



A5 Western Transport Corridor (A5 WTC)

Appendix TNI – Theme Report: Scheme Development and Consultation 2007 - 2013

16 July 2016

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1. In 2008 a study area for the A5 Western Transport Corridor (A5 WTC) dual carriageway scheme was defined and this was the subject of a public consultation exercise mid-year. Events were held at 4 locations local to the study area. These were attended by a total of 388 people.
2. Later in 2008 the study area was refined to a Preferred Corridor and a Stage 1 Scheme Assessment Report (Preliminary Options Report) was produced. In early 2009 a further public consultation exercise was held in relation to the Preferred Corridor and a number of route options that had been developed within it. Events were held at 4 local venues and these were attended by 2546 people.
3. In mid 2009 the Preferred Route for the scheme was announced and a Stage 2 Scheme Assessment Report (Preferred Options Report) was published. This was followed by a public exhibition of the Preferred Route, held at the same locations as previous events and attended by 2550 people.
4. Following receipt of additional information in relation to the Preferred Route, in particular in terms of ground investigation studies, flood modelling, cost information, and feedback from landowners, a number of alternatives to the Preferred Route were considered.
5. Alternatives were considered at 31 locations and, after further analysis and consideration against the standard assessment criteria, it was decided to adopt 11 of these alternatives. These were published mid 2010 in an 'Alternatives Discussion Paper'.
6. The combination of the Preferred Route and the adopted alternatives became the 'Proposed Scheme' which was then the subject of the draft statutory Orders (Vesting Order, Direction Order and Stopping-Up of Private Accesses Order) and Environmental Statement published in November 2010.

7. Public Exhibitions of the Proposed Scheme were held in November 2010 and were attended by 1219 people.

Statutory Procedures 2010

Environmental Statement

8. In accordance with legislative requirements an Environmental Impact Assessment (EIA) was carried out, and an Environmental Statement (ES) prepared. Notice of the ES was published during week commencing 15 November 2010 with the statutory consultation period extending to 21 January 2011. Subsequent addenda to the ES were issued during the consultation period but, because the changes were very minor in nature, the consultation period was not extended.
9. A further addendum was however published on 22 March 2011 to highlight changes to the noise and air quality sections of the ES as a result of updating the traffic model. While this identified a number of local changes to conditions, in overall regional terms the changes were not significant.

Notice of Intention to Make a Direction Order

10. As the A5 is a trunk route, a Direction Order is required in accordance with the Roads (Northern Ireland) Order 1993 for new sections of the route. For this purpose, a draft Direction Order was prepared and published.
11. The Direction Order sets out in detail the designation of the new route as a Trunk Road and the stopping-up of roads. Signs were posted on the roads named in the Notice where stopping-up was proposed in order to inform local residents.

Notice of Intention to Make a Vesting Order

12. The Notice of Intention to Make a Vesting Order includes provision for acquisition of those lands and interests considered by the Department to be necessary for construction of the scheme to:
 - a. Construct the new route and alterations to side roads;

- b. Allow for alterations to water courses;
- c. Accommodate drainage requirements;
- d. Allow for the deposition of matter obtained in the course of constructing the new road;
- e. Allow for space to construct associated bridges and culverts; and
- f. Provide access to severed land and property.

Notice of Intention to Make a Stopping-up Order (Private Accesses)

13. Where it is considered necessary to stop up private accesses, a Stopping-up Order is required. In relation to the A5 WTC the draft Stopping Up-Order sets out in detail the stopping up to road traffic of five private accesses where it has been considered necessary, for safety reasons, to relocate these particular accesses.

Publication of Notices 2010

14. The Department placed the Notices relating to the Environmental Statement, Intention to make a Direction Order, Intention to make a Vesting Order and Stopping-Up of Private Accesses Order in the following newspapers during weeks commencing 15 November and 22 November 2010: Belfast Gazette; Belfast Telegraph; Irish News; News Letter together with newspapers circulating in the local area.

15. Notices relating to the Environmental Statement were also published in the Irish Independent, Northern Standard and Donegal Democrat within the Republic of Ireland during week commencing 15 November 2010.

16. Copies of the Environmental Statement, draft Direction Order, draft Vesting Order and draft Stopping-Up of Private Accesses Order were also made available for inspection at a number of government buildings.

17. In addition, the Environmental Statement was also displayed and available for inspection at the offices of Monaghan and Donegal County Councils.

18. The documents were also displayed on the scheme specific website www.a5wtc.com and circulated to statutory consultees.
19. All affected landowners were sent details of the draft Vesting Order relevant to their property holdings.
20. The publication of the draft Orders and Environmental Statement commenced the initial formal consultation period for the scheme which ran until 21st January 2011.
21. The Environmental Statement had a further public consultation period (22 March 2011 – 6 May 2011) and documents were published in the same papers and were available for public inspection at the same locations as the original document.

Comments and Objections

22. A total of 2577 letters / signatories to petitions were received in relation to the formal consultation period. Comments were received from 5 statutory consultees.
23. A Public Inquiry was subsequently announced by the then Minister in February 2011, with formal Notices published in the local press. Each objector was subsequently invited to the appropriate pre-Inquiry meeting.
24. Public Inquiries were held on the scheme over an eight week period during May and June 2011. The Inspectors Report on the Public Inquiry was presented to the Department in February 2012. This Report recommended that the A5 WTC scheme should proceed subject to a number of recommendations, one of the most significant being the postponement of the Ballygawley to Aughnacloy section until details of the link with the N2 at the border have been clearly identified with the Irish Government.
25. Following representations by affected parties a number of changes to the land take were incorporated into the scheme through a Supplementary Vesting Order process which did not require a further Public Inquiry.

26. The then Minister concurred with the main recommendations made by the Inspectors and on 31 July 2012 announced the making of the Orders and the intention to proceed with the scheme. The Direction Order was made for the lengths between New Buildings and Ballygawley and the Vesting Order made for the New Buildings to north of Strabane (Phase 1a) and the south of Omagh to Ballygawley (Phase 1b) sections (see Paper on Scheme Phasing).
27. On 10th September 2012 the Alternative A5 Alliance (AA5A) launched a legal challenge to the scheme, one day before the Vesting Order became operative.
28. While legal proceedings were on-going Roads Service (now TransportNI) commenced preliminary works on the lands of 113 landowners. This work involved fencing, ecology, archaeology, ground investigation, service diversions and vegetation management. The decision to proceed with these preliminary works was the subject of a further legal challenge by the AA5A. However at a hearing on 17 December 2012 the Judge allowed the Department to proceed with the works.
29. In his subsequent judgement of 12 March 2013 Judge Stephens advised that he was minded to quash the decision of the Minister on the basis that an appropriate assessment under the Habitats Directive ought to have, but was not carried out on the River Foyle and River Finn Special Areas of Conservation. At a further hearing on 15 April 2013 the Minister's decision to make the Direction Order and Vesting Order was quashed.
30. Between the Court ruling in April 2013 and November 2013 the Department undertook reinstatement works on land where preliminary works had been undertaken (as described under paragraph 27).
31. In some cases the reinstatement works were carried out by the Roads Service contractors while in other cases it was carried out by the landowners themselves who were then compensated at standardised pre-set rates agreed with the Department. Landowners could further claim on losses incurred as a result of their lands being in the ownership of the Department between

September 2012 and April 2013. These claims are referred to as '*Use and Occupation*' claims.