. Donaghy and Mr. O’Neill concerning a possible Favourable Opportunity Purchase together with associated timings and costs. Responsibility for the submission of a possible Planning Application to form part of the discussion agenda.**
 - The Department confirms that it will continue dialogue with Mr. O’Neill and his agent regarding possible Favourable Opportunity Purchase and the scheme delivery programme.
 - The Department also confirms that responsibility for the submission of a possible Planning Application for replacement farm buildings will form part of the dialogue agenda.

Recommendation (IR page 556) – Thomas Donaghy on behalf of Messrs John & Declan McCloskey

That:

1. **Roads Service to review the need for, or the possible reconfiguration of the proposed SuDS pond and its associated access laneway in order to minimise the land take.**
 - The Department has reviewed the size and location of the published scheme SuDS pond on plot 1-13 and is content that the pond is the optimum size and location to provide storage and attenuation for the calculated volume of run-off from the impermeable and permeable areas being drained.
 - The Department confirms that plot 1-13 will be acquired unchanged to ensure the Design & Build contractor has sufficient land and working space available to construct the new road.

After the new road opens to traffic, any land that is not required by the Department for the performance of its present and future responsibilities will be, subject to public sector trawls, sold back to Messrs. McCloskey at the then market value.

- The Department confirms that the maintenance access, taken from the adjacent Derrychrier Road, will be constructed unchanged.
- The Department will provide a drawing showing the published scheme SuDS pond and maintenance access and the unchanged plot 1-13 to Messrs. McCloskey and their agent.

Recommendation (IR page 570) – Thomas Donaghy on behalf of Mr. Brendan O’Kane

That:

1. Roads Service to review the amount of land owned by Mr. Brendan O’Kane and required for the proposed scheme. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the vesting proposals.

- The Department has reviewed the size of the published scheme SuDS pond on plots 11-03 and 11-06 and is content that the pond is the optimum size to provide storage and attenuation for the calculated volume of run-off from the impermeable and permeable areas being drained.
- The Department agrees to reshape the SuDS pond on plots 11-03 and 11-06 closer to the new road. The Department agrees to reduce Plot 11-03 by 888m² before the Vesting Order is made.
- The Department will provide a drawing showing the relocated SuDS pond and the reduced plot 11-03 to Mr. O’Kane and his agent.

Recommendation (IR page 576) – Thomas Donaghy on behalf of Mrs. Bernadette Murphy

That:

1. Roads Service to ensure that a legal right of way or a publicly owned and maintained laneway between 12 Altagarran Road and the public highway is in place to serve the dwelling house which is in separate ownership.

- The Department agrees to acquire by agreement or by vesting of 3,372m² of land between that included in plot 10-16 and where the published scheme access lane connects to the extant laneway to 12 Altagarran Road, to provide a publicly owned laneway from Altagarran Road to the property known as 12 Altagarran Road.
- The Department will provide a drawing, showing the additional land to be acquired by agreement or vesting, to Mrs. Murphy and her agent.

2. Roads Service to review the location and size of the SuDS pond required for the proposed scheme on Mrs. Murphy’s land. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the

vesting proposals. Any revised drawings should be provided to Mrs. Murphy's Agent for comment.

- The Department has reviewed the size of the published scheme SuDS pond on plot 10-16 and is content that the pond is the optimum size to provide storage and attenuation for the calculated volume of run-off from the impermeable and permeable areas being drained.
- The Department agrees to reshape the SuDS pond on plot 10-16 closer to the new road. The Department agrees to reduce Plot 10-16 by 2,260m² before the Vesting Order is made.
- The Department will provide a drawing showing the relocated SuDS pond and the reduced plot 10-16 to Mrs. Murphy and her agent.

Recommendation (IR page 579) – Thomas Donaghy on behalf of Mr. Aidan McLaughlin

That:

1. Roads Service to consider and review the option of combining some sort of reduced height agricultural underpass for Mr. McLaughlin's land, shared or otherwise, with one of the drainage culverts that will be required to channel water underneath the existing and proposed roads.

- The Department agrees to provide an agricultural underpass for use by Mr. McLaughlin and his neighbours. The tunnel will accommodate up to a Land Rover and Ifor Williams livestock trailer combination; larger vehicles will need to use the farm access lanes also being provided.
- The Department will provide a drawing showing the farm tunnel to Mr. McLaughlin and his agent.

Recommendation (IR page 585) – Thomas Donaghy (Agent) on behalf of Mr. William McCloskey (now deceased)

That:

1. Roads Service to review the location and size of the SuDS pond required for the proposed scheme on Mr. McCloskey's land. This review to be carried out at the detailed design stage and any area deemed surplus to requirements to be removed from the vesting proposals.

- The Department has reviewed the size and location of the published scheme SuDS pond on plot 1-21 and is content that it is the optimum size and location to provide storage and attenuation for the calculated volume of run-off from the impermeable and permeable areas being drained.
- The Department confirms that plot 1-21 will be acquired unchanged to ensure the Design & Build contractor has sufficient land and working space available to construct the new road. After the new road opens to traffic, any land that is not required by the Department for the performance of its present and future responsibilities will be, subject to public sector trawls, sold back to Personal Representatives of Mr. McCloskey at the then market value.

- The Department will provide a drawing showing the published scheme SuDS pond and unchanged plot 1-21 to the Personal Representatives of Mr. McCloskey and their agent.

Recommendation (IR page 595) – Hoy Dorman on behalf of Mrs. Isobel Greenlees

That:

1. **It is recommended that Roads Service should formally respond to each of the points raised by Mr. Hoy in his written submission dated 23rd October 2012 and every effort should be made to meet his requests on behalf of Ms Greenlees where it is appropriate and practical to do so.**
 - The Department has considered Mr. Hoy's 23 September 2013 post inquiry submission and has responded directly to Mr. Hoy.

Recommendation (IR page 637) – CD-65 Mr. Cecil Ross and Mrs. Sandra Ross and (IR page 647) – Ms. Janice Ross

That:

1. **If Roads Service decide to proceed with the preferred route in close proximity to this dwelling house, Roads Service should provide a significant acoustic barrier as close to the proposed road as possible to mitigate the predicted noise impacts on Mr. Cecil Ross's family home.**
 - The Department has undertaken further noise modelling to determine how the Ross property would benefit from the provision of a noise barrier.
 - The Department agrees to erect a 580m length of 1.5m high proprietary noise barrier along and close to the back of the south verge of the new road; the noise barrier to extend a minimum of 280 metres either side of the Ross property.
 - The Department will provide a Technical Report recording the further noise modelling and a drawing showing the proprietary noise barrier and its location to the Messrs. Ross and their agent.
2. **Discussions should continue between Roads Service, Mr. Cecil Ross and Mr. William Ross to find an acceptable compromise to the alignment of the post scheme access laneway under the proposed bridge over the River Roe to retained farmlands.**
 - The Department has reviewed the published scheme farm access laneway on the west side of the River Roe and is content that it could be realigned to connect directly to the extant laneway on the south side of the new road and continuing south to join Teeavan Road. This would require acquisition by agreement or vesting of an additional 346m² of land from Mr. William Ross and 30m² of land from Mr. Cecil Ross.
 - The Department agrees to realign the published scheme farm access laneway on the west side of the River Roe to connect directly to the extant laneway on the south side of the new

road and continuing south to join Teeavan Road, subject to satisfactory purchase of additional land from Messrs William and Cecil Ross.

- The Department will provide a drawing showing the altered laneway and the additional areas of land to be acquired to Mr. Cecil Ross and family and to Mr William Ross and to their agent.

3. It is recommended that Roads Service should formally respond to each of the points raised by Mr. Hoy in his written submission dated 2nd November 2012 and every effort should be made to meet his requests on behalf of Mr. Cecil Ross where it would be appropriate and practical to do so. (Further action for Roads Service.)

- The Department has considered Mr. Hoy's 2 November 2012 post inquiry submission and has responded directly to Mr. Hoy.

Recommendation (IR page 717) – Thomas Donaghy on behalf of Mr. Geoffrey Baird

That:

1. Roads Service to review the option of creating a private means of access laneway from Ballyhanedin Road that would be more convenient for Mr. Baird and his neighbouring landowners.

- As noted in the Inspectors' Report at paragraphs 8.65, 8.64 and 8.82, The Department agrees to construct a private laneway from Ballyhanedin Road that would provide a more convenient access for Mr. Baird and his neighbours.
- The Department will provide a drawing showing the additional laneway to Mr. Baird and his agent.

Recommendation (IR page 727) – Loughs Agency

That:

1. Roads Service to discuss the criteria and constraints to be included in the eventual Earthworks Management Plan with Loughs Agency as soon as possible.

- The Department confirms that it will make a timely application to Loughs Agency to work in partnership to formulate a pre-contract Earthworks Management Plan. The Department confirms that the pre-contract Earthworks Management Plan will be included as a prescriptive requirement in the construction contract to build the Londonderry to Dungiven dual carriageway. The appointed contractor will take ownership of the pre-contract Earthworks Management Plan and, working in partnership with Loughs Agency, will develop this into his construction Earthworks Management Plan.

2. Roads Service to give further consideration to the possibility of requiring the contractor employed to construct the road to lodge an Environmental Bond as an alternative to an Insurance Policy. There is the possibility that this might be a more appropriate way to prevent pollution incidents during the construction phase.

- Whilst recognising the intrinsic worth of an ‘environmental bond’, the Department considers it more appropriate to include prescriptive requirements in the contract to construct the Londonderry to Dungiven dual carriageway, compelling the contractor to implement the environmental commitments included in the Environmental Statement and to adopt the practical measures set out in the Construction Industry Research and Information Association (CIRIA) Reports ‘Control of Water Pollution from Linear Construction Projects’.

3. Applications for consent to remove material from the bed of a river to be submitted to the Loughs Agency as soon as possible.

- The Department confirms that it will make timely applications under Article 46 of the Foyle Fisheries Act 1952 where construction of the Londonderry to Dungiven dual carriageway requires the removal river bed material from the freshwater portion of any river in the Loughs Agency area.

4. Roads Service to agree constraints relating to culvert design for each watercourse as soon as possible. Roads Service to be sensitive to the request from Loughs Agency that culverts should not be used where an alternative solution could be employed.

- The Department confirms that any condition contained in a Foyle Fisheries Act 1952 Article 46 permit granted by the Loughs Agency, Foyle, Carlingford and Irish Lights Commission (FCILC) and relating to the design of a structure across a freshwater portion of any river in the Loughs Agency’s area, will become a prescriptive requirement in the construction contract to build the Londonderry to Dungiven dual carriageway.

5. In association with Loughs Agency, Roads Service to identify where compensatory salmonid habitat would be created where existing areas would be removed as a result of the scheme.

- The Department confirms that it will work in partnership with the Loughs Agency to identify locations where new salmonid habit can be created to compensate for salmonid habitat removed during the construction of the Londonderry to Dungiven dualling scheme.

6. Based on Loughs Agency stipulations, Roads Service to develop a Pollution Contingency Plan for both pre-survey work and the main construction works as soon as possible.

- The Department confirms that it will make a timely application to the Loughs Agency to work in partnership to develop a Pollution Contingency Plan for use during pre-survey works and during the main construction works. The Department confirms that the resultant Pollution Contingency Plan will be included as a prescriptive requirement in the construction contract to build the Londonderry to Dungiven dual carriageway.

7. Roads Service to ensure that the scientific staff of the Loughs Agency have a major input in relation to all proposed tree planting, where sections of river bank would be replanted with trees. This to be carried out in advance of work starting on site.

- The Department confirms that it will make a timely application to the Loughs Agency to work in partnership to develop a tree planting plan where sections of river bank would be replanted with trees. The Department confirms that the resultant tree planting plan will be

included as a prescriptive requirement in the construction contract to build the Londonderry to Dungiven dual carriageway.

8. Roads Service to discuss and agree constraints relating to the timing of site works with Loughs Agency as soon as possible.

- The Department confirms that it will make a timely application to the Loughs Agency to work in partnership to agree constraints relating to the timing of site works. The Department confirms that the resultant schedule of timing constraints will be included as a prescriptive requirement in the construction contract to build the Londonderry to Dungiven dual carriageway.

9. All existing publically funded habitat units to be identified as soon as possible and steps taken to protect them from damage during the construction phase.

- The Department confirms that it will make a timely application to the Loughs Agency to work in partnership to identify all extant publically funded habitat units and to agree measures to protect these during construction of the new road. The Department confirms that the resultant schedule of protection measures will be included as a prescriptive requirement in the construction contract to build the Londonderry to Dungiven dual carriageway.

10. The commitment by Roads Service in the ES to remove and dispose of any contaminated land in a controlled manner off-site to be rigorously applied and monitored in order to reduce the pollution risk and the possible transfer of invasive species.

- The Department confirms that the Schedule of Environmental Commitments included in the Environmental Statement, this includes measures to deal with contaminated land, will be included as a prescriptive requirement in the contract documents.

11. A specific Pilot Study to be carried out in advance of any site works in relation to possible groundwater contamination at the former landfill sites at Fawney and Mobuoy Road. The objective of this study would be to ensure that any future on site works, or adjacent works, would not create preferential pathways for materials that had been disposed of on these sites to escape via groundwater. The findings to be taken account of within the Earthworks Management Plan and the approval of the Loughs Agency to be sought before the scheme would proceed to the contract stage.

- The Department confirms that it will carry out a timely study of groundwater where the new road passes close to the former Fawney landfill site, and will agree measures with the Loughs Agency to prevent spread of underground contamination during and after construction of the Londonderry to Dungiven dual carriageway. The Department confirms that the agreed measures will be included as a prescriptive requirement in the construction contract to build the Londonderry to Dungiven dual carriageway.
- The Department confirms that it will draw on the groundwater study adjacent to the former Fawney landfill site to inform and develop measures to prevent spread of underground contamination at Mobuoy.

12. Discussions to take place as soon as possible between Loughs Agency and Roads Service in order to formulate a Sediment Monitoring and Transport Plan for the River Faughan and River Roe catchment areas. This Plan to remain in operation throughout the construction phase.

- The Department confirms that it will make a timely application to the Loughs Agency to work in partnership to formulate a Sediment Monitoring and Transport Plan for the River Faughan and River Roe catchment areas. The Department confirms that the resultant Sediment Monitoring and Transport Plan will be included as a prescriptive requirement in the construction contract to build the Londonderry to Dungiven dual carriageway and will remain in force during construction of the new road.

Recommendation (IR page 742) – Mr Stanley and Mrs Roberta McMinn, Ms Sharon Peaker

That:

1. As the point was not dealt with at the Inquiry, Roads Service to answer in writing Mr McMinn’s verbal question about projected traffic noise levels and provide details of any mitigation measures that Roads Service are proposing.

- The Department will provide a summary of the published scheme noise levels and proposed mitigation to Mr. & Mrs. McMinn and to Ms. Peaker.

2. Roads Service to provide the McMinn family with more detailed information and drawings, as soon as these are available, showing the proposed access road to the two properties, and the proposed parking and vehicle turning facilities.

- The Department will provide a drawing and a narrative describing the Published Route vehicular access from Ervey Road to 232, 234 and 234a Glenshane Road and turning head, designed to allow public service vehicles and delivery lorries to execute a three point turn, has been provided to Mr. and Mrs. McMinn and to Ms. Peaker.

3. Particularly as the McMinn family do not appear to have an Agent representing them, Roads Service should endeavour to keep them informed of progress on the proposed scheme.

- The Department confirms that it will continue dialogue with Mr. And Mrs. McMinn and Ms. Peaker to keep them informed of progress on the proposed scheme.

ANNEX B

MODIFICATIONS TO THE DIRECTION ORDER

Map	Modification	Reason
5	Dungiven West Roundabout moved approximately 90m west of the published scheme location.	Representation from agent to relocate Dungiven West Roundabout.

ANNEX C

MODIFICATIONS TO THE PRIVATE ACCESSES ORDER

Map	Modification	Reason
1	Stopping-up map to be amended.	New pedestrian access to be provided from the Laurel Centre to Enagh Crescent.
6	Stopping-up map to be deleted.	New vehicular access to be provided from realigned Mobuoy Road.
8	Stopping-up map to be deleted.	Representation from agent to relocate Dungiven West Roundabout.

ANNEX D

MODIFICATIONS TO THE VESTING ORDERS

Plot Number	Modification	Reason
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NIMVO – Section 1 Clooney Road / Caw Roundabout to Maydown Roundabout

04	Area to be vested to be reviewed following Planning NI determination of extant planning application.	Commitment given in response to 01 March 2012 objection.
09	Area to be vested to be reviewed following Planning NI determination of extant planning application.	Commitment given in response to 01 March 2012 objection.

NIMVO – Section 2 Mobuoy Road to Derrychrier Road

1-35	Plot to be reduced in size by 950m ² .	Representation from agent to reduce area of land to be acquired to build the new road.
3-29	Plot to be reduced in size by 3,530m ² , subject to satisfactory agreement of way leave for realigned drainage outfall.	Representation from agent to realign drainage outfall culvert and to reduce the area of land to be acquired to build the new road.
4-04	Plot to be deleted from Vesting Order, subject to satisfactory purchase of land to provide alternative access.	Commitment given in response to objection dated 16 March 2012 to reduce the area of land required to build the new road.
4-06	Plot to be deleted from Vesting Order, subject to satisfactory purchase of land to provide alternative access.	Commitment given in response to objection dated 16 March 2012 to reduce the area of land required to build the new road.
4-16	Plot to be deleted from the Vesting Order.	Commitment given in response to 16 January 2012 objection to reduce the area of land required to build the new road.
4-17	Plot to be deleted from the Vesting Order.	Commitment given in response to 16 January 2012 objection to reduce the area of land required to build the new road.

Plot Number	Modification	Reason
4-22	Plot to be reduced in size by 234m ² .	Representation from agent to reduce the area of land required to build the new road.
5-14	Plot to be reduced in size by 750m ² .	Representation from landowner to reduce the area of land required to build the new road.
5-17	Plot to be deleted from the Vesting Order.	Representation from agent to realign farm access lane and a to reduce the area of land required to build the new road.
5-19	Plot to be deleted from the Vesting Order.	Representation from landowner to reduce the area of land required to build the new road.
5-21	Plot to be deleted from the Vesting Order.	Representation from agent to realign farm access lane and to reduce the area of land required to build the new road.
5-23	Plot to be deleted from the Vesting Order.	Representation from landowner to reduce the area of land required to build the new road.
5-24	Plot to be deleted from the Vesting Order.	Representation from agent to realign farm access lane and to reduce the area of land required to build the new road.
5-25	Plot to be reduced in size by 2,069m ² .	Representation from landowner to reduce the area of land required to build the new road.
5-26	Plot to be reduced in size by 622m ² .	Representation from landowner to reduce the area of and required to build the new road.
5-27	Plot to be reduced in size by 1,619m ² .	Representation from landowner to reduce the area of land required to build the new road.
5-27	Plot to be deleted from the Vesting Order.	Consequent to reduction in area of land to be vested from plot 5-27.

Plot Number	Modification	Reason
5-28	Plot to be deleted from the Vesting Order.	Consequent to reduction in area of land to be vested from plot 5-27
5-33	Plot to be reduced in size by 54m ² .	Commitment given in response to objection received on 16 February 2012 to reduce the area of land required to build the new road.
5-35	Plot to be reduced in size by 613m ² .	Commitment given in response to objection received on 16 February 2012 to reduce the area of land required to build the new road.
6-51	Plot to be reduced in size by 105,496m ² .	Commitment given in response to objection received on 17 February 2012 to reduce the area of land required to build the new road.
7-03	Plot to be reduced in size by 257m ² .	Representation from agent to reduce the area of land required to build the new road.
7-15	Plot to be reduced in size by 9,189m ² .	Representation from agent to reduce the area of land required to build the new road.
7-39	Plot to be reduced in size by 7,239m ² .	Representation from landowner prior to the Public Local Inquiry to reduce area of land required to build the new road.
7-40	Plot to be reduced in size by 2,393m ² .	Representation from landowner prior to the Public Local Inquiry to reduce the area of land required to build the new road.
7-54	Plot to be reduced in size by 500m ² .	Commitment given in response to objection received on 02 March 2012 to reduce the area of land required to build the new road.
7-57	Plot to be deleted from the Vesting Order.	Representation from agent to reduce the area of land required to build the new road.

Plot Number	Modification	Reason
7-60	Plot to be deleted from the Vesting Order.	Representation from agent to reduce the area of land required to build the new road.
7-62	Plot to be reduced in size by 596m ² .	Representation from agent to reduce the area of land required to build the new road.
7-69	Plot to be reduced in size by 2,562m ² .	Representation from agent to relocate SuDS pond and to reduce the area of land required to build the new road
9-13	Plot to be reduced in size by 461m ² .	Representation from agent to change shape of SuDS pond and to reduce area of land required to to build the new road.
9-15	Plot to be reduced in size by 1,196m ² .	Representation from agent to change shape of SuDS pond and to reduce the area of land required to build the new road.
10-05	Plot to be reduced in size by 530m ² .	Representation from agent to reduce the area of land required to build the new road.
10-07	Plot to be reduced in size by 287m ² .	Representation from agent resulted in a reduction in land required to build the new road.
10-11	Plot to be reduced in size by 828m ² .	Commitment given in response to objection received on 02 March 2012 to reduce the area of land required to build the new road.
10-16	Plot to be reduced in size by 2,260m ² .	Representation from agent to change shape of SuDS pond and to reduce the area of land required to build the new road.
11-03	Plot to be reduced in size by 888m ² .	Representation from agent to change shape of SuDS pond and to reduce the area of land required to build the new road.

Plot Number	Modification	Reason
11-13	Plot to be reduced in size by 3,000m ² .	Representation from agent to realign farm access lane and to reduce the area of land required to build the new road.

NIMVO – Section 3 Derrychrier Road to Crebarkey

1-06	Plot to be reduced in size by 2,510m ² .	Representation from agent to change shape of SuDS pond and to reduce the area of land required to build the new road.
2-03	Plot to be reduced in size by 6,113m ² .	Representation from agent to combine SuDS ponds and to reduce area of land required to build the new road.
3-01	Plot to be reduced by 2,085m ² north of the new road and by 3,044m ² south of the new road, subject to satisfactory purchase of additional land from Mr. P McCloskey.	Representation from agent to combine SuDS ponds and to reduce area of land to be acquired to build the new road.
3-02	Plot to be deleted from Vesting Order, subject to satisfactory purchase of additional land from Mr. P McCloskey.	Representation from agent to reduce area of land to be acquired to build the new road.