

Department for Infrastructure – TransportNI

The Roads (Northern Ireland) Order 1993  
The Local Government Act (Northern Ireland) 1972

**DEPARTMENTAL STATEMENT**

**on the**

**PUBLIC INQUIRY INTO THE**

**PROPOSED A24 BALLYNAHINCH BYPASS:**

**Environmental Statement**

**Draft Direction Order**

**Draft Vesting Order**

TransportNI – Southern Division  
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CONTENTS .....		PAGE NO
1.	CONTENTS OF DECISION .....	3
2.	BASIS OF DECISION .....	4
3.	CONCLUSIONS AND RECOMMENDATIONS OF THE INSPECTORS' REPORT .....	17
4.	DEPARTMENT'S COMMENTS ON THE INSPECTOR'S REPORT .....	19
5.	MEASURES TO MITIGATE ADVERSE EFFECTS .....	34
6.	DEPARTMENTAL DECISION .....	52

## **1. CONTENTS OF DECISION**

- 1.1 The Department for Infrastructure (DfI) TransportNI has decided to proceed to progress the proposed A24 Ballynahinch Bypass scheme, in readiness of funding becoming available. The scheme is as described in the Environmental Statement (ES), draft Direction Order and draft Vesting Order published by the Department for Regional Development in March 2015.
- 1.2 The Proposed Scheme will be aligned to the east of the town, commencing with a roundabout at the A24 Belfast Road/A21 Saintfield Road junction and terminating with a roundabout at the A24 Drumaness Road/B2 Downpatrick Road junction. It will also include a compact grade-separated junction at the B7 Crossgar Road.
- 1.3 It will comprise of a single 2-lane carriageway bypass with widening to provide overtaking opportunities through a Differential Acceleration Lane (DAL) for traffic exiting the new northern roundabout travelling south and a Wide Single 2+1 (WS2+1) carriageway for traffic exiting the new southern roundabout travelling north.
- 1.4 Sections 2, 3 and 4 set out the considerations on which the decision to proceed to progress the scheme is based and Section 5 describes the measures that will be incorporated to mitigate the adverse effects of the scheme and the most significant impacts arising from the scheme.

## **2. BASIS OF DECISION**

### **2.1 EXISTING SITUATION**

- 2.1.1 The A24 forms part of the T2 Trunk Route from Belfast to Newcastle. The A24 through Ballynahinch is used by both strategic traffic, including commuters travelling to and from Belfast, and local traffic.
- 2.1.2 Ballynahinch is a market town, situated approximately 24km (15miles) from Belfast, and approximately 16km (10miles) from both Downpatrick and Lisburn. Due to the town's strategic location between several surrounding settlements, a number of roads in addition to the A24 radiate from the town.
- 2.1.3 Ballynahinch forms a bottleneck for strategic traffic, as the A24 through Ballynahinch is the main route for converging traffic from the west (M1/A49) and north (A21/A24) of the province. This problem is particularly prevalent during the Easter and summer holiday seasons with road users seeking to access the popular seaside town of Newcastle and the greater Mourne area.
- 2.1.4 The A24 trunk road conveys traffic through town centre streets which are fronted by retail, commercial, educational, public service and residential properties.
- 2.1.5 Approaching the town centre on the A24 from the north, a 40mph speed limit, extending some 600m from the end of the national speed limit, precedes the 30mph speed limit. On entering the 30mph zone hard shoulders are replaced with a mixture of verges and footways and a petrol service station, schools and manufacturing works give way to housing.
- 2.1.6 Throughout the commercial district dedicated on-street parking is a feature, usually on both sides of the road. Footways are provided on both sides of the road. Traffic lights and delivery vehicles stopping in the running lanes to pick up/set down goods to the adjacent premises impede progress of through traffic in this part of the town. A gyratory system is in place where 4 one-way streets circulate traffic around the town centre.

- 2.1.7 The A24 exits the mini roundabout at Dromore Street to the south along Church Street. The eastern footway ceases in the vicinity of the police station, approximately 900m before the unrestricted/30mph speed limit signs (north of Spa Road junction).
- 2.1.8 Within the 30mph speed restriction there are many shops and dwellings, as well as a health centre, a bus depot and four schools fronting the route. There are approximately 130 properties with direct vehicular access to the A24.
- 2.1.9 On exiting the 30mph speed restriction (approximately 3.5km after entering it), the A24 to the south, crosses the Ballynahinch River, on the A24 Drumaness Road. The western footway extends a further 300m to the Ballymaglave Road.

## 2.2 **BACKGROUND AND POLICY CONTEXT**

2.2.1 The Department for Infrastructure 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.

2.2.2 The current programme to improve transportation links in Northern Ireland has evolved over the last fifteen years or so. Key documents and strategies guiding this programme include:

- The 1998 White Paper ‘A New Deal for Transport: Better for Everyone’;
- ‘Moving Forward: The Northern Ireland Transport Policy Statement’ published in 1998;
- ‘Regional Development Strategy for Northern Ireland 2025 - Shaping our Future ’ published in 2002;
- ‘Regional Transportation Strategy for Northern Ireland 2002-2012’ published in 2002;
- ‘Regional Strategic Transport Network Transport Plan 2015’ published in 2005;
- Investment Delivery Plan for Roads published 2008;
- Investment Strategy for Northern Ireland 2011-2021 published in 2011;
- Expanding the Strategic Road Improvement Programme 2015 published in 2006;
- ‘Regional Development Strategy 2035 – Building a Better Future’ published in 2012; and
- ‘Ensuring a Sustainable Transport Future – A New Approach to Regional Transportation’, published in 2012.

- 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 The Regional Transportation Strategy (RTS) supports the RDS and makes a significant contribution towards achieving the longer-term transportation vision contained within the RDS. The strategic direction and underlying principles of the RTS were agreed by the Northern Ireland Assembly in 2002.
- 2.2.5 The RTS envisaged significantly increased investment in Strategic Road Improvements (SRIs) focussed on removing bottlenecks on the Strategic Road Network, recognising the key role that SRIs will play in delivering a modern, safe and sustainable transport system for Northern Ireland.
- 2.2.6 The Regional Strategic Transport Network Transport Plan 2015 (RSTNTP) is based on the guidance set out in the RDS and RTS. It 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. It includes a programme for the implementation of Strategic Road Improvements to remove bottlenecks on the network where lack of capacity is causing serious congestion, and to improve the environment by providing bypasses of towns situated on the Regional Strategic Transport Network (RSTN), thus relieving the effects of heavy through traffic. The A24 from Belfast to Clough forms part of the RSTN within Northern Ireland and as part of this programme, the A24 Ballynahinch Bypass scheme has been identified as an additional major highway scheme which should commence later in the plan period.
- 2.2.7 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.

2.2.8 A revised strategy document - Ensuring a Sustainable Transport Future—A New Approach to Regional Transportation was published on 28 March 2012. The new approach to regional transportation complements the Regional Development Strategy and aims to achieve its vision for transportation; to have a modern, sustainable, safe transportation system which benefits society, the economy and the environment and which actively contributes to social inclusion and everyone's quality of life. One of the main Strategic Objectives of the Strategy is to 'improve connectivity within the region' by completing the work identified in the current RSTNTP and Strategic Road Improvement Programme.

## 2.3 **SCHEME BENEFITS AND OBJECTIVES**

2.3.1 The A2/A24 Newcastle to Carryduff Trunk Road Network linking the Belfast Metropolitan Area to South Down passes through the heart of Ballynahinch in a general north/south orientation.

2.3.2 The appraisal of proposals for improvement are assessed against the Government's five criteria of Environment, Safety, Economy, Accessibility and Integration, and also against the scheme-specific objectives. These are:

- To reduce journey times for strategic A24 traffic in the opening year;
- To improve journey time reliability for strategic A24 traffic in the opening year;
- To contribute positively to transport economic efficiency;
- To contribute positively to road safety;
- To minimise the impact of the scheme on the environment; and
- To achieve value for money.

2.3.3 TransportNI has undertaken a comprehensive analysis of the options for the Proposed Scheme including a full Environmental Impact Assessment (EIA), culminating in the publication of an (ES) in March 2015, which has identified appropriate mitigation measures that would be implemented in the future construction contract by the appointed Contractor.



- 2.3.4 The Proposed Scheme has a TransportNI approved Estimate Range of £40-£50 Million. The economic assessment demonstrates that the Proposed Scheme would provide a good economic return with a Benefit to Cost Ratio (BCR) of 2.146 under the predicted traffic growth forecast over the 60-year economic life of the scheme.
- 2.3.5 TransportNI has considered the options available and concluded that implementation of the Proposed Scheme would greatly benefit both strategic and local road users by reducing journey times, improving journey time reliability and improving safety on the A24 Belfast to Newcastle trunk road.

## 2.4 **SCHEME HISTORY AND ALTERNATIVE SCHEMES**

- 2.4.1 In August 2005, Scott Wilson PLC, was commissioned by the then Department for Regional Development - Roads Service (now DfI TransportNI) to provide consultancy services in connection with the A24 Bypass route around Ballynahinch, County Down. The development of the A24 Bypass route has been carried out in accordance with the Department's procedures set out in Roads Service Policy and Procedure Guide E030 (RSPPG\_E030) and the requirements of the Design Manual for Roads and Bridges (DMRB).
- 2.4.2 A Preliminary Options Report which summarises the outcome of a DMRB Stage 1 Scheme Assessment was completed in May 2007. Three corridor options, one to the west and two to the east of Ballynahinch, were assessed against the five Government criteria of Environment, Safety, Economy, Accessibility and Integration as well as Engineering. The report concluded that an eastern corridor was preferable based on engineering considerations as it would require fewer structures and crossing of roads and services, due to the shorter carriageway lengths required. All three options provided broadly similar decreases in personal injury accident numbers as well as having positive BCRs, although these were significantly higher on the eastern corridor options.
- 2.4.3 An addendum to the Stage 1 Preliminary Options Report was prepared during 2007 to appraise an additional corridor (eastern corridor Option C). This

additional corridor was further to the east of Ballynahinch and avoided an isolated farm complex.

2.4.4 The Preliminary Options Report was formally approved by the Investment Decision Maker (IDM) in the form of the then Roads Service Board in January 2009. This is RSPPG\_E030 Approval Gateway 0. Following Gateway 0 Approval, a DMRB Stage 2 Scheme Assessment was undertaken for three route options within the preferred corridor.

2.4.5 These route options were exhibited on 12 November 2009 at a non-statutory public consultation event in the town centre's Market House, to invite comments from the public on the option being considered. The findings from this consultation event were one of many factors taken into consideration at the end of the assessment during the identification of the preferred route. The Stage 2 Preferred Option Report was approved by the IDM on 23 January 2012. This is RSPPG\_E030 Approval Gateway 1.

2.4.6 The Preferred Route was then further developed into a Proposed Scheme. This development work included completing a full EIA) and preparing a subsequent ES, examining the impacts of the scheme under a range of headings, detailing the factors that would be put in place to mitigate the impact of the proposed changes.

2.4.7 The statutory changes to the trunk road network, in terms of designation of the roads, were also determined in the draft Direction Order, with the draft Vesting Order prepared to reflect and enable the necessary purchase of lands.

2.4.8 URS was subsequently acquired by AECOM in October 2014. For the purpose of this Statement, reference to URS includes references to its former legacy companies, including Scott Wilson PLC.

## 2.5 **STATUTORY PROCEDURES**

2.5.1 The statutory procedures governing the construction and improvement of trunk roads are prescribed by The Roads (Northern Ireland) Order 1993 ("the 1993

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

2.5.2 The documents published for statutory public consultation on weeks commencing 23<sup>rd</sup> and 30<sup>th</sup> March 2015 included:

Draft Direction Order

- the proposal to make The Trunk Road T2 (Ballynahinch Bypass) Order (Northern Ireland) 2015 under Articles 14(1), and 68 (1) and (3) of The Roads (Northern Ireland) Order 1993;

Draft Vesting Order

- 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 A24 Ballynahinch Bypass.

Environmental Statement

- The Environmental Statement prepared by the Department for the proposal for the provision of the A24 Ballynahinch Bypass together with opinions expressed in relation to it under the provision of Articles 67A and 130 of the Roads (Northern Ireland) Order 1993.

2.6 **ENVIRONMENTAL STATEMENT**

- 2.6.1 Part V of the 1993 Order<sup>1</sup> sets out the statutory requirements for assessment of environmental impacts of road schemes and requires the Department to determine, using the Annexes to European Communities (EC) Council Directive 85/337/EEC, as amended by EC Council Directive 97/11/EC and Directive No. 2003/35/EC of the European Parliament and Council, whether or not a relevant project should be subject to an EIA, and to publish this determination. The Department determined that the project fell within Annex II to the Directive and that an ES should be prepared.
- 2.6.2 An EIA was carried out, and an ES prepared, in accordance with Article 67A of the 1993 Order. Notice of the ES was published on 23 and 30 March 2015 which saw an eight week consultation period. This Statement is intended to meet the requirements of Article 67 A (7) and (8) of the 1993 Order.
- 2.6.3 The ES presents the findings of an environmental assessment of the scheme and describes the measures proposed to mitigate impact on the natural and built environment. The environmental assessment considers the impact in terms of nature conservation, landscape, cultural heritage, geology and soils, road drainage and the water environment, noise and vibration, air quality, effects on all travellers, and community and private assets. Having regard to the ES and the consultation responses to the ES, together with the recommendations of the Inspector summarised in Section 4, below, the Department is satisfied that the likely significant environmental effects of the proposed scheme have been assessed and have been sufficient to inform judgments to be reached with regard to the scheme.
- 2.6.4 The Department has taken into account the matters required to be taken into account by Article 67 A (7) of the 1993 Order, namely the ES and the opinions on that statement or the project, which is expressed in writing by the consultation bodies and others.

## 2.7 **HABITATS ASSESSMENT - APPROPRIATE ASSESSMENT**

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<sup>1</sup> Part V was substituted by the Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 1999,(5.R. 1999 No. 89) and amended by The Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 2007 (5.R. 2007 No. 346)

- 2.7.1 Following completion of the Stage 1 “Screening for Appropriate Assessment”, a Statement to Inform the Appropriate Assessment (SIAA) was undertaken on behalf of the Department to assess the effects of the A24 Ballynahinch Bypass Scheme on the integrity of the Strangford Lough Special Area of Conservation (SAC). The Screening Assessment concluded that the integrity of Strangford Lough SAC could potentially be affected by adverse impacts on its selection features due to: run-off of sediment-laden water from stockpiles during construction; and the adverse impacts with other projects in the area.
- 2.7.2 A precautionary approach has been adopted to the Appropriate Assessment process, 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 a SPA or SAC or prevent it from meeting its conservation objectives.
- 2.7.3 The SIAA concluded that having regard to the ES, the SIAA, and the consultation responses to this assessment, the likely significant environmental effects of the proposed scheme have been assessed and have been sufficient to inform judgements to be reached with regard to the scheme.
- 2.7.4 Accordingly, in light of the Appropriate Assessment process 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 A24 Ballynahinch Bypass would not, by itself or in combination with other known plans or projects, adversely affect the integrity of Strangford Lough Special Area of Conservation (SAC), or indeed any other Natura 200 site.

## 2.8 **CONSULTATION, PUBLICATION OF NOTICES AND PUBLIC INQUIRIES**

- 2.8.1 In accordance with Schedules 5 and 8 to the 1993 Order and the Local Government Act (Northern Ireland) 1972, the Department placed the Notices

relating to the ES, Intention to make a Direction Order and Intention to make a Vesting Order in the Belfast Gazette on 27<sup>th</sup> March and in the following newspapers during weeks commencing 23<sup>rd</sup> and 30<sup>th</sup> March 2015.

- The Belfast Telegraph;
- The News Letter;
- The Irish News;
- The Mourne Observer; and
- The Down Recorder.

2.8.2 All of the documentation related to the scheme, including the ES, draft Direction Order and draft Vesting Order were also made available for inspection, free of charge for the duration of the consultation period, at all reasonable hours, from 23<sup>rd</sup> March 2015 to 19<sup>th</sup> May 2015 at the following locations:

- TransportNI Headquarters, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB;
- TransportNI - Southern Division Headquarters, Marlborough House, Central Way, Craigavon. BT64 1AD;
- TransportNI - Southern Division, Rathkeltair House, Market St, Downpatrick, County Down BT30 6AJ;
- Newry, Mourne & Down District Council, Downshire Civic Centre, Ardglass Road, Downpatrick, BT30 6GQ; and
- Ballynahinch Library, Main St, Ballynahinch, County Down BT24 8DN.

These documents were also displayed on the Department's website at ([www.infrastructure-ni.gov.uk/articles/a24-ballynahinch-bypass-overview](http://www.infrastructure-ni.gov.uk/articles/a24-ballynahinch-bypass-overview)) and were circulated to the relevant statutory and non-statutory consultees seeking their comments on the proposals.

2.8.3 The documents were made available at a Public Exhibition of the Proposed Scheme held on the 14<sup>th</sup> and 15<sup>th</sup> April 2015 at the Market House, Ballynhainch. The objective of the exhibition was to advise landowners and other interested parties of the detail of the Proposed Scheme and its potential impact, including the extent of land proposed to be vested and the conclusions of the EIA. Representatives from TransportNI and their technical advisors were present to answer questions and to provide assistance to members of the general public.

2.8.4 A total of 36 responses were received by TransportNI prior to the closing date and a further 3 were received after the closing date of 19<sup>th</sup> May 2015.

23 of the responses were objections. Many of these objections related to a number of issues, however, the breakdown of the predominant theme of each objection is as follows:

- 11 related to direct impacts on land holdings, either business (farmland & outbuildings), domestic or leisure;
- 3 related to concerns about the environmental impact including the potential for increased flooding;
- 3 related to changes in access arrangements/impact of the bypass on passing trade;
- 2 related to the uncertainty in the timeframe as to when the Proposed Scheme may be delivered and related compensation for the impact;
- 2 related to the scope of the scheme and potential wider impacts of the scheme;
- 1 related to the provision of a compact grade-separated junction at Crossgar Road; and
- 1 was received from Northern Ireland Electricity in relation to protection of their equipment.

There were 6 comments in favour of the Proposed Scheme and 8 comments that did not express a view either in favour or against.

2.8.5 On consideration of the responses submitted, the Department determined it appropriate to convene a Public Local Inquiry to examine the case for and against the Proposed Scheme.

2.8.6 The Department appointed Mr Mike Shanks as the Inspector to the Public Inquiry. A Pre-Inquiry meeting took place on Wednesday 16<sup>th</sup> December 2015, at which a number of administrative matters and other issues were discussed.

The Inquiry opened on Tuesday 26<sup>th</sup> January 2016 and closed on Wednesday 27<sup>th</sup> January 2016, lasting a total of 2 days.

2.8.7 Following the Inquiry, a number of site visits between the Inspector, Departmental representatives and objectors took place at the request of a number of objectors on Friday 5<sup>th</sup> February 2016.

The Inspector reported to the Department in March 2016. The Inspector's report is now available on the Department's website <https://www.infrastructure-ni.gov.uk/articles/a24-ballynahinch-bypass-overview> and may be examined, free of charge, at the following deposit locations:

- TransportNI Headquarters, Room 2-13, Clarence Court, 10-18, Adelaide Street, Belfast, BT2 8GB;
- TransportNI Southern Divisional Headquarters, Marlborough House, Central Way, Craigavon, BT641AD;
- TransportNI - Southern Division, Rathkeltair House, Market St, Downpatrick, County Down, BT30 6AJ;
- Newry, Mourne & Down District Council, Downshire Civic Centre, Ardglass Road, Downpatrick, BT30 6GQ; and
- Ballynahinch Library, Main St, Ballynahinch, County Down, BT24 8DN.



**3. CONCLUSIONS AND RECOMMENDATIONS OF THE INSPECTOR'S REPORT**

**3.1 The Inspector concluded the following (Page 25 in the Inspector's report):**

*"I am of the opinion that the Department has developed the proposed scheme for the Ballynahinch Bypass with due regard to the effects it will have on local residents, landowners and farmers. All possible adverse impacts have been assessed and where those assessments have been challenged as a result of the Inquiry, the Department has justified its approach to my satisfaction.*

*There was a strong level of support for the scheme from local people and public representatives. Whilst this was balanced to a degree by a number of broadly based objections, most of those submitting to the Inquiry with objections to the scheme did so on grounds of the perceived adverse effect on their property, business or quality of life. In all of these cases, I am satisfied that the Department has striven through agreed accommodation works to minimise the effects on businesses and individuals, and that it will continue to do so as the scheme progresses. Compensation will be dealt within due course by LPS."*

**3.2 The Inspector recommended the following (Page 25 in the Inspector's report):**

*"I have held a Public Inquiry into the Environmental Statement, Direction Order and Vesting Order for the Ballynahinch Bypass proposals together with opinions expressed in relation thereto and recommend that:-*

*Having considered all of the submissions, objections and undertakings entered into by the Department/TransportNI to accommodate objectors, the proposal for the A24 Ballynahinch Bypass should proceed".*

**4. DEPARTMENT'S COMMENTS ON THE INSPECTOR'S REPORT**

#### 4.1 **Comments on the Inspector’s Main Recommendation**

The Department welcomes the Inspector’s endorsement of the project and his comment that *“Having considered all of the submissions, objections and undertakings entered into by the Department/TransportNI to accommodate objectors, the proposal for the A24 Ballynahinch Bypass should proceed”*.

The comments in this section refer directly to the Inspector’s report and should be read together with the Inspector’s considerations included in that report. In continuing to progress the scheme, the Department will take cognisance of both the Inspector’s comments and recommendations.

The Department is satisfied, in the light of the Inspector’s recommendations, the public interest in proceeding with the scheme is compelling and sufficient to justify proceeding to make a Vesting Order 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. The making of the Vesting Order will be delayed to align with the construction programme.

#### 4.2 **Comments on the Inspector’s Specific Recommendations**

For ease of reference, in this section the Inspector’s specific comments and recommendations are followed by the Department’s comments where appropriate in italics.

#### 4.3 **Comments on Supporters’ Comments**

##### 4.3.1 **General**

The inspector dealt with the majority of the various supporting comments together. The following spoke in support of the scheme:

- Mr Mark Gould;
- Councillor Garth Craig;
- Councillor William Walker;
- Councillor Mark Murnin;

- Mr Melvin Carser;
- Mr Geoffrey Perrin.

In addition, the inspector read out a letter of support from Councillor Terry Andrews.

Written submissions in favour of the scheme were also received from Mr James Robb, Mr Mark Heathwood, Mr Philip Crawford, Mr Marc McIlveen and from the Confederation of British Industry NI.

Inspector's comments:

- Supporters of the scheme generally argued that the saving in travel times, improvement in reliability of journey planning, safety in the town and reduction in traffic intrusion, noise and pollution fully justified the scheme. Many pointed out that it had taken decades to reach this stage.

*The Department acknowledges the Inspector's comments.*

#### 4.3.2 **SU01 Trevor Girvan**

Inspector's comments:

- In addition to supporting in principle the Ballynahinch bypass, Mr Trevor Girvan commented that the bypass should be dual carriageway to future proof the road should traffic volumes increase. He also made suggestions about upgrading the approach roads to the roundabouts, and providing 2+1 lanes to Carryduff. He requested that TNI consider realigning Spa road to join the Downpatrick road roundabout, and improvements to the lighting at junctions and along the current route of the A24 through the town.
- The Department dealt with the suggestion of a dual carriageway by quoting the Design Manual for Roads and Bridges (DMRB) and predicted traffic growth, which did not justify a dual carriageway. Upgrading approaches to the roundabouts had been considered but

rejected because required standards were not met. The road onwards to Carryduff lay outside the current scheme. Although the change to a five arm roundabout to accommodate the Spa road was viable, it was the Department's view that the additional investment cost could not be justified by the predicted level of benefit to strategic road users. The Department stated that it was its policy to provide LED lighting for the scheme; however the lighting of the existing A24 lay outside of the scope of the scheme.

- It is my view that the comments and suggestions made by Mr Girvan were adequately answered by the Department in its responses.

*The Department acknowledges the Inspector's comments.*

#### 4.3.3 **SU02 Mr Michael Adams**

Inspector's comments:

- Mr Michael Adams, having lived at the same address in the Spa for 38 years, stated he was in total favour of a bypass for Ballynahinch. However he disagreed with the provision of a compact grade separated junction at the Crossgar road. Of the three junctions proposed, this required the greatest disruption, vesting and demolition. In his opinion the junction was not justified and the bypass should pass over the Crossgar road with no direct access from one to the other.
- The Department in its response set out the reasons for the junction as proposed. It had carried out a detailed traffic and economic assessment into the proposed scheme in accordance with the DMRB and declared that the results showed an overall benefit to cost ratio of 2.146.
- In my view the Department demonstrated that the junction as proposed was justified.

*The Department acknowledges the Inspector's comments.*

#### 4.3.4 **SU03 Mr Chris Hunter**

Inspectors' comments:

- Mr Chris Hunter agreed that the bypass was needed. However, he commented on the need for the Crossgar road junction and speculated on the effects that the provision of the bypass might have on the wider traffic pattern in the area and the ability of the new road and roundabouts to cope.
- The Department in its response referred to the use of industry standard computer models to assess traffic at roundabouts. These indicated that the proposed roundabouts had sufficient capacity to accommodate the predicted traffic volume. The reasons for the junction at Crossgar road, already mentioned by another objector, were restated.
- It is my view that the comments made by Mr Hunter were adequately answered by the Department in its responses.

*The Department acknowledges the Inspector's comments.*

#### 4.4 **Comments on Individual Objections**

Inspector's comments:

There were 20 written objections submitted prior to the Inquiry. Of these, 10 appeared or made representations at the Inquiry; a summary of their evidence and responses is recorded under the record of the Inquiry set out above. I have considered these cases first, followed by the remaining 10 objectors, and set out my opinions below.

NB: The Department considered **SU01 – SU03** to be objections (hence 23 objections in 2.7.4) as they included some element of objections to aspect(s) of the Proposed Scheme, whereas the inspector dealt with these under support for the scheme, hence 20 written objections above.

##### 4.4.1 **OBJ01 William Bell**

Inspector's comments:

- There is no doubt that Mr Bell's pig production business would be severely affected by the proposed scheme. He felt that if the scheme went ahead as planned he should be compensated so that he could maintain the business as a going concern and draw the same income from it. The Department, whilst pointing out the position with LPS in relation to compensation, was prepared to continue to negotiations in order to seek out a possible solution through provision of accommodation works, or to explore the prospect of assistance with finding alternative facilities.
- Mr Bell makes a strong case. The Department has made it clear that there is a limit to the support that it can offer and that the extent of their assistance is defined by legislation. However, in their response at the Inquiry the representatives undertook to investigate all possible ways of assisting Mr Bell.
- I believe that the Department has made its case for the scheme as proposed. Mr Bell and his farming enterprise are unfortunately casualties of the proposal. I would urge the Department to do everything within its power to lessen the potential damage to Mr Bell's business.

*The Department acknowledges the Inspector's comments and will continue to investigate any mechanism to provide assistance to Mr Bell.*

#### 4.4.2 **OBJ02 Mr Compton Bell**

Inspector's comments:

- Once again it was clear that the completion of the road as proposed would have a profound effect on Mr Bell's pig and beef business. He did not want to be left out of pocket. The Department were negotiating on the provision of a shared underpass and would address other accommodation works later in the process.
- Mr Bell and his farming enterprise are unfortunately casualties of the proposal. I believe the Department is committed to mitigating the effects

of the scheme on Mr Bell's business through negotiation and agreement on accommodation works. I have no further comment on this case.

*The Department acknowledges the Inspector's comments.*

#### 4.4.3 **OBJ03 The Bell Family**

Inspector's comments:

- The undertaking by the Department to consider the provision of a shaded underpass went some considerable way towards meeting the Bell's objection. I have no further comment on this case.

*The Department acknowledges the Inspector's comments and will continue to investigate the detail of the shared underpass to be provided.*

#### 4.4.4 **OBJ04 Mr Edwin and Mrs Pamela Smyth**

Inspector's comments:

- Most of the land lost to the dairy farm was taken on lease. The Department had stated that this would not qualify for compensation. It was most unlikely that the additional cattle housing suggested by Mr Clarke could be provided by the Department under accommodation works.
- There was no argument advanced for changes to the proposed scheme. The matters of concern to Mr and Mrs Smyth fall into the realm of compensation which will be subject to consideration in due course by LPS. I have no further comment on this case.

*The Department acknowledges the Inspector's comments.*

#### 4.4.5 **OBJ05 Ms Geraldine Feighan**

Inspector's comments:

- The Departmental representatives had made it clear that they would be happy to continue discussions with Ms Feighan and Mr Clarke about accommodation works and about possible action should Ms Feighan

decide not to stay at the property. I believe that Ms Feighan has a difficult decision to make and am encouraged by the Department's willingness to continue negotiations. I have no further comment on this case.

*The Department acknowledges the Inspector's comments.*

#### 4.4.6 **OBJ06 Ballynahinch United Football Club**

Inspector's comments and recommendations:

- It seems to me that the best way forward is for the Club to enter negotiations with the adjoining landowner with a view to replacing the practice pitch which will be lost if the proposed scheme goes ahead. The Department in its evidence has indicated that it would facilitate such an arrangement. I have no further comment to make on this case.

*The Department acknowledges the Inspector's comments and will facilitate progression of this issue, if requested.*

#### 4.4.7 **OBJ07 Maguire Hotels**

Inspector's comments:

- The central request by Maguire Hotels was for a right hand turn lane at the hotel entrance. The need for this was disputed by the Department and evidence was submitted to the Inquiry which supported this view. I accept the Department's view and have no further comment to make on this case.

*The Department acknowledges the Inspector's comments.*

#### 4.4.8 **OBJ08 Mr Shane and Mrs Alexandra Martin**

Inspector's comments and recommendations:

- It was clear from Mr Martin's contribution to the Inquiry that he and his mother had accepted the inevitability of their house being lost if the scheme went ahead. His concerns focused on timescales for vesting and



construction and these were answered by the Departmental officials. I have no further comment to make on this case.

*The Department acknowledges the Inspector's comments.*

#### 4.4.9 **OBJ9 David and William Carlisle**

Inspector's comments and recommendations:

- Effects on existing business - Responding to a written submission regarding the adverse effect that the proposed bypass would have on trade at the Carlisles' Belfast Road filling station, the Department stated its understanding that statutory roads legislation did not make provision for a right to compensation for economic loss where it exercised its duty to repair or improve the public highway. In my opinion this was not effectively challenged and I accept the Department's position.
- Floodplain - The Carlisles' representative, Mr McBirney, put up a strong case for an alternative to the proposed location of the floodplain in the vicinity of the Downpatrick Road roundabout. This alternative would, in his view, release land presently above the design flood level for development. The Department argued that the alternative proposed ran counter to best practice and raised many technical and cost issues. I accept the Department's position.
- New filling station - The Department took the view that it would be up to the Carlisles to decide whether to identify a new filling station site and to seek planning approval for it. Compensation for land lost to the proposed bypass would be a matter for LPS. I consider the Department's position on this to be reasonable and have no further comment.
- Farm severance - Regarding the severance of the Carlisles' farm, Mr McBirney sought assurances that access would be possible through the bridge structure. This was confirmed by the Department, although headroom would be limited to 2.7 metres. At the Inquiry Mr Daly for TNI confirmed that there would be further discussions about any other outstanding issues, including accommodation works. I consider that the

Department's response on this issue is reasonable and have no further comment.

- LLPA - The question of the effects of the proposed bypass on the LLPA was answered with respect to continuous riparian access for walkers and the comprehensive landscape proposals contained within the plans. I am satisfied that these responses are reasonable and have no further comment.

*The Department acknowledges the Inspector's comments.*

#### 4.4.10 **OBJ10 ANNS7 Ltd**

Inspector's comments:

- I accept the Department's view that access to the land in question beyond the standard of the laneway for agricultural use which is proposed is a matter for the respective landowners and cannot be resolved by the Department as part of the scheme.

*The Department acknowledges the Inspector's comments.*

4.4.11 The following ten objectors did not appear at the Inquiry and the inspector's opinion is based on written evidence submitted.

#### 4.4.12 **OBJ11 Mr and Mrs Cyril McKee**

Inspector' comments:

- The McKees' main concern was about the devastation that would be caused to their mature garden if the scheme went ahead as proposed. Options which might reduce the damage had been discussed, including the upgrading of a culvert which runs through their garden, and negotiations were ongoing. Other issues concerning the need to take so much of their garden and the impact of traffic noise, loss of privacy, diminished visual enjoyment and risk of flooding were also raised.

- In my opinion the Department responded clearly and comprehensively to these points and I have nothing more to add. The Department has indicated a willingness to continue to work towards agreement with respect to the effects of the scheme on the mature garden and it is to be hoped that these discussions will lead to a satisfactory conclusion.

*The Department acknowledges the Inspector's comments.*

4.4.13 **OBJ12 Margaret McConnell & Miriam Savage**

Inspector's comments and recommendations:

- The property at 86 Crossgar road would be acquired by the Department under the vesting order should the scheme proceed.
- The matters raised by the owners mainly concern the basis for compensation and this will ultimately be decided by LPS. I have no further comment.

*The Department acknowledges the Inspector's comments.*

4.4.14 **OBJ13 Mr Patrick Savage**

Inspector's comments and recommendations:

- Mr Savage's comments related to proposals for dealing with noise and vibration caused by traffic, landscape planting, possible health issues associated with the proposed detention ponds and the effects of the proposed works on the Ballynahinch River.
- Each of these points was answered comprehensively by the Department in its response and I have nothing to add.

*The Department acknowledges the Inspector's comments.*

4.4.15 **OBJ14 Mr and Mrs Stephen Connolly**

Inspector's comments and recommendations:

- The Connollys run a haulage business from their premises at 15/15a Saintfield Road. Their objections include difficulties with safe access for their haulage vehicles, state of a culvert beneath the road access to their property, negative effect on the valuation of their property and possible impact on their human rights.
- Whilst matters of compensation would be dealt with by LPS, on all other issues the Department's response provided assurances that they would be dealt with in the course of the scheme. I have examined the Department's proposals with respect to access and turning facilities for large rigid 10 metre HGVs and find them to be satisfactory. I am also satisfied with the Department's response on the other issues raised. I have nothing further to add.

*The Department acknowledges the Inspector's comments.*

#### 4.4.16 **OBJ15 The Murray Family**

Inspector's comments and recommendations:

- This objection focussed on noise and dust pollution, vibration, loss of green belt and trees, visual impact, adverse effects on public transport and the fact that the scheme when completed would still leave traffic congestion elsewhere on the A24 towards Newcastle at holiday periods.
- The Departmental response dealt with each of these issues at length. The Department maintained that all of the proposals had been tested thoroughly under each heading and that the scheme met the required criteria in every respect. It was acknowledged that the completion of the proposed bypass would not rectify existing problems along the A24 route outwith the extents of the proposed scheme. I am satisfied that the Department has given proper consideration to each of the issues raised by the Murray family and has provided adequate assurances and taken

sufficient steps to mitigate any negative effects caused by the proposed scheme. I have no further comment.

*The Department acknowledges the Inspector's comments.*

4.4.17 **OBJ16 Mr Patrick Higgins**

Inspector's comments and recommendations:

- Mr Higgins lives on the farm and also has farms near Slieve Croob and in Belfast. He objected strongly to the proposed bypass. His specific objections included loss of historic character of the Moss Road and loss of the use of cattle sheds at the Moss Road farm (used for wintering, testing and calving). He also objected to the overall scheme, stating that Northern Ireland has enough roads. Greater use should be made of public transport and cycleways should be considered throughout County Down. He requested that the bypass be rerouted to avoid the farm at 50 Moss Road.
- In its response, the Department set out its development priorities and the procedure adopted in selecting the preferred route, and described the standard of road proposed. The response also dealt with the loss of historic character and visual impact and described the measures proposed to minimise and mitigate these effects. The request to move the proposed bypass away from the farm had been examined as part of the option assessment for selecting the preferred corridor. Alternatives had been rejected as they did not perform as well as the preferred route under the scheme assessment process. Finally, it was pointed out that compensation would be dealt with in due course by LPS. I am of the opinion that the Department considered carefully Mr Higgin's objections and that the responses were reasonable. I have no further comment.

*The Department acknowledges the Inspector's comments.*

4.4.18 **OBJ17 Miss Mari Troeng**

Inspector's comments and recommendations:

- In addition to objecting strongly to the proposed bypass, Miss Troeng expanded upon the objections raised in the previous case. In particular, she emphasised the extent to which the area was used for recreation by walkers, runners and cyclists. She felt that the attraction of the area in terms of peace and tranquillity would be diminished by the proposed bypass, and that Ballynahinch lacked a suitable alternative park for these activities. She was disappointed with the lack of cycle paths, and felt that the provision of the bypass would have a negative effect by encouraging more road traffic.
- The Department's response on these issues was similar to that offered in the previous case (Patrick Higgins) and my opinion is the same. I have no further comment.

*The Department acknowledges the Inspector's comments.*

#### 4.4.19 **OBJ18 Mr Barry Daniel Higgins**

Inspector's comments and recommendations:

- Mr Higgins objected strongly to the scheme and in particular to the effect of it on the farming enterprise at 50 Moss Road. He requested that the bypass be rerouted to avoid the farm. He also raised problems of noise and privacy which would arise if the scheme went ahead as proposed.
- The Department's responses dealing with the overall scheme, compensation and the possible rerouting of the bypass were similar to those recorded above (Patrick Higgins and Mari Troeng). On the question of noise, the Department acknowledged that there would be an increase in noise levels in the short term with the proposed scheme in operation. However, none of the properties affected by the scheme would qualify for noise insulation under the terms of the relevant regulations. The Department stated that the fencing and boundary

treatment together with hedging and planting proposed as part of the scheme would reduce any loss of privacy when the scheme opened to traffic. I accept the Department's assurances on these issues and have no further comment.

*The Department acknowledges the Inspector's comments.*

#### 4.4.20 **OBJ19 Mr Malachy Higgins**

Inspector's comments and recommendations:

- Mr Higgins objected to the proposed bypass mainly because of the effects on the management of his farm. The proposed bypass would leave him without any facilities to test cattle and to monitor calving cows. The reduction in farm land would mean he would have to transport manure to outfarms for spreading, significantly increasing workload and costs and decreasing the profitability of his business. Mr Higgins requested that the proposed bypass be relocated to the North to allow him to retain as much of his farm as possible together with the handling facilities which are used by himself and his two sons.
- The Department's responses dealing with the overall scheme, compensation and the possible rerouting of the bypass were similar to those recorded above and I have no further comment on these. However, with respect to the cattle handling facilities north of Moss Road, including a cattle crush, which would have to be removed should the scheme proceed, the Department stated that it was keen to continue discussions with the landowner on mitigation measures during and after the construction period. I am of the opinion that the Department considered carefully Mr Higgin's objections and that the responses, including the prospect of further discussions on measures to mitigate the effects of the scheme on the present cattle handling facilities, were reasonable. I have no further comment.

*The Department acknowledges the Inspector's comments.*

#### 4.4.21 **OBJ20 Mr Andrew Scott**

Inspector's comments and recommendations:

- Mr Scott lives in a rural setting close to the route of the proposed bypass. His concerns were about the effect that the scheme would have on his enjoyment of his home. As well as objecting to the overall scheme, he questioned how the Department proposed to mitigate the potential damage due to traffic noise and vibration, loss of privacy and security, visual impact, access for him and his neighbours, and intrusion of vehicle lights. The rural setting of his home would be transformed by these proposals. Mr Scott also asked what would happen after the scheme to ensure that anticipated noise levels etc, published in the ES, were not exceeded. He sought assurances that a safe pedestrian route from his home into Ballynahinch would be included in the scheme.
- On the issues of noise and vibration, the Department stated that thorough investigations had been carried out to measure noise and vibration impacts and in all cases the results were within acceptable limits. The Department had undertaken to reassess noise levels on a regular basis after completion of the scheme and would give consideration to further mitigation measures if this proved necessary. There had been extensive discussions with Mr Scott about visual impact, privacy and security. Serious consideration was being given to the suggestion by Mr Scott of an earth bund between the bypass and the house. Discussions were ongoing as to the detailed design and final treatment. The Department undertook to consider the request to provide a footway. I am of the opinion that the Department has given serious consideration to each of the issues raised by Mr Scott, and continues to do so, with the aim of mitigating as far as possible the negative impact of the proposed bypass on Mr Scott's home. I have no further comment.



*The Department acknowledges the Inspector's comments. A footway will be provided from the point at which the Ballylone Road is realigned to the B7 Crossgar Road/Ballylone Road junction.*

#### 4.5 **Response to Comments received during the Consultation**

Inspector's comments and recommendations:

Written comments were received from a group of statutory undertakings. They were the:

- Department of Environment's Air and Environmental Quality Team;
- Geological Survey NI;
- Northern Ireland Electricity Ltd;
- Department of Agriculture and Rural Development;
- NI Water;
- NI Fire and Rescue Service.

In each of these cases the concerns expressed were in relation to compliance with statutory requirements, safeguarding the environment and protection of services. The Department gave assurances that in all cases risks would be thoroughly assessed and avoided or mitigated against, and the necessary action would be taken to comply with the stated requirements.

It is my opinion that the Department has responded to each of these submissions constructively and with sufficient assurances to satisfy the statutory undertakings.

*The Department acknowledges the Inspector's comments.*

## **5. MEASURES TO MITIGATE ADVERSE EFFECTS**

- 5.1 As part of the EIA and design process, a range of mitigation and enhancement measures have been identified to avoid, offset or reduce adverse impacts associated with the Proposed Scheme.
- 5.2 As described throughout each of the technical chapters (Chapters 8 to 17) within the March 2015 ES, there are instances where environmental impacts associated with the Proposed Scheme may be of such a magnitude as to warrant mitigation measures. These measures are deemed necessary to minimise environmental impacts during the construction, operation and/or maintenance phases of the Proposed Scheme.
- 5.3 This Section provides a summary of the overall committed mitigation measures contained within the ES, though reference should be made to individual chapters of the ES for more detail and further explanation.
- 5.4 Sub-Section 18.4 (Schedule of Environmental Commitments) within Chapter 18 of the ES provides a collective summary of the proposed mitigation measures to ensure compliance during and beyond the construction contract period. As a prescriptive part of the construction and maintenance contract requirements, this schedule sets out responsibilities to ensure that measures are not only implemented, but monitored and inspected to ensure effective implementation on-site and that all measures are correctly adhered to.
- 5.5 As described in the Schedule of Environmental Commitments, there may be a requirement for additional consultation to be carried out during the contract period (i.e. with statutory bodies and other interested/affected parties). Consequently, there would be potential for revision to the proposed mitigation measures as the design progresses; however, these would be in agreement between the Department, the appointed Contractor, and interested/affected parties.

- 5.6 The Schedule of Environmental Commitments also forms the Register of Environmental Actions and Commitments (REAC) contained within the outline Environmental Management Plan (EMP) for the Proposed Scheme (which is included in Volume 2: Appendix 4 of the ES). The EMP provides the framework for recording environmental risks, commitments and other environmental constraints, and clearly identifies the structures and processes that will be used to manage and control these aspects. The EMP also seeks to ensure compliance with relevant environmental legislation, government policy objectives and scheme-specific environmental objectives. It also provides the mechanism for monitoring, reviewing and auditing environmental performance and compliance.
- 5.7 The EMP forms an outline plan and is closely aligned with the design and assessment process contained within the ES. This shall be further refined and expanded by the appointed Contractor into a Construction Environmental Management Plan (CEMP) as more information becomes available and there is more certainty in terms of the proposed layout, construction methods, programme and/or the likely environmental effects.
- 5.8 Towards the end of the construction phase, the CEMP shall be further refined by the appointed Contractor into a Handover Environmental Management Plan (HEMP), which shall contain essential environmental information required by the bodies responsible for the future maintenance and operation of the asset.
- 5.9 With this purpose in mind, it therefore follows that the outline EMP for the Proposed Scheme should be treated as a ‘live’ document throughout the project lifecycle, requiring regular review and update as necessary.
- 5.10 **Air Quality (Chapter 8 of the Environmental Statement)**
- 5.10.1 A Dust Minimisation Plan to be prepared as part of the CEMP to include dampening of haul roads and stockpiles; keeping roads clean and using covers over construction lorry trailer units; location of stockpiles and dust generating activities away from sensitive receptors (this list is not exhaustive).
- 5.10.2 An Air Quality Management Plan to be prepared as part of the CEMP, to include (where reasonable) selection of plant and vehicles to minimise exhaust emission levels and be well maintained. Traffic movements to be minimised throughout the site, limiting the

use of public roads to essential movements only. Location of construction plant away from site boundaries, which are close to sensitive receptors. Effective waste management to avoid potential odour nuisance (this list is not exhaustive).

5.10.3 These mitigation measures would be implemented in advance of and concurrent with construction, and would be monitored to ensure compliance with requirements and standards. Consultation with Newry, Mourne and Down District Council's Environmental Protection Unit regarding the operational and construction plans for the Proposed Scheme would continue as necessary.

## 5.11 **Cultural Heritage (Chapter 9 of the Environmental Statement)**

5.11.1 A sample-based mechanical or hand-excavated trench or test pit based investigation to record the character of archaeological remains within the land take required for the Proposed Scheme, including within the limits of the vesting boundary. Targeted investigations may also be appropriate where remains have been identified through non-intrusive survey (such as walkover survey) or where there is the potential for archaeological remains to be discovered. The results of these intrusive trenching or test pit works would inform decision making on further mitigation recording that may be appropriate.

5.11.2 Detailed excavation would be undertaken where significant archaeological remains are either known previously or discovered during the course of the works. This may be targeted at specific area locations, or a sample range of locations (e.g. test pits or specific investigation trenches).

5.11.3 A programme of sample recovery and analysis undertaken to investigate palaeo-environmental conditions and soil sediment development that may be relevant to the research of archaeological remains recovered within the vicinity. Achieved through trial pit excavations or other geotechnical soil sample retrieval methods (such as soil cores or boreholes). Geoarchaeological monitoring of geotechnical trial pits would be required in areas that are part of the floodplains of the Glassdrumman River and Ballynahinch River.

5.11.4 A programme of observation, investigation and recording of archaeological remains during or alongside construction earthwork activities, in specific areas where the

presence of moderate potential remains has been demonstrated, but where detailed investigation prior to the main construction programme is unjustified, unfeasible due to safety or logistical considerations, or undesirable due to environmental or engineering constraints. Under Targeted Watching Brief, as opposed to General Watching Brief, the contractor's preferred method of working would be controlled as necessary to allow archaeological recording to take place to the required standard.

- 5.11.5 A programme of observation, investigation and recording during construction activities where remains have not been identified by assessment and evaluation studies, but where there remains a residual risk of archaeological discoveries. In this case, the contractor's preferred method of working would not be controlled for archaeological purposes, but access for recording any discovered archaeology would be provided.
- 5.11.6 An archaeological site survey undertaken to record and describe the surface topography and detail of any relevant features (including feature profiles and a photographic record where appropriate). It may also involve photographic recording (35mm and digital photographs).
- 5.11.7 A descriptive record, comprising 35mm and digital photographic recording. A sketched plan to include plan, section or detailed drawings, sketched and roughly dimensioned. A written summary of the building's /structure's type or purpose, historically and at present, assessment of its phasing and use; and its materials and possible date (based upon a superficial inspection). Recording would be carried out in advance of demolition.
- 5.11.8 A reconnaissance survey used to detect various types of metal objects that have been dropped, lost or buried within or beneath the topsoil. The survey is usually undertaken systematically on a grid pattern or using transects to identify areas that may be subject to more intensive metal detector survey.
- 5.11.9 During the construction phase procedures would be adopted, as would be described in the CEMP, to ensure that archaeological areas and sites are protected during construction. This would involve temporary fencing where appropriate and clear notices on site fences. Toolbox talks would be undertaken when necessary to inform construction supervision staff and site operatives of archaeologically sensitive areas. A procedure to agree a minimum period of time to undertake mitigation actions for

unforeseen finds during the construction process would be agreed with the Employer and would be recorded in the CEMP.

5.11.10 These mitigation measures would be implemented in advance of and concurrent with construction as appropriate, and would be monitored to ensure compliance with requirements and standards. Consultation with the Consultant Archaeologist, and Department for Communities – Historic Environment Division (HED) would continue as necessary.

## 5.12 **Ecology & Nature Conservation (Chapter 10 of the Environmental Statement)**

5.12.1 The Contractor would appoint an Ecological Clerk of Works (ECoW). A Habitat Management Plan would also be prepared as part of the CEMP, outlining how natural habitats would be managed through the construction and operation phases of the Proposed Scheme. The Contractor would be made aware of the Department's duty to further the conservation of biodiversity in accordance with the requirements of Article 1 of The Wildlife and Natural Environment Act (Northern Ireland) 2011, and would be required to act accordingly in respect of this.

5.12.2 The ECoW would ensure that a suite of pre-construction ecological surveys is undertaken in the appropriate field season immediately prior to scheme construction. All vegetation clearance works should take place ideally during the winter months (September to February) to avoid key breeding periods. Any vegetation clearance work undertaken between March and August would have the specific approval of the ECoW to ensure that no ecological constraints exist.

5.12.3 Where possible, all existing ground vegetation should be retained within 10m of watercourses in an effort to reduce run-off of sediment. All realigned watercourse stretches should incorporate new bed habitat as far as possible transferring and retaining some of the original bed material from the existing watercourse. Any modified or engineered river bed must have 100% coverage of habitat with pool and riffle sequences to provide resting, foraging and breeding habitat for fish species. During construction, any stockpiles of soil or overburden should be stored in excess of 10m from the watercourses or protective features installed to prevent accidental sedimentation during prolonged rain events. Such features may include a bund or silt trap installed around the base of the stockpiles. Water to be discharged into the watercourses should be of sufficient quality to be passed into the watercourse. Any riparian stretch which is

culverted or disturbed should have double that area enhanced, where the vesting boundary allows, upstream/downstream or both. A CEMP would be produced by the contractor, which would address likely sources of pollution and sedimentation which could potentially reach the downstream designated sites.

5.12.4 The overall landscape planting objectives should attempt to mitigate and compensate for the mosaic of semi-natural and artificial habitats to be lost as part of the Proposed Scheme. Existing trees would be incorporated where possible, especially mature specimens and all new planted areas would comprise native tree, shrub and plant species. Food for insects, birds and animals would be provided in the form of nectar-rich, berry-bearing and seed-bearing plants. Any removed trees would be replaced in landscaped areas and replacement hedgerows would be planted. An attempt would be made to recreate natural habitats and try to link new development proposals to the surrounding local landscape, by way of continuing hedgerow links, tree lines, green corridors etc. Where possible, tree-lines and hedgerows would be created within the study area, with new woodland copses created to enhance the ecological interest of the scheme area with additional natural habitats where possible. A suitable wetland habitat area with wetland plants and other associated vegetation would be created (i.e. SuDS ponds). Encouragement would be given within landscape and management planning, to a mosaic of tree and shrub planting, and incorporation of a mix of open habitats such as long and short grass. Specific mitigation for protected species would aim to create homes and foraging areas for species by providing adaptations to the planting and landscaping plans to include features that would benefit biodiversity.

5.12.5 The ECoW should undertake pre-construction surveys on any semi-mature / mature trees to be felled and assess them for the likelihood of bat presence. Bat roosting locations should be provided where possible away from the bypass. Ideally these should be in the form of bat boxes, fixed on the outside of bridges, buildings or trees. Four bat boxes should also be built into or placed on the proposed Ballynahinch River bridge and four bat boxes should be placed ideally on mature trees in the vicinity of A24 Drumaness Road and B2 Downpatrick Road. A variety of native tree species should be planted along the route corridor, with connections to existing features such as hedgerows and mature trees. Landscaping along the road would discourage low flight, forcing the bats to fly high over the bypass. This is achieved by planting thick hedges and trees 4m in height, or planted on banks to achieve the necessary height. River

habitat restoration would also provide ideal foraging areas for bats. Bats should be considered when producing the detailed lighting design for the scheme. Suitable lighting design should be used that minimises light spill and concentrates artificial light on a small area.

5.12.6 The ECoW should undertake a pre-construction survey of otter activity along the watercourses, as a means of establishing the current status of otters. Construction operations close to any watercourse should not extend beyond dusk or commence before dawn. Where possible, a 10m strip of natural riparian vegetation should be retained / reinstated along the watercourses. Drainage and attenuation ducts and drains should restrict otter entry, and any temporary features which are liable to entrap wildlife should be covered or have means of escape. Otter-friendly culverts should be installed at all the stream crossings. Otter fencing should be installed 100m on either side of the culvert on both sides. Culverts should allow dry mammal passage by incorporation of ledges or alternatively the installation of dry otter culverts. These should be installed above the flood water level and located within easy access of the watercourse. Ledges should be installed at least 150mm above the highest water level, and still allow 600mm head room. Ledges should be 150mm wide, with ramps allowing otters to access the ledge. Any modified or engineered river bed must have 100% coverage of habitat with pool and riffle sequences, providing suitable habitat for fish and therefore foraging otters. Culverts should be recessed at least 500mm below the river bed, which will reform over time. Lighting should be avoided close to the watercourses and the channel should not be illuminated. Lighting should be kept to essential locations only.

5.12.7 The ECoW should undertake a pre-construction survey for badger activity within the original study area, as a means of establishing the current status of badgers. If required, Badger sett to be closed under licence from NIEA, between July and November. Alternative accommodation in the form of artificial badger setts should be created in a safe and quiet location in the immediate study area. A 600mm culvert should be provided close to the main badger sett, along known foraging routes. Badger fencing should be installed 500m on either side of the culvert on both sides of the bypass to prevent badgers from crossing. Areas along the river corridor and areas of shrub planting would create new foraging habitat for badgers in place of the habitats previously available.



The ECoW should undertake a pre-construction breeding bird survey prior to any vegetation clearance. All vegetation clearance work should be undertaken outside of the bird breeding season, generally considered to be from March to August, (though not limited to that period). Any site clearance work undertaken within the bird breeding season should be approved by the ECoW who should make a detailed check of any suitable vegetation for nests prior to vegetation / tree removal. Landscaped areas should be created to provide bird species with multiple nesting opportunities across the site. The landscaping plan should ensure a mix of heights of shrubs and plants is included to provide suitable habitat to maximise biodiversity in addition to providing visual attraction. The planting plan should include seed and berry-rich plants and those that will provide nectar for bees and insects. Although barn owls were not recorded during the survey period, there is anecdotal evidence that they may be present in the area. As barn owls are particularly sensitive to road construction, it is recommended that landscaping along the proposed bypass should discourage low flight, forcing the owls to fly high over the road. Suitable foraging habitat such as grassland should be provided away from the new road. A range of bird box styles, suited to various different species found on site, should be provided throughout the planted areas.

- 5.12.8 The ECoW should undertake a pre-construction survey for smooth newts prior to any site clearance. This would establish the status of newts within the immediate study area and whether any further mitigation is required.
- 5.12.9 Any modified or engineered river bed must have 100% coverage of habitat with pool and riffle sequences to provide resting, foraging and breeding habitat for fish species. Any riparian stretch which is culverted or disturbed should have double that area (where possible) enhanced, upstream/downstream or both, so a net positive gain can be obtained.
- 5.12.10 The Proposed Scheme should incorporate the provision of nectar-rich plants to provide food for bees and other insects. Other insect friendly features should be considered, and incorporated where feasible, such as log piles and insect boxes.
- 5.12.11 The ECoW should undertake further pre-construction surveys to identify locations of any non-native invasive species, ensure that mitigation measures are carried out where required, and an Invasive Species Management Plan is developed. Great care should be

taken when working close to any identified areas of invasive species to prevent the spread of live plants or viable seeds.

5.12.12 These mitigation measures would be implemented in advance of and concurrent with construction as appropriate, and would be detailed in the Contractor's method statements. Consultation with the Northern Ireland Environment Agency (NIEA) would form an intrinsic part of the final mitigation strategy.

### 5.13 **Landscape Effects (Chapter 11 of the Environmental Statement)**

5.13.1 Avoidance Measures - Avoid the use of dominant road elements on the skyline; locate signage sensitively; keep road lighting to essential locations only; retain and enhance views from the road where appropriate.

5.13.2 Reduction Measures - Rounding of the top and bottom of cut and embankment slopes; ensure that road lighting does not remain a dominant feature in the Long-Term; minimise disturbance of existing vegetation and carry out proposed planting so as not to emphasise the linear intrusion of the road into the landscape.

5.13.3 Remediation Measures - Provide appropriate screen planting where the road would have a visual impact on adjacent properties or views. The use of larger size and feathered trees, with a high proportion of evergreen species, to be used in selected locations where the visual effect is Very Large to Large Adverse and immediate screening is required. Where possible and feasible, off-site planting should be considered where it can reduce the visual impact of the road to properties. The boundary treatment for the road should be timber post and stock proof fencing, with hedgerow planting, to re-establish field patterns and vehicle barriers should be as visually unobtrusive as possible. Consideration should be given to the use of grass on verges to reflect the rural setting of the road. Use of full cut-off lanterns would minimise light spillage onto adjacent areas and limit nuisance from glare. Providing new planting as an integral part of all infrastructure development, aiming to reinforce local landscape character, giving special consideration to landscape patterns, hedgerows and tree planting, to create a seamless fit with the surrounding landscape. The proposed Crossgar Road junction overbridge should have sloping abutments to allow the road corridor landscape to flow under the structure, in order to minimise its visual prominence. The proposed bridge across the Ballynahinch River should be as open as possible to allow the river corridor to flow beneath. Consideration should be given to the development of gateway features at the

proposed roundabouts to the north and south of Ballynahinch to create a sense of arrival into the town.

- 5.13.4 Protect existing planting in vicinity of proposed works in accordance with BS5837:2005
- 5.13.5 Construction compounds and stockpile locations should be sensitively located in relation to adjacent and nearby properties to reduce the extent of adverse visual impacts. Construction compounds should be fully reinstated and landscaped following completion of the works.
- 5.13.6 These mitigation measures would be implemented during detailed design and construction as appropriate. Planting operations would be supervised during construction and inspected for 2 years during maintenance period to ensure survival and establishment. Consultation with NIEA – Natural Environment Division and affected landowners would continue as necessary.

5.14 **Land Use (Chapter 12 of the Environmental Statement)**

- 5.14.1 With a greater understanding of the underlying ground conditions at the detailed design stage, landtake should be minimised as much as feasibly possible.
- 5.14.2 Where necessary suitable accommodation works have been considered for each of the land plots affected by the Proposed Scheme. These are subject to discussions and if possible agreed with the affected landowner.
- 5.14.3 An Agricultural Management Plan (AMP) should be prepared as part of the CEMP in advance of construction to mitigate potential impacts and maintain continued access and operation of active farm units. It should include:
- Up-to-date landownership details, enterprise/husbandry information and associated farm practices prior to commencement of works, including maps detailing owned and farmed areas, access points, watercourses, drainage ditches and existing culverting arrangements;
  - Measures to be adopted to protect agricultural land and practices adjacent to the works area (i.e. stock proof fencing);
  - Surveys of existing ground and drainage conditions and reinstatement proposals for any land utilised by way of third party agreement during construction;

- Procedures to be adopted in relation to the provision of accommodation works, including a programme for provision of same; and
- Procedures to be followed in relation to the stripping, handling, storage and replacement of topsoil on areas of land to be returned to agricultural use following construction.

5.14.4 New accesses would be provided where necessary and appropriate mitigation measures incorporated as agreed with affected landowner.

5.14.5 Construction compounds would be located in areas that would cause the least disturbance to existing land uses, and to be fully reinstated post construction. Any land used for construction works, and outside the area to be developed for the road, is also to be fully reinstated.

5.14.6 DfI - TransportNI is to carry out a review of land vested for construction. If this exceeds the minimum required for the performance of DfI's present and future responsibilities, any surplus land may be sold back to the original owner or others at the then market value.

5.14.7 These mitigation measures would be implemented prior to, during and post construction as appropriate. Mitigation measures would be monitored for defects through on-site observation and consultations with affected landowners would continue as required.

5.15 **Noise & Vibration (Chapter 13 of the Environmental Statement)**

5.15.1 Use of low noise road surfacing on the bypass mainline would form part of the scheme.

5.15.2 The Contractor should appoint or delegate a 'responsible person' to be present on site and be willing to answer and act upon queries from the local public.

5.15.3 There are a number of mitigation measures which are considered appropriate and of good working practice for all construction contracts. These measures are detailed in BS5228 (2009), '*Noise and Vibration Control on Construction and Open Sites*'. Typical measures would include positioning of static plant as far away from receptors as

possible, using well-maintained plant, temporary screening, enclosures, restricting works (where feasible) to daytime and staggering high vibration activities such as piling and jack hammering.

5.15.4 These mitigation measures would be implemented during construction. Additional noise surveys may be required in accordance with the Noise Insulation Regulations or at the discretion of TransportNI. Monitoring to be undertaken prior and during construction, targeting areas where major earthworks and structures are close to receptors and consultations with Newry, Mourne & Down District Council would continue as required.

5.16 **Pedestrians, Cyclists, Equestrians & Community Effects (Chapter 14 of the Environmental Statement)**

5.16.1 A dedicated shared footway/cycleway to be provided the full length of the bypass, opening-up a new walking corridor and connections at the bypass tie-ins. A pedestrian/cyclist link would also be provided from the B7 Crossgar Road to the bypass via the connector loop to the northbound carriageway, to allow pedestrians/cyclists to access the Proposed Scheme from the town.

5.16.2 As outlined within Section 4.4.21 of this Statement, a footway will be provided from the point at which the Ballylone Road is realigned to the original B7 Crossgar Road/Ballylone Road junction.

5.16.3 Careful traffic management to facilitate safe passage for pedestrians and others will be implemented. This would typically include barriers defining the footpaths and safety zones to prevent construction vehicles encroaching on pedestrian areas. Where appropriate, segregated pedestrian routes would be provided. Traffic management would be closely monitored on-site to ensure safe operation.

5.16.4 These mitigation measures would be implemented during construction. Mitigation measures would be monitored to ensure compliance with requirements and standards.

5.17 **Vehicle Travellers (Chapter 15 of the Environmental Statement)**

5.17.1 Use of appropriate planting design (see landscape mitigation – Section 5.13 above).

5.17.2 Where possible, use of less visually intrusive wire rope vehicle restraint systems, open parapets on the bridge. The proposed Crossgar Road overbridge should have open

sloping abutments to allow the road corridor landscape to flow under the structure, minimising its prominence. Any signage should be located sensitively with no gantry signs in the rural landscape.

5.17.3 As part of the Traffic Management Plan, temporary warning signs would be erected as appropriate to draw attention to particular hazards, including site accesses and temporary traffic management measures.

5.17.4 Maintenance of traffic flow in both directions during the am and pm peak periods, Monday to Friday.

5.17.5 Traffic control and temporary diversions may be necessary at certain times to facilitate tie-ins and online construction. These times would be kept to a minimum.

5.17.6 Site traffic would only be able to access public roads at designated points to increase control over washing of mud from vehicles. Wheel washing facilities may be required.

5.17.7 These mitigation measures would be implemented prior to and during construction. Consultations with affected landowners would continue as required.

5.18 **Road Drainage & the Water Environment (Chapter 16 of the Environmental Statement)**

5.18.1 Incorporation of SuDS detention basins into the Proposed Scheme would complement the drainage of water in the natural environment. Drainage water would be discharged from the detention basins at a rate controlled to suit the receiving surface water (designed to be reflective of the existing greenfield discharge rate). Solids removal is one of the main features of detention basins, and high removal rates are possible. Nutrient and trace metals removal is more modest. In essence, the detention basins would attenuate peak discharges from storm events by allowing a controlled release of water into the adjacent watercourse, thus reducing flash flooding within the channel. This would also assist in the prevention of bank erosion within the channel, lowering sediment release and the subsequent potential for adverse impact on the fish population. Ecologically, the detention basins would also assist in the filtration of road runoff contaminants, due to their uptake by some of the vegetation species within the basins. In turn, this would reduce contaminant levels to below those forecasted to reach the surface water via the outfall.

- 5.18.2 In general, lengths of proposed culverts have been minimised. Construction of headwalls at the upstream and downstream ends of proposed culverts would allow culvert lengths to be reduced further. Angled wing walls have been included within the conceptual design to aid the flow transition between the culvert headwall and open channel of the watercourse. Erosion protection measures have been included (such as riprap stone blankets), upstream and downstream of proposed culverts. These Culverts have been sized accordingly through hydromorphological and fisheries assessments and have been designed with reduced gradients where practicable to reduce flow velocities and prevent potential scour and erosion issues developing. The proposed flow velocities are especially important where fish passage is to be considered and within the culvert design, where culverts are to be fish passable, the existing flow velocities would not be increased as a result of the scheme. Culverts have been designed to be free-flowing with suitable freeboard depths to allow debris passage during the design  $Q_{100}$  storm event. The hydraulic design has been carried out to ensure that culverts would have no impact with respect to flooding upstream or downstream.
- 5.18.3 Mitigation of the loss of habitat would be achieved through design of the realigned channel to provide equivalent and potentially improved habitat features in terms of spawning and nursery areas. This would depend largely on the introduction of suitable substrate materials (gravel, cobble etc.) placed to a design specification to achieve representative “habitat units” and ensure long-term stability of these structures.
- 5.18.4 Connectivity of flood waters would be maintained where areas of floodplain are separated by the Proposed Scheme. Any loss of floodplain would be mitigated by providing additional compensatory floodplain at a similar level to that lost. Proposed road infrastructure (e.g. drainage channels and public utilities) within, or adjacent to, floodplain would have a clearance of 600mm above  $Q_{100}$  flood level, which would offer protection against a future rise in floodwater due to climate change.
- 5.18.5 Any works in, near or liable to impact a waterway (including measures to mitigate adverse impacts) ‘must’ gain the approval of NIEA – Water Management Unit (WMU) Pollution Prevention (PP), DAERA – Marine & Fisheries Division, and DfI - Rivers Agency, a minimum of two months prior to commencement of such works. Works require Method Statements to be agreed prior to the commencement to demonstrate how they would be completed with minimum disturbance and would describe the specific procedures to be put in place to control sediment mobilisation, surface water discharges,

and spillages. Measures established through dialogue with the NIEA-WMU Major Client Interface Group and stakeholders engaged through the consultation process would be included within the Method Statements (where appropriate and technically feasible). An Environmental Liaison Group should also to be set-up to ensure that potential for significant impact upon the water environment is addressed and appropriate measures to mitigate effects are employed for sensitive activities.

- 5.18.6 The Contractor shall be required to comply with the Pollution Prevention Guidelines (PPGs) regarding pollution of watercourses and CIRIA manuals C532 (*‘Control of Water Pollution from Construction Sites’*), C648 (*‘Control of Water Pollution from Linear Construction Projects’*), C689 (*‘Culvert Design and Operation Guidance’*) and SP156 *‘Control of water pollution from construction sites – guide to good practice’*. The Contractor shall also be required to comply with NIEA – WMU guidance documentation *‘Carrying out a Water Framework Directive (WFD) Assessment on EIA Developments’* and *‘Culverting Position Statement’* for consideration of impacts during the construction phase. This documentation comprehensively details issues that present the risk of adverse impacts occurring within the water environment and how to mitigate such impacts.
- 5.18.7 An Erosion Prevention & Sediment Control Plan would be prepared and include measures to minimise silt-laden runoff by carefully planning the site works (i.e. activities likely to generate silt-laden runoff are carried out during drier months). Excavation for the Flood Compensation Areas (FCAs) in particular would have significant potential to contribute to elevated suspended solids in the Ballynahinch River system during construction. To mitigate the potential for adverse effects, it is proposed to construct an impermeable temporary stormwater runoff retention bund with suitable load-bearing material on the upper part of the southern river bank (adjacent to the FCA). The bund would be constructed prior to any flood compensation works taking place and removed only once finished grass within the FCA has established. Any significant accumulation of stormwater within the bunded area would be collected in a sump and discharged to the river in a controlled fashion in accordance with the requirements of DfI Rivers Agency and NIEA – WMU. Stockpiles and areas of exposed ground to be kept to a minimum and located well away from drains and watercourses (by a minimum distance of 10m where the land is flat, and further if there is a slope to a watercourse), stabilised as soon as possible (e.g. seeded or geotextile mats), and bunded



by earth or silt fences (if required). Existing vegetation should be retained where possible and vegetation clearance be kept to a minimum. A minimum of a 10m vegetative buffer shall be maintained adjacent to watercourses (e.g. rivers, ponds) except where works are specifically required to the watercourse (e.g. culverting, diversion, or bridging). Vehicle crossings of watercourses shall be minimised and would use designated crossing points only. Mud shall be controlled at entry and exits to the site using wheel washes and/or road sweepers, and tools and plant must be washed out and cleaned in designated areas. Any sediment-laden runoff to be directed to temporary barriers and intercepted by temporary settlement lagoons and silt traps at watercourses. Subject to consent, sediment-laden water may also be pumped out over adjacent vegetated ground at a rate that allows absorption without significant ponding.

5.18.8 Measures to minimise the risk and potential effects of spillage incidents shall typically include; storage of oils and diesel, along with the general maintenance and refuelling of plant, shall be restricted to impermeable bunded areas with a minimum 110% storage capacity and away from or where spillages could reach a surface water. All fuel, chemicals and oils shall be stored within bunded areas in accordance with PPG2 and PPG26 and be compliant with The Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010. All hazardous substances on-site shall be controlled in accordance with The Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003 (COSHH Regulations). The storage compound shall be fenced off and locked when not in use to prevent theft and vandalism. Refuelling of plant and machinery shall take place at least 10m away from watercourses and spill kits and oil absorbent material must be carried by mobile plant and located at vulnerable locations (e.g. crossings of land drains and ditches). Care must be taken whilst using shuttering oils when preparing formwork. An Emergency Response Plan shall be prepared. Concrete mixing must be undertaken in designated impermeable areas, at least 10m away from a watercourse or surface water drain to reduce the risk of runoff entering a watercourse, or the sub-surface, or groundwater environment. Equipment, batching and ready mix lorry washing and cleaning should be washed out on site into a designated area that has been designed to contain wet concrete / wash waters (see PPG6).

5.18.9 There shall be no in-stream works in sensitive fisheries habitat during the period 01 October to 30 April of the following year. Appropriate site management during in-

stream and bank works outside of this period would ensure that the channel remains passable for migratory Salmonids at all times.

5.18.10 Installation of temporary barriers and silt traps at watercourses during topsoil stripping stage and construction. Other measures would include, for example; lined bunds around all fuel, oil, and other chemical stores; centralise and minimise the number of these stores; complete all servicing, fuelling, and storage of vehicles at these major construction compounds; provide dedicated wash down areas for concrete and other delivery vehicles; and capture and treat the effluent from these facilities.

5.18.11 These mitigation measures would be implemented prior to and during construction as appropriate and would be monitored on-site before and during construction to ensure effectiveness of measures. It would also involve regular monitoring of surface waters and SuDS to ensure effectiveness of measures. Consultations with NIEA - WMU, DfI Rivers Agency, DAERA Marine & Fisheries Division and local stakeholders would continue as required.

## 5.19 **Geology & Soils (Chapter 17 of the Environmental Statement)**

5.19.1 High standards of soil/deposit handling and management during the construction would be employed, and the creation of bare areas of permanently exposed deposits that would be vulnerable to erosion would be avoided.

5.19.2 Should contaminated material be encountered, this would have to be fully investigated and dealt with in accordance with the advice of the relevant authorities and if necessary special disposal arrangements for excavated material may be required. Any contaminated materials encountered during the construction would have to be appropriately remediated on-site or disposed of at an appropriately licensed landfill site.

5.19.3 These mitigation measures would be implemented during construction as appropriate and would be monitored on-site during construction. Consultations with NIEA WMU, DAERA - Waste Management (Land & Groundwater Team), and Newry, Mourne & Down District Council would continue as required.

## 5.20 **General Mitigation**

5.20.1 The Contractor shall prepare and maintain/update CEMP to include specific measures that would be taken to control and manage the environmental impacts (as detailed

above). In addition, a description of the planned works and the general site arrangements should be included.

- 5.20.2 The Contractor shall prepare and maintain/update a Site Waste Management Plan (SWMP) to ensure construction materials are managed efficiently, waste is disposed of legally, and material recycling, reuse and recovery is maximised.
- 5.20.3 The Contractor shall prepare and maintain a HEMP setting out a proposed strategy for the future maintenance and management of all areas in which landscape and ecology works are located (including landscape and ecological areas) for a 20-year period commencing at the issue of the Defects date.
- 5.20.4 These mitigation measures would be implemented prior to / during construction and would be monitored through on-site observation. Consultations with various statutory bodies would continue as required.

## **6. DEPARTMENTAL DECISION**

6.1 Having considered the Inspector's Report and all other representations made, the Department concurs with the Inspector's recommendation that the proposed A24 Ballynahinch Bypass scheme should proceed to be progressed and the necessary Orders made when appropriate. The decisions and Orders set out below 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 in Section 4 relating to the Inspector's recommendations.

6.2 Environmental Statement

- The Department has decided to publish a Notice to Proceed with the scheme.

6.3 Direction Order

- The Department has decided to make the Direction Order.

6.4 Vesting Order

- The Department has decided to delay the making of the Vesting Order for the scheme to align with the construction programme.