

DEPARTMENT FOR REGIONAL DEVELOPMENT - TRANSPORTNI

IN THE MATTER OF A PUBLIC INQUIRY INTO:

YORK STREET INTERCHANGE

Before:

Mr J Robb (Inspector)

Mr Jack Cargo (Assistant Inspector)

Tuesday, 10th November 2015

Taken at:

Assembly Buildings Conference Centre

Fisherwick Place

Belfast, BT1 6DW

Counsel to the Department: Mr Andrew McGuinness

INDEX

Opening comments by the Inspector	3
Introduction by the Assistant Inspector	6
Opening comments by Inspector contd.	7
Presentation by Mr Spiers	21
Presentation by Mr Megarry	39
Presentation by Mr Bissland	62
Presentation by Mr Coughlan	77
Questions by Mr Brolly on behalf of Vector	98
Presentation by Nigel Smyth	129
Presentation by Mr Leheny on behalf of the FTA	139
Presentation by Mr Arthur Acheson	148
Presentation by Mr Mark Hackett	164
Presentation by Mr Richard Agus on behalf of Cityside	190
Presentation by Mr Paul O'Neill	208
Presentation by Mrs Brenda Murphy	224
Foroutan Parand Examined by Mr McGuinness	230
Garry Gray Examined by Mr McGuinness	242
Presentation by Mrs Bernie Caughey	255

Tuesday, 10th November 2015

THE INSPECTOR: Let's make a start.

OPENING COMMENTS BY THE INSPECTOR

THE INSPECTOR: Good morning everyone and welcome - and indeed welcome to you once again, if you came along to the Pre-Inquiry meeting last month.

My name is Jim Robb and I have been appointed as the Lead Inspector responsible for conducting the Public Inquiry to consider the York Street Interchange proposals.

Those of you who came along to our meeting in October will have heard most of what I am going to say now at the time. I do, however, have some additional points to make, now that we have reached the start the Inquiry itself, so please bear with me.

Let me begin with some Initial House Keeping Points.
Evacuation Procedure - Should the fire alarm in the building sound (and this is a siren) we are to leave the room immediately, turn left and go right down the stairs to the exit. From there go to assembly point which is across the road at The Royal Belfast Academical Institution - or 'Inst' if you prefer.

Should anyone require assistance to leave the building under these circumstances then ask for help and in the event of an emergency, please do not use any of the lifts in the building.

. Will you now please ensure that your Mobile telephones or other communication devices are either switched to 'silent', or 'off'.

. Signing In. Please make sure that you fill in your name and address on the signing in sheet which you will find on the table just outside the door. This will provide us with a record of your attendance. You are, of course, completely free to come and go as you please throughout the entire Inquiry process.

A wash room is located opposite the door to this room and additional facilities are available on the floor below. Tea and coffee will be available during the morning and afternoon breaks at the Inquiry for your use free of charge. Should you decide to have any refreshments or to buy meals elsewhere, then you will be responsible individually for any costs incurred.

Press or other Media, if present, you are very welcome, but we can not allow any photography, video or sound recording during the discussions here, as this can be a major distraction.

As it can be difficult to hear what people are saying in a large room such as this, we have arranged for microphones and loudspeakers to be set up in the room. These will be available throughout the Inquiry so that everyone can hear clearly what is being said.

I would ask each supporter, objector or other interested person who wants to make a formal contribution during the Inquiry, to take the seats set aside at the table on my right, speak into the microphone and give their name and address and their interest in the proposal, before giving their evidence.

The Departmental representatives sitting on my left have their own microphones, they will make their input from where they are seated at present.

Should you have a short question for a Departmental Representative, please do so from your seat in the room using one of the mobile microphones being provided.

You will have noticed that we have a large screen behind me on to which will be projected maps and drawings relating to the proposed works. Drawings relating to individual properties and/or land holdings will also be able to be shown.

From past experience we know you will find this of great value and you can also make use of this facility to illustrate your presentation with your own material, if you so choose. If you intend to use of the projection facilities, please liaise with Ian who is sitting on my right.

Let me go on to some further Introductions. Firstly, to give you some more details about me - my background is in business and I spent some 23 years as a Director and General Manager of the Lisburn based subsidiary of a major European Manufacturing Company.

I have a Masters qualification in Business Improvement and for the past fourteen years have been self-employed as a Personal Development Advisor and Trainer, working from my home near Ballynahinch in County Down. I have also been involved in 10 previous Public Inquiries into proposed road schemes on behalf of our local Department for Regional Development.

Jack Cargo, sitting on my left, has been appointed as the Assistant Inspector for this Inquiry and we will of course be working very closely together.

Jack if you can introduce yourself.

INTRODUCTION BY MR CARGO

MR CARGO: Good morning. My name is Jack Cargo and I have been appointed to assist Jim Robb, the Inspector, to hold an Inquiry into the Environmental Statement Direction Order and Vesting Order for the York St Interchange proposals.

My background is in highway engineering. I have over 40 years experience of planning, design, construction and maintenance of roads, working in electrical and central Government. I have a Bachelor of Science degree in civil engineering and a postgraduate qualification in traffic engineering and transportation planning. I am a chartered engineer, a member of the Institution of Civil Engineers and a member of the Chartered Institution of Highways and Transportation. Thank you.

OPENING BY THE INSPECTOR CONTINUED

THE INSPECTOR: Many of you have already been in contact with Ian Kernaghan who is the Inquiry Programme Officer, and he is responsible for the detailed administrative arrangements surrounding this event.

Ian is also the communication link between the Inspectors and everyone else who has an involvement with the Inquiry process, including the Transport NI Team and all the Objectors.

Though Ian is employed by Transport NI, he has a completely neutral position and role at this Inquiry.

If you need any further information or guidance about any aspect of the conduct of the Inquiry, please do not hesitate to contact him.

Kay Hendrick is our Stenographer and she will be making a word for word record of everything which is said here over the course of this Inquiry. Kay may from time to time intervene to ask you to repeat something if she is uncertain about what you said. Please also remember to speak at a moderate speed, because if you speak too quickly she may have some difficulty in keeping up with you.

Please also note that Jack and I may make our own notes as we go along.

I will ask The Departmental Representatives to Introduce themselves as they make their initial contributions.

Background to the Inquiry.

So, the Department for Regional Development, Transport NI, is proposing to construct the York Street Interchange as a long-term strategic road scheme, to improve the links between the Westlink and the M2 and M3 motorways in Belfast.

An exhibition of the proposed scheme was held in the Ramada Hotel in Belfast on the 9th and 10th of February this year and fifty three letters and e-mails relating to the project (including objections) were received by the 10th of March which was the end of the consultation period.

Given the nature of the proposals and that many of the objections were unlikely to be resolved, the Regional Development Minister announced that a Public Inquiry would be convened to give Objectors, Supporters, Transport NI and

others, a fair opportunity to be heard and to question the cases both for and against the scheme.

The following notice was published in the Belfast Gazette, Belfast Telegraph, News Letter and Irish News and I am required by the Department to read this notice to you at this stage. (It is a bit legalistic).

Notice is hereby given that local public inquiries will be held in Assembly Buildings Conference Centre, Fisherwick Place, Belfast BT1 6DW, starting at 10.00 am on 10th November 2015 into the proposals of the Department for Regional Development (the Department) listed below.

The Department has appointed Mr J A Robb as Inspector and Mr Jack Cargo as Assistant Inspector to consider:

The Environmental Statement prepared by the Department for the proposal for the provision of a grade-separated junction at York Street to provide direct links between the Westlink and the M2 and M3 motorways together with opinions expressed in relation to it under the provision of Articles 67A and 130 of the Roads (Northern Ireland) Order 1993;

The proposal to make The Trunk Roads T1, T3 and T7 (York Street Interchange) Order (Northern Ireland) 2015 under Articles 14(1), 15(1), 16(1) and (2) and 68 of the Roads (Northern Ireland) Order 1993;

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 a grade-separated junction at York Street to provide direct links between the Westlink and the M2 and M3 motorways.

Proceedings on the Environmental Statement, Direction Order and Vesting Order are to be taken concurrently in accordance with Article 133A of the Roads (Northern Ireland) Order 1993.

Documents and maps relating to the proposals may be inspected during office hours until the commencement of the inquiries, at the offices of the Department for Regional Development, TransportNI, Eastern Division, 4 Hospital Road, Belfast BT8 8JL and Corporation Street Section Office, 148-158 Corporation Street, Belfast BT1 3DH and Headquarters, Rooms 2-13, Clarence Court, 10-18 Adelaide Street, Belfast, BT2 8GB.

All persons interested in the proposal and such other persons as the person appointed to hold the inquiries in his discretion thinks fit to allow, may attend and be heard.

Signed - D J Millar, who is a Senior Officer of the Department for Regional Development, 1st September 2015.

Now, I hope that from what I have just read out you will have understood that our brief is very specific, in that we have only been given authorisation to consider the proposed York Street project.

We would therefore ask you to bear this in mind when you make your contribution at this Inquiry, as we will not be able to consider any higher level policy issues or other topics which do not relate directly to the scheme during our time here.

Let me talk about the inquiry purpose and what will take place here. A Public Inquiry is a meeting which anyone can attend and we want everyone who chooses to come along to have an opportunity to make a relevant contribution, if

they wish to do so.

The procedures we will be following here are also subject to the rules of natural justice which were developed by the Courts, to ensure that there is fairness in the conduct of an administrative process such as an Inquiry. This means that each side must have a fair opportunity, not only to be heard, but also to hear and to question the case being made against them.

I must, however, at this point stress that this is not in any way a 'Court' and no-one will be on trial here.

Inspectors for Public Inquiries are appointed from a list held by the Department. None of us are currently employed by Transport NI and we will not accept responsibility for holding a particular Inquiry where we believe our impartiality could be in question, or where there could be a conflict of interest.

My role, in close collaboration with my Assistant Inspector colleague, is to conduct an impartial review of the arguments both for and against the proposal to make alterations to these roads, taking into account all the written submissions as well as the evidence which will be presented here over the next few days.

The main purpose of the Inquiry is firstly, for us to gain as much information as possible from all the interested parties and then to make recommendations on the various aspects of the proposal to the Department in the form of a written report.

We will not discuss the content of this report with anyone before it is submitted and neither the Department nor anyone else will be allowed to make any changes to our conclusions and recommendations.

I must emphasise that our responsibility is to make recommendations to the Department and it is The Director of Corporate Services, based at Transport NI Headquarters, who will make the decisions on our findings.

Having received our report, the Department will require some time to reach its decisions and produce a formal written response. This response, together with our Inquiry report will then be released for public consideration.

We have already carried out a preliminary site visit to become more familiar with the ground over which the proposed road alterations would take place. We are prepared to make further accompanied visits if any of you make a request to us through Ian for this to happen.

However, please note that anyone joining us on a further site visit may only point out particular features or aspects referred to in their evidence here and we can not allow any discussion on the merits of the proposal with, or take new evidence from any participants during the visit. In the interests of fairness to everyone concerned, these discussions are only acceptable during our Inquiry proceedings here over the next few days.

We will make these further accompanied site visits, as soon as possible after the conclusion of our work here and for your guidance we are planning that each visit will last no more than around 30 minutes.

Ian will be making a detailed plan for each visit at the end of the Inquiry and it will helpful if you would let him know as soon as possible if you want to be included in the site visit schedule.

. Let me talk about our Inquiry sequence today.

10-30 - 12-00: Outline of The Department's Case (Presentation/s -

Transport NI/Consultant's Representatives).

12-00 - 12-15 . Break.

12-15 - 12-45 : Questions to Departmental Representatives about their Presentations.

Note: This is not the time for objectors to start setting out their specific objections, there will be an opportunity for that later.

12-45 - 1-00 Supporters Presentations.

1-00 - 2-00 Lunch.

2-00 - 3-15 Start of Objectors' Presentations. (By Objectors and/or their Representatives).

After hearing each of your objections the Departmental Representatives will immediately be invited to give their response and details of any mitigation measures - (what they are planning to do - if anything) - to address the objection.

They may also decide to question the objector at this time about the evidence they have presented.

3-15 - 3-30 . Break.

3-30 - 5-00 Further Objections.

5-00 : Close.

. Inquiry Sequence on Subsequent Days.

Further Objector Input and Departmental responses.

Following the final Objector Input - Any other Interested Parties who wish to make a relevant contribution - but only if this has not already been covered by a previous speaker.

Any Written Representations which have been addressed to the Department for comment from those unable to attend. Then some concluding comments by me.

. Some Further Significant Points.

Please bear in mind - and this is important - that we want to avoid as far as is possible, any unnecessary repetition of points already made by other objectors at an earlier stage in the Inquiry. Repetition can waste a great deal of time and does not strengthen the case for a particular point of view concerning the proposals. If we feel that this is happening we may intervene to point out that the particular issue has already been explored.

Ian has drawn up a timetable showing one or more 15 minute time slots for each speaker and your co-operation in staying within your agreed time period would be very much appreciated and I reserve the right to remind you about the time which has been allocated to you if you are overrunning.

However, having said that, a small degree of flexibility on timings may probably be required as the Inquiry progresses and Ian may be in contact with you to discuss possible changes.

If you are planning to read from a prepared statement when you present your evidence relating to the proposed road scheme, it would be most helpful if you would pass four paper copies of what you propose to say to Ian before you begin to speak. It would be especially useful if you are able to forward your prepared statement to be made at the Inquiry to Ian either on disk or as an attachment to an e-mail in 'Microsoft Word' format.

May I also draw your attention to what I will call 'disclosure of

information'. Should you have any new written evidence that you wish to present at this inquiry, it should be passed on to Transport NI and ourselves for consideration well in advance of the time when you are scheduled to speak. Presenting new evidence 'out of the blue' is unhelpful to the Inquiry process, as the Transport NI Team will often need additional time to prepare and present a considered response. Objectors will not gain any advantage whatsoever by springing avoidable evidence surprises.

There are three very specific areas which we are not authorised to consider at this Inquiry.

The first is financial compensation for compulsory acquisition, disturbance and any other potentially adverse consequences. These are matters to be addressed directly by the Department of Finance and Personnel, Land and Property Services.

Secondly, we will be unable to consider, or comment on, any Planning Applications or Planning issues. Responsibility for these rests with the Local Planning Office.

Thirdly, in proposing the construction of the York Street Interchange, Transport NI is obliged to consider the human rights implications of the scheme.

Whilst we recognise the importance of human rights issues, I must point out that this Inquiry is not the proper forum for deciding whether or not any human rights have been infringed. Such issues are more properly determined in the Courts.

May I end by saying that during previous Inquiries, individual

Objectors have on many occasions taken the opportunity to have further informal discussions about their particular concerns, with members of the Transport NI Team who are present. These conversations during breaks or at other times, have often led to compromise solutions being reached which are acceptable to both parties. We would very much support these types of conversations taking place, if anyone believes they would be of help in resolving outstanding issues.

However, please be assured that at this time we are completely open minded about the proposals and by encouraging further discussions between individual Objectors and the Departmental Team, we are not in any way implying that we believe that the planned alterations at York Street should proceed as proposed by the Department or not.

So that is all I have to say, quite long enough, I am sure some of you will say. Are there any questions on what was just covered? Is that all reasonably clear? Good.

Over to the Department to present a summary of your case, this will take about an hour and a half

MR MCGUINNESS: Thank you, sir. Good morning. My name is Andrew McGuinness, counsel instructed by the Departmental Solicitors Office on behalf of TNI.

What I intend to do is firstly introduce all the people here representing both TNI and URS. You will be aware, sir, that on a previous occasion URS is now part of a larger firm called AECOM, but as all the documentation presented to the Inquiry is under the title of URS, and for simplicity and to avoid confusion we intend to retain the name URS for the purposes of this

Public Inquiry.

I will introduce everyone here. There are a number of people who have provided their -- 11 people -- they are available now, sir, to anyone who wants to see those. Four of the proofs of evidence, a summary will be read in principally by Mr Roy Spiers and Michael Megarry, Russell Bissland and Gareth Coughlin.

The other people who have presented proofs of evidence are here and can give evidence but it is not intended that we will rehearse those. We understand that you have seen those and that you will take time to read those in due course, if they have not already been read.

If I could indicate, sir, the relevant experts who are here are Mr Roy Spiers who is representing TransportNI, then Michael Megarry from URS, who is the lead engineer in relation to this project. To his left is Mr Russell Bissland. Mr Bissland is responsible for the traffic and economics issues in relation to the scheme. To his left is Gareth Coughlin who is responsible primarily for the environmental issues, and the four people to my left are the people who will read summaries of their statements.

Also available and who have provided evidence are Mr Garry Gray, who has provided an air statement. Mr Alf Maneylaws, noise and vibration. Mr Paul Tully, landscape and visual. Una Somerville is here in relation to planning, although there is not a proof of evidence from her, but she can deal with planning issues as it arises. Gabriel Gallagher is here in relation to contamination. Again there is no proof of evidence from him but he can deal with any contamination issues.

Mr Foroutan Parand is here, he has undertaken the daylight

assessment. Mr John Fraser is to speak about buildability, and Mr John McBride is the Senior Design Engineer and will deal with particular design questions in relation to this scheme and in relation to other proposals in due course.

Finally, you had indicated, sir, that you welcome, and I reiterate that, discussions in the breaks with members of the project team. The two points of contact for the objectors in relation to that are firstly Colin Pentland from TNI and Colin Turley. If approaches could be made through those two particular gentlemen.

If I could then, sir, ask Mr Roy Spiers to summarise his evidence?

PRESENTATION BY MR ROY SPIERS

My name is Roy Spiers. I am the Strategic Road Improvement Manager for Eastern Division of TransportNI. I have a BSc Honours Degree in Civil Engineering, I am a Chartered Engineer and a Member of the Institution of Civil Engineers. I hold a certificate of Project Sponsorship awarded by the Civil Service College and a Diploma in Management Practice from the University of Ulster. I have over 40 years' experience in various aspects of road design and maintenance with TransportNI (formerly Roads Service) and have led the Strategic Road Improvement Team in Eastern Division in the design and delivery of strategic road schemes for the past 13 years with responsibility for the development and implementation of a number of major road schemes.

Project Role.

I am the Project Sponsor for the York Street Interchange with

responsibility for development and delivery of the Proposed Scheme.

I have been involved with this strategic road improvement since its inception in 2005 and have managed its design development, consultations and progression through the statutory processes in accordance with the relevant procedures and business targets.

I manage the consultancy team from URS who provide the technical expertise in the design of the project. URS, now part of AECOM, is one of the world's leading engineering consultancy firms. For the purposes of this Proof of Evidence, references to URS include reference to its former legacy companies, including Scott Wilson.

My role at this Public Inquiry is principally to provide evidence on the background of the Proposed Scheme, the policy context in which it is being progressed and the statutory procedures.

THE EXISTING SITUATION.

The existing York Street junction is located on the Eastern Seaboard Corridor which is a part of the North Sea - Mediterranean Corridor, a Trans-European Network for Transport (TEN-T) route which runs down the eastern side of Ireland linking the ports of Belfast, Dublin and Cork. The TEN-T network is illustrated in Figure 1.

The existing junction links together the three busiest roads in Northern Ireland and provides access to the Port of Belfast from the Strategic Road Network and is the main access to Belfast from the north.

The current arrangement consists of a signalised gyratory "box" system with traffic signals at each corner, serving over 100,000 traffic movements

per day. It is a source of traffic congestion and requires careful traffic management, particularly in peak periods, to ensure that the gyratory system does not become blocked as this would result in significant traffic delays.

The existing junction is therefore considered a "bottleneck" on the Strategic Road Network in accordance with the definition established by the Regional Transportation Strategy for Northern Ireland 2002-2012, i.e:

"...where localised restrictions cause undue congestion and thereby delay for freight, public transport and cars."

York Street also provides a pedestrian route linking the railway station at York Street and the residential area of North Belfast to the City Centre. This can be a particularly difficult and intimidating route for pedestrians as they have to cross six lanes of traffic at two locations on their route into the city. There are no cycling facilities at present through the junction.

The traffic route from the M2 to the Westlink is particularly affected by delays as these vehicles are required to pass through three sets of traffic signals to make this connection.

Local traffic movements on the adjacent streets are also difficult as drivers seek alternative access and egress to and from the City Centre.

The area is bounded by a local residential area in Little Georges Street on the northern side of the Westlink and by the lands owned by the Harbour Commissioners along Corporation Street. The planned opening of the University of Ulster development in 2017 along with other planned proposals has been considered on the basis of information made available as part of their respective planning applications.

BACKGROUND AND POLICY/STRATEGIES

The programme to improve transport links in Northern Ireland has been developed and is based on a series of key documents which 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 Development Strategy 2035 - Building a Better Future' published in 2012;

Regional Transportation Strategy for Northern Ireland 2002-2012' published in 2012;

Ensuring a Sustainable Transport Future - A New Approach to Regional Transportation', published in 2012;

Regional Strategic Transport Network Transport Plan 2015' published in 2005;

Belfast Metropolitan Transport Plan 2015' (BMTP) published in 2004;

Investment Strategy for Northern Ireland 2005-2015;

Investment Strategy for Northern Ireland 2008-2018;

Investment Delivery Plan for Roads;

Investment Strategy for Northern Ireland 2011-2021; and

Expanding the Strategic Road Improvement Programme 2015.

The Regional Transport Strategy recognises the importance of removing bottlenecks on the Key Transport Corridors. The bottleneck at the York Street Interchange is identified in the Belfast Metropolitan Transport Plan and the Consultation Document "Expanding the Strategic Road Improvement Programme 2015" published in 2006.

The proposed improvement was developed following the Public Inquiry into the M1/Westlink Improvements that was held in 2002 and the completion of the statutory Orders for the improvement of the M2. It was clearly recognised that both these schemes would deliver traffic quicker to the York Street junction, which even at that time was considered to be operating in excess of its capacity.

In 2005 a feasibility assessment of options to alleviate traffic congestion at the existing York Street junction was undertaken by URS.

Several primary investment options were considered to improve conditions at York Street. These options ranged from traffic management options, which could have been implemented in the short term to provide immediate improvements, to full grade-separation options that removed the conflicts between main traffic movements implemented in the longer term.

This resulted in two reports being produced in 2005, the Traffic Management Options Report and the York Street Interchange Preliminary Appraisal Report.

The Traffic Management Options Report considered traffic management solutions for the junction. The options presented were not considered to provide an acceptable solution in terms of operational effectiveness and safety

and therefore were not taken forward.

The York Street Interchange Preliminary Appraisal Report considered the provision of grade separation with direct links between the three main routes. This was confirmed as feasible and this option was presented to the then Roads Service Board in 2006 prior to the scheme being admitted to the TransportNI Forward Planning Schedule.

A short term improvement to widen the Westlink to provide a dedicated off slip to York Road was implemented and completed in 2009.

SCHEME DEVELOPMENT, STATUTORY PROCEDURES AND PUBLIC CONSULTATION

In March 2008 I was appointed as Project Sponsor and managed the appointment of URS to undertake the scheme development in accordance with the TransportNI procedures as set out in its Policy and Procedure Guide RSPPG E030 entitled "Major Works Schemes - Inception to Construction" (DRD-YSI-2-01) and the requirements of the Design Manual for Roads and Bridges (DMRB).

A Preliminary Options Report which summarises the outcome of a DMRB Stage 1 Scheme Assessment was completed in March 2009. This document considered six options and recommended that four of these be taken forward for more detailed assessment at the next stage, based around the principle of two options with largely elevated links and two links with mainly depressed links. Based on this report the scheme was formally approved by the Investment Decision Maker (IDM) in the form of the then Roads Service Board for inclusion in the Preparation Pool, which is a programme of high priority schemes that TransportNI is committed to progressing through the Statutory Procedures of

Environmental Statement, Direction Order and Vesting Order. This is termed Approval Gateway 0 in RSPPG E030.

Following Approval Gateway 0, a DMRB Stage 2 Scheme Assessment was commenced on the scheme. As part of this process a non-statutory public consultation exercise was completed in June 2011, to invite comments from the public on the four options being considered. The findings from this consultation exercise were one of many factors taken into consideration at the end of the assessment process, where a single preferred option was identified. The findings from the Stage 2 Scheme Assessment and the reasons for the selection of the single preferred option are reported in the summary Preferred Options Report which was prepared and submitted to the IDM. Formal approval was granted to progress development of the preferred option and to start work on the statutory procedures in October 2012. This is termed Approval Gateway 1 in RSPPG E030.

The preferred option, now termed the Proposed Scheme, was then further developed to complete a full Environmental Assessment examining the impacts of the Proposed Scheme under a range of headings. This assessment detailed the factors that would be put in place to mitigate the impact of the proposed changes and detailed the land that would be required for the Proposed Scheme.

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

The announcement of the proposals for the Statutory Orders was made on 27th January 2015 by the Minister for Regional Development. The

documents published for statutory public consultation on 28th January and 4th February 2015 included:

A draft Direction Order (DRD-YSI-4-02);

A draft Vesting Order (DRD-YSI-4-03); and

Environmental Statement (DRD-YSI-4-02).

The documents were made available at a Public Exhibition held on 9th and 10th February 2015 at the Ramada Encore Hotel, Talbot Street, Belfast. Members of the team were available at the exhibition to explain the details of the Proposed Scheme as required. A presentation of the Proposed Scheme was also made to the Committee for Regional Development on 25th February 2015.

A total of 53 responses were received by TransportNI prior to the closing date and a further 6 received after the closing date of 10th March 2015. The subsequent public consultation report (DRD-YSI-3-14) summarises the objections as 33 objections to the Proposed Scheme which can be broken down as:

4 objections on the basis of cost and that there are other higher priority schemes on the A6 and A5;

20 objections on the basis of insufficient provision for non-motorised users and cyclists in particular;

3 objections (including petitions signed by 26 people) about the impact of the proposals on the local community and residents of Little Georges Street and Molyneaux Street;

3 objections by parties affected by the draft Vesting Order;

2 objections relating to the development of the Proposed Scheme; and

1 objection relating to the impact of construction.

There were 9 comments in favour of the Proposed Scheme and 17 comments that did not express a view either in favour or against.

Throughout the process, there have been both statutory and non-statutory public consultation periods as highlighted in the evidence above. In addition to these processes there have been many meetings with interested parties and key stakeholders to allow TransportNI to incorporate their requirements and possible mitigation measures during the development of project. Some of these meetings have taken place after the formal objections have been lodged. We will continue to work with identified stakeholders up to and throughout the Public Inquiry.

On consideration of the responses submitted to TransportNI and because of the high profile nature of the Proposed Scheme the Minister for Regional Development announced on 25th March 2015 his decision to hold a Public Inquiry.

As you are aware TransportNI has appointed Mr Jim Robb as the Inspector to the Public Inquiry, with Mr Jack Cargo appointed as Assistant Inspector. Formal notice of the intention to hold a Public Inquiry has been published in accordance with TransportNI procedures.

Transport NI has prepared responses to the objections that have been lodged and exchanged this information with the objectors.

THE DEPARTMENT'S CONSIDERATION

The existing York Street junction which links three of the busiest roads in Northern Ireland by means of a signalised gyratory system has for some

time been identified as a bottleneck on the strategic road network. The need for improvement has been identified in key strategy documents such as the Belfast Metropolitan Transport Plan and the Investment Strategy for Northern Ireland.

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:

To remove a bottleneck on the strategic road network;

To deliver an affordable solution to reduce congestion on the strategic road network;

To improve reliability of strategic journey times for the travelling public;

To improve access to the regional gateways from the Eastern Seaboard Key Transport Corridor;

To maintain access to existing properties, community facilities and commercial interests;

To maintain access for pedestrians and cyclists; and,

To improve separation between strategic and local traffic.

TransportNI has considered the options available and concluded that the proposal to directly link the three main roads will greatly improve conditions for strategic and local traffic, reduce severance between North Belfast and the City Centre and substantially improve facilities for pedestrians, cyclists and public transport.

THE PROPOSED SCHEME

The Proposed Scheme has regard to the significant constraints that

are associated with improving the road network within a very tightly constrained urban area. It provides direct links for the following traffic movements:

Westlink to M2: Two traffic lanes which take the road under the new York Street Bridge and threads between the supports of the Dargan Bridge before rising to join the M2;

" M2 to Westlink: Two traffic lanes which run over a new bridge at Dock Street before descending sharply to below ground level to pass under the Westlink to M3 link, the Lagan and Dargan bridges and then under the new York Street bridge to join the Westlink;

Westlink to M3: A single traffic lane which runs under the new York Street Bridge and continues at ground level under the Dargan and Lagan Bridges, over the M2 to the Westlink connection before rising to join the M3;

M3 to Westlink: This single lane link diverges off from the M3 and threads between the piers of the Dargan Bridge below ground level and then under the new York Street Bridge before rising to join the Westlink. This link also accommodates a diverge off to the City Centre (Nelson Street) and Great Georges Street;

Dock Street to M3: A single lane on slip from Dock Street which connects to the Westlink to M3 link before rising to join the M3. This incorporates a short length of access road to provide access to land that will be available for development post completion;

York Street: This will be carried over the Westlink on two new bridges. It will provide two North bound traffic lanes to York Street and north of the city, two traffic lanes towards the M2, a single city bound bus/cycle lane, a

north bound cycle lane and footways on either side of the carriageway;

Westlink to York Street and Docks: A new single lane slip road connecting to York Street with traffic lights will be provided; and

Docks to Westlink: A new access will be created at Duncrue Street which connects to the M2 before the new bridge at Dock Street.

In order to future proof the opportunity to upgrade the Dargan Rail Bridge to accommodate future dualling the foundations of the piers supporting this bridge will, as a minimum, be upgraded together with the piers affected.

The very tight configuration and the vertical and horizontal constraints mean that there will be a series of Departures from Standard associated with the design. The identified Departures from Standard have been submitted and are awaiting final approval from the Director of Engineering of TransportNI, I can confirm that these have all been approved since then.

Speed limits of 40mph will be applied on all interchange links between the Westlink, M2 and M3 within the junction with the exception of the current M2 to M3 road which is currently 50mph. The speed limits on associated slip roads to and from the new interchange links will generally be 40mph, with the exception of the York Street to M2 slip road, which will be subject to a speed limit of 50mph.

The aesthetics of the scheme will address issues of user friendliness and marking the junction as a major gateway to the city. This has been developed under the guidance of a group of key stakeholders as a Strategic Advisory Group and is reported in document referenced DRD-YSI-3-15, which is available on the internet.

The option appraisal assessment will be set out in the evidence to be given by Mr Michael Megarry of URS. He will be supported by the appointed buildability Mr John Fraser of Gareloch Consulting Ltd.

The economic case and traffic assessment will be addressed in the evidence to be given by Mr Russell Bissland of URS.

The environmental assessment and the proposed mitigation will be described in the evidence given Mr Gareth Coughlin. He will be assisted by the specialists in regard to air quality by Mr Garry Gray, noise by Mr Alf Maneylaws, landscape and visual by Mr Paul Tully, and in regard to daylight assessment by Dr Foroutan Parand.

CONCLUSIONS

TransportNI has undertaken a comprehensive analysis of the options for the proposed improvement including a full environmental impact assessment of the Proposed Scheme and where appropriate proposed mitigation measures.

TransportNI has concluded that the Proposed Scheme represents good value for money. The Proposed Scheme has a TransportNI approved estimate range of between £125 million and £165 million. Over the 60 year assessment period it provides a Benefit to Cost Ratio of 2.33 (based on National Road Traffic Forecast Central Growth factors).

The scheme will enhance the connection between North Belfast and the City Centre and will significantly improve access for pedestrian, cyclist and public transport. In particular the connection between the Yorkgate railway station and the city.

TransportNI has approved a procurement strategy which will to

some extent be running in parallel with the completion of the statutory procedures and the consideration of the proposal by the Inspector to the Public Inquiry. This procurement programme is necessary to ensure that scheme delivery is within a potential EU funding programme. It is deemed sufficiently flexible to accommodate the outcome of the Public Inquiry. It includes a pre-qualification process for prospective tenderers that will start immediately after the Public Inquiry and result in publication of a shortlist for tender in February 2016.

Mr Inspector, that concludes my evidence to the Inquiry.

MR MCGUINNESS: I now ask Mr Megarry to present his proof to the Inquiry.

PRESENTATION BY MR MICHAEL MEGARRY

MR MEGARRY: My name is Michael Megarry and I am an Associate with URS, Consulting Engineers. I have a BEng (Hons) degree in Civil Engineering. I am a Chartered Engineer (CEng) and a Member of the Institution of Civil Engineers (MICE).

URS was acquired by AECOM in October, 2014. Together AECOM and URS are one of the world's premier, fully integrated infrastructure and support services firms.

Any references I make to URS include references to its former legacy companies, including Scott Wilson.

In April 2009 I was appointed URS' Project Manager for the development of the Proposed Scheme. I am responsible for the general progression

of the project, overseeing the roads design input and co-ordinating the other design teams, who specialise in areas such as structural and geotechnical design, environmental assessment and traffic and economic analysis.

TransportNI has outlined its strategy for the Proposed Scheme and the brief under which URS was initially appointed in June 2008 to carry out the assessment work on this project. Under its brief URS has completed the following tasks:

Stage 1: Scheme Assessment in accordance with the procedures in the Design Manual for Roads and Bridges (DMRB);

Stage 2: Scheme Assessment in accordance with the procedures in the DMRB;

Stage 3: Scheme Assessment in accordance with the procedures in the DMRB; and

Preparation of Environmental Statement, Designation Order, Vesting Order and Economic Appraisal documents in support of the statutory procedures.

SCOPE OF EVIDENCE

A significant volume of detailed information has been prepared during the development of the proposed scheme, which has been published in report form or has been summarised for public exhibition at various stages.

In addition to the submission and attendance at this Inquiry, the Department is represented by other experts who are available to provide clarification on elements of the scheme, such as Environment, Traffic & Economics, Noise, Air Quality and Ecology.

This submission will provide a summary of the technical aspects of the road scheme presented in the draft statutory orders. It will focus on the decisions made at the corridor and route selection stages and provide a summary of the Proposed Scheme.

SUMMARY OF EXISTING CONDITIONS

Topography

The natural topography within the study area is relatively flat, given its proximity to sea level, with typical levels at York Street junction being approximately 2.0 metres Above Ordnance Datum (mAOD).

The M2 is elevated to a level of approximately 10.0mAOD, approximately 8.0m above the surrounding streets from Dock Street underbridge and increases to tie-in with the Lagan Bridge and Dargan Bridge, which are elevated to approximately 12.0mAOD. Within the study area, the M3 is supported on the Lagan Bridge.

The Westlink is located at the west of the study area in a depressed section at Clifton Street, approximately 7m below the surrounding streets. The carriageway rises out of this cutting and approaches the existing York Street junction on an embankment falling from approximately 9.0mAOD at North Queen Street underbridge to meet the typical street level of 2.0mAOD at the York Street junction.

The Lagan Bridge was constructed between 1991 and 1994 as part of the Cross-Harbour Links contract. The main bridge comprises a viaduct structure with associated ramp structures which cross over numerous city streets and the River Lagan, supporting the M3 motorway. The bridge deck for the

structure generally comprises of post-tensioned precast concrete box segments and is supported in turn on reinforced concrete piers.

The Dargan Bridge operated by Translink was constructed as part of the same works contract as the Lagan Bridge and comprises a viaduct structure which crosses over both city streets and the River Lagan. The bridge supports a single track railway line with passing points, opening to twin tracks on the main river span. The bridge is of similar construction to the Lagan Bridge, with the deck comprising of a series of post-tensioned precast concrete box segments supported on reinforced concrete piers and piled foundations.

Ground Conditions

The information on the ground conditions on the site was primarily obtained from the ground investigation conducted in 2013 by Causeway Geotech Ltd.

Hydrology and Drainage

The low lying nature of the area and its close proximity to a tidal section of the River Lagan and Belfast Harbour has significantly influenced the development of drainage infrastructure within the study area over the years.

Information relating to the existing drainage network in the area has been received from Department of Agriculture and Rural Development Rivers Agency and NI Water.

Public Utilities

It has been established that utility infrastructure in the area is owned and maintained by a variety of utility companies e.g. gas, electricity, potable water, storm water, foul sewers, and telecommunications traverse the study area forming

potential constraints upon any improvements scheme.

Land Ownership

Land Registry information available from Land and Property Services has informed the draft vesting schedule.

Site Constraints

As would be expected for an urban area, the site is bounded on all sides by existing built infrastructure.

The nature of these conditions is such that they form constraints. Options to provide an interchange at the location must therefore be fitted around these constraints, or seek to remove them entirely.

It should be recognised, however, that all constraints cannot be removed, for engineering, environmental or economic reasons. Where this is evident, compromises are required in the layout of the proposed interchange.

At the extent of the site of the Proposed Scheme, it will be necessary to tie back into the existing road network. The constraints of the existing road network create constraints on the provision within the future Proposed Scheme.

DEVELOPMENT OF THE PROPOSED SCHEME

2005 Feasibility Studies

Traffic Management Options Report

In 2005 a feasibility assessment of options to alleviate traffic congestion at the existing York Street junction was undertaken by URS.

To provide some measure of investment scale, the following cost thresholds were identified:

Low cost improvement options with a capital cost of up to approx.

£0.5m;

Medium cost improvement options with a capital cost of up to approx. £3m; and

High cost improvement options with a capital cost of up to approx. £10m.

A total of ten short, medium and long term options for the junction were identified. Of the ten options, one was identified as a sole long-term solution and subject to separate specific assessment.

The remaining nine options were identified as short and medium term traffic management options and assessed and reported upon in a summary Traffic Management Options Report dated June 2005.

Preliminary Appraisal Report

URS assessed the feasibility of a single long-term option to provide grade separation at the existing York Street junction in addition to several short and medium term options.

The single long term option comprised a grade separated interchange, similar to the Proposed Scheme.

The option was subject to an engineering assessment to determine its feasibility within the site constraints. The findings from this assessment are reported in the summary Preliminary Appraisal Report dated December 2005.

The report concluded that the proposed road layout should be subjected to further scrutiny as part of a DMRB Scheme Assessment process to determine the scheme's engineering, environmental and traffic and economic benefits and disbenefits.

The recommendations of both reports were accepted by Transport NI, with URS subsequently commissioned in 2008 to commence the Scheme Assessment process of the long-term interchange option.

Scheme Assessment Reports and Process

The assessment of Strategic Road Improvements is outlined in DMRB Technical Standard TD 37/93 entitled "Scheme Assessment Report", and is defined as a three-stage process.

The level of detail and scope of the assessment at each stage are appropriate to the type of decision that can reasonably be taken at that time.

Stage 1 Scheme Assessment

A Stage 1 Scheme Assessment requires the identification of the environmental, engineering, economic and traffic advantages, disadvantages and constraints associated with broadly defined improvement strategies. This concludes in the selection of a number of potential routes or scheme options.

Six preliminary options were identified that comprised elevated, depressed and combined corridors and these were subject to separate engineering, environmental, traffic and economic assessments.

As part of the completed environmental assessment, consultations were undertaken with an identified list of key stakeholders to the project in line with a Communications Plan developed for the scheme and approved by TransportNI.

In March 2009, URS completed its Stage 1 Scheme Assessment with the findings reported in the Preliminary Options Report of March 2009.

The recommendations of the report were endorsed by the

TransportNI Board at its meeting of 26th March 2009.

Stage 2 Scheme Assessment

In accordance with the DMRB, a Stage 2 Scheme Assessment requires the identification of the factors to be taken into account in choosing alternative routes or improvement schemes and to identify the environmental, engineering, economic and traffic advantages and constraints associated with those routes or schemes. This concludes in the selection of a preferred option.

Further to the recommendations arising from the Stage 1 Scheme Assessment, four of the six preliminary options were shortlisted for further assessment. The engineering designs of the options were developed in more detail through consultations with various statutory and non-statutory bodies.

The developed four options, termed Options A, B, C and D, proposed the introduction of grade separation at the existing junction using various alignments.

Consultation formed an important part of the Stage 2 Scheme Assessment process. Consultations were undertaken with an identified list of key stakeholders for the project in line with a consultations strategy developed as part of a Communications Plan approved by TransportNI.

In line with the consultation strategy, a formal public consultation event was held in June 2011 to allow members of the public to view and comment upon the proposals. A summary public consultation report was subsequently prepared and published.

Following their identification and refinement, the options were subject to separate engineering, environmental, traffic and economic assessments in

accordance with the requirements of the DMRB. The findings from these assessments were reported in the Preferred Options Report of October 2012.

Taking into consideration its overall performance across the scheme objectives and the views raised in response to the public consultation, it was recommended that Option C be selected as the preferred option for the scheme and further developed in line with the engineering standards set out in the DMRB to a level sufficient for a Stage 3 Scheme Assessment prior to the commencement of statutory procedures.

The selection of Option C as the preferred option was endorsed by the TransportNI Board at its meeting of 26th October 2012 and subsequently announced on 6th December 2012 by the Minister for Regional Development.

Stage 3 Scheme Assessment

In accordance with the DMRB, a Stage 3 Scheme Assessment requires clear identification of the advantages and disadvantages, environmental, engineering, economic and traffic terms of the preferred option.

The Stage 3 Scheme Assessment report, termed the Proposed Scheme Report, comprised two distinct sections:

Part 1: Environmental Statement.

Part 2: Engineering, Traffic and Economic Assessment Report.

The Proof of Evidence prepared and submitted separately by Mr. Gareth Coughlin, summarises the findings from the Environmental Statement.

The development of the scheme, now termed the Proposed Scheme, at the Stage 3 Scheme Assessment was based, in part, on the recommendations arising from the Stage 2 Scheme Assessment process. In addition to the COBA and

QUADRO models prepared for the Stage 3 traffic and economic assessment, various detailed traffic models were created to assist in the development of the Proposed Scheme.

DESCRIPTION OF PROPOSED SCHEME

Road Links

The Proposed Scheme would provide a fully grade separated interchange to replace the existing signalised gyratory junction. Interchange links between the Westlink, the M2 and the M3 motorways would be provided in underpasses aligned underneath new bridge structures at York Street and under the existing Dargan and Lagan Bridges.

Two lanes would be provided on new interchange links between the Westlink and M2, with one lane provided on the interchange links between the Westlink and M3. Hard shoulders have been provided within the various underpass where space allows.

The existing North Queen Street and Dock Street Bridges and the Whitla Street subway structure would be widened as necessary to accommodate the new road layout, with another new overbridge structure proposed at Dock Street. Retaining walls and piled embankments will be provided as required to support the new road alignments.

To facilitate the online widening of the Westlink between North Queen Street and York Street, the existing embankment requires modification. To avoid works to replace the existing retaining walls at Little Georges Street and Great Georges Street, a strengthened earthwork is proposed on the northern side of the link between North Queen Street bridge and York Street for a distance of

approximately 100m, with a steepened side slope. Construction of these strengthened earthworks would require suitable working platforms for piling operations and this would, in turn, require temporary removal of a significant portion of the existing embankment.

Connections from the local street network to the new interchange links would be provided at Clifton Street, York Street, Dock Street and Duncrue Street in the form of on-slips. Connections from the strategic road network to the local street network would be provided in the form of off-slips from the interchange links at Clifton Street, York Street and Nelson Street. The existing north facing on and off slip roads at Clifton Street would remain open within the proposed road layout. New weaving sections are created between Clifton Street and York Street on both carriageways of the Westlink that provide the Absolute Minimum weaving lengths required under the DMRB.

It should be noted that the proposed changes to York Street would reintroduce two-way running of a form to provide a new bus/cycle lane in the southbound direction. The southbound bus/cycle lane would be provided from the new signalised junction at the connection with the York Street to M2 on-slip and would terminate at the Inner Ring. Provision of the southbound bus/cycle lane would require an associated reduction in the northbound lane provision, with three lanes proposed, opening to four at the junction with the M3 off-slip to Great Georges Street. In addition, a northbound cycle lane of 1.5m in width would be included, with footways widened to 3m where possible within the existing building constraints and reflected in the proposed cross-section on the new York Street bridges.

Following the completion of the statutory public consultation, TransportNI has further engaged with Sustrans and DRD Cycling Unit to review provision for non-motorised users on York Street. A revised layout has been prepared and submitted to this Inquiry for consideration.

On the south-east wingwall of the North Queen Street bridge, it is noted that there are several memorials associated with the McGurk's bar bombing. All such memorials would require removal as part of the works, this will be undertaken in consultation with victims' representatives and TransportNI.

The existing private access onto York Street for Galway House would be removed as part of the scheme to accommodate the new York Street to M2 on-slip. To maintain access to the current development and indeed, any future development within the overall business park, a new signalised access is proposed at the north-west corner of the existing car park to Galway House.

Design Speeds and Speed Limits

Design Speeds of 70Akph will be generally applied to the interchange links between the Westlink, M2 and M3. Associated slip roads will generally have a Design Speed of 60B kph, with the exception of the York Street to M2 slip road, which will have a slightly higher Design Speed of 70Akph. The various surface streets will have Design Speeds of 60B kph.

Owing to the constraints on the horizontal and vertical geometries of the various links within the interchange, it is proposed to implement a 40mph speed limit on the interchange links between the Westlink, M2 and M3.

For the M2 to Westlink movement, the existing 50mph speed limit on the M3 motorway will be extended north along the southbound carriageway of

the M2 from a position near the Duncrue Street off-slip.

The existing surface streets will retain their existing 30mph speed limits, with complementary speed limits on slip roads to and from the interchange links and mainlines as appropriate.

Traffic Classifications

With reference to the published draft Designation Order, it should be noted that:

The roads described in Parts I and III of the Schedule shall be used only by traffic of Classes I and II as set out in Schedule 1 to the Roads (Northern Ireland) Order 1993; and

The roads described in Part II of the Schedule shall be used by traffic of all Classes as set out in said Schedule 1 except Classes VII and IX.

Site Clearance

The existing TransportNI section office and associated outbuildings at Corporation Street, in addition to the larger Driver and Vehicle Agency office building, would require demolition and removal. Other privately owned buildings scheduled for demolition would include the existing Focus Security Solutions premises at Corporation Street and Jack Kirk Garage at Shipbuoy Street and the single storey buildings located to the north of Philip House at York Street.

Drainage

The drainage solution developed for the Proposed Scheme seeks to maximise the drainage catchment area that would discharge storm water to a pumping station and which would then be conveyed onwards via a new pumping main arrangement to the outlet point near Gamble Street. An existing redundant

combined sewer overflow culvert would be utilised to discharge through an outfall structure in the quay wall to Belfast Harbour.

Flood Risk Assessment

The existing York Street junction lies within the identified coastal floodplain of Belfast Lough, based on a 1 in 200 year (Q200) storm surge flooding event.

Following discussions with TransportNI, it was agreed that the Proposed Scheme should include sufficient flood protection measures to reduce the risk of coastal flooding to the various underpasses.

Following this agreement, a number of measures were developed to provide the Proposed Scheme with flood protection. These measures included the provision of permanent flood barriers, in the form of flood walls (or the extension of adjoining underpass walls upwards to the identified 3.9mAOD flood protection level).

Traffic Signals

The proposed scheme would include the provision of new traffic signal controlled junctions at the following locations:

York Street/Great Georges Street;

York Street/Westlink; and

York Street/Cityside Retail Park/Galway House.

In addition, the following existing signal controlled junctions would require revision to reflect changes introduced by the Proposed Scheme:

York Street/Great Patrick Street;

York Street/Dock Street;

Nelson Street/Great Patrick Street;

Dock Street/Nelson Street;

Duncrue Street/M2 off-slip.

The existing controlled crossings at Whitla Street and Nelson Street would also require revision as appropriate to reflect changes introduced by the scheme.

Structures

The Proposed Scheme would require the construction of several significant structures, summarised below:

Four major underpasses, with retained heights of up to 10m;

Two twin span pre-stressed beam bridges, one highly skewed;

A single span bridge supported on the walls of the largest underpass;

A three span bridge carrying traffic over the Dock Street junction;

Two existing bridges to be widened, with parapet improvements, one adjacent to an existing railway structure;

Several retaining walls, several subject to collision loading and/or acting as flood protection walls;

An extension to a pedestrian underpass;

Several service culverts;

Three overhead sign/signal gantries;

Structures associated with pumping stations required for scheme drainage;

Strengthening works to the substructure of Lagan Road Bridge;

Strengthening works to the substructure of Dargan Rail Bridge.

Buildability Assessment

In order to demonstrate to TransportNI that the Proposed Scheme could be built within its constraints whilst maintaining an acceptable level of provision for traffic during construction, a buildability assessment was completed.

The buildability assessment completed by Mr John Fraser of Gareloch Consult Ltd was based on information provided by URS.

Mr. Fraser was satisfied that URS had developed an outline construction sequence which is feasible within its engineering constraints, as explained in more detail in his separate Proof of Evidence.

Departures from Standard

One hundred and ten Departures from Standard applications required to facilitate the road geometry within the Proposed Scheme have been approved by TransportNI.

Road Safety Audit.

In accordance with the requirements of Standard HD 19 of the DMRB, highway improvement schemes are subject to a Road Safety Audit by an Audit Team during key stages in design and at the end of construction.

For the Proposed Scheme, a Stage 1 Road Safety Audit was commissioned by TransportNI in January 2014 at the time of completion of the preliminary design. The Audit Team comprised members of URS independent of the design team, with the associated Audit Report issued to TransportNI in May 2014.

Non-Motorised User Audits.

The DMRB recognises the importance of the needs of

Non-Motorised User (NMUs) in highway schemes, with Standard HD 42/05 requiring the completion of NMU Audits at key stages in their development. NMU Audits consider the implications of the scheme for NMU accessibility, safety, comfort and convenience. While road safety and personal safety of NMUs are considered, it does not duplicate the separate independent Road Safety Audit process.

For the Proposed Scheme, a NMU Context Report was prepared in October 2012 ahead of the commencement of preliminary design.

Following completion of the preliminary design, a Preliminary Design NMU Audit was completed with the findings presented in the summary NMU Audit Report of October 2013, ahead of the Stage 1 Road Safety Audit in January 2014.

Strategic Advisory Group

During the Stage 3 Scheme Assessment process, a Strategic Advisory Group was established to address concerns relayed by consultees over the integration of the scheme with its urban setting and planning context.

Traffic and Economic Assessment

The results from the completed traffic and economic assessment of the scheme are summarised separately in the Proof of Evidence prepared by my colleague, Mr. Russell Bissland of URS.

CONCLUSIONS

The Proposed Scheme was developed up to publication of draft Orders in accordance with the DMRB and the requirements of TransportNI, resulting in a scheme which:

Provides a solution to the bottleneck of the existing York Street junction on the Strategic Road Network;

Provides new uninterrupted road links between the strategic routes of the Westlink, the M2 motorway and the M3 motorway;

Maintain connections to and from the strategic road network for the communities of North Belfast via slip roads at Clifton Street, York Street and Duncrue Street;

Improves the road user experience on York Street, through the resultant reduction in road traffic volumes and the provision of additional cycling and bus priority infrastructure;

Improves connections to and from the Port of Belfast and the other regional gateways;

Has been robustly assessed for its engineering, traffic and economic benefits at several major hold points over the course of its design development;

Has minimal loss of private property;

Has been assessed to be buildable within its constraints whilst maintaining movements for strategic road traffic;

Would provide significant positive economic returns, with a Benefit to Cost Ratio of 2.33;

Provides significant improvements in journey times for road users.

Thank you, Mr Inspector.

MR MCGUINNESS: Sir, the next person who is proposed to give evidence is Mr Russell Bissland and he will give his proposals for the traffic and economic assessment.

PRESENTATION BY RUSSELL BISSLAND

MR BISSLAND : My name is Russell Bissland. I am a Chartered Civil Engineer with a Bachelor of Science degree in Civil Engineering. I have been a member of the Institution of Civil Engineers since 1988 and a member of the Institution of Highways and Transportation since 1991.

I have more than 38 years' experience in civil engineering projects.

I am presently employed by Aecom (formerly URS) as a Technical Director based in the Glasgow office.

I am responsible for the traffic and economic assessment of major road improvement schemes throughout Scotland, Northern Ireland and the north of England. In Northern Ireland I have been responsible for the appraisal of road improvement schemes in Armagh, Enniskillen and Omagh. I have also been responsible for the traffic and economic assessment of major road improvement schemes including the A8 Belfast to Larne Improvement, the M2 Motorway Widening, the A1 Beech Hill to Cloghogue Dualling, the A6 Castledawson to Randalstown Dualling, the A6 Londonderry to Claudy Dualling and the A24 Ballynahinch Bypass.

The scope of my evidence concerns the Stage 3 Traffic and Economic Assessment Report for the Proposed Scheme.

The primary objective of the Stage 3 Traffic and Economic Assessment Report is to describe existing traffic conditions in the York Street area, to outline the indicative costs, risks and optimism bias associated with the Proposed Scheme and to describe the work undertaken to develop the various computer

models. The report also considers future traffic conditions over the economic life of the Proposed Scheme and presents the results of an operational and economic assessment of the Proposed Scheme. Given the uncertainty in predicting future traffic conditions, the results from a series of sensitivity tests have also been reported.

BACKGROUND AND REPORTING

The Proposed Scheme was identified in the Roads Service Consultation Document 'Expanding the Strategic Road Improvement Programme 2015', dated July 2006, as an additional scheme to be added to the programme subject to consultation.

Scheme Development and Reporting.

The Stage 1 Scheme Assessment completed in March 2009 identified that the introduction of grade separation at the existing signalised junction would deliver positive benefit to cost ratios.

The options were subject to separate Stage 2 engineering, environmental, traffic and economic assessments in accordance with the requirements of the Design Manual for Roads and Bridges (DMRB). The findings from these assessments were reported in the Preferred Options Report of October 2012.

Following the announcement of the Preferred Option, the layout of the scheme was further refined ahead of a Stage 3 Assessment in accordance with the requirements of the DMRB.

EXISTING CONDITIONS.

The existing York Street junction in the centre of Belfast is one of

the most heavily trafficked junction arrangements in Northern Ireland.

Existing conditions in the York Street area are subject to significant congestion during periods of peak traffic demand due to the convergence of traffic from the Westlink, the M2 and M3 motorways and the local surface streets. This demand is controlled by a series of signalised junctions.

The general location of the existing York Street junction and the surrounding road network is shown in Figure 3.1. A more detailed location plan is shown in Figure 3.2.

TRAFFIC SURVEYS AND DATA COLLECTION.

A programme of data collection surveys was undertaken in 2012 to assist in establishing traffic volumes, turning flows and vehicle proportions at key junctions in the York Street area.

A programme of Manual Classified Counts (MCCs) was carried out at twenty nine locations within the study area to define current traffic volumes and turning movements. Analysis of the observed counts indicates that more than 100,000 vehicles approach the junction in a typical 12-hour weekday.

The locations of the MCCs are shown in Figure 4.1.

A programme of Queue Surveys was undertaken at four locations within the study area to assist in assessing operating conditions around the York Street gyratory.

The locations of the Queue Surveys are shown in Figure 4.2.

Six temporary Automatic Traffic Counters (ATCs) were installed at key locations within the study area to define directional, hourly and daily variations in traffic flows over a 14 day period.

The locations of the temporary ATC Sites are shown in Figure 4.3.

A survey of current journey times was also undertaken in the York Street area, including the Westlink and the M2 and the M3 motorways, to assist in defining current operating conditions within the corridor. The surveys were carried out using two survey vehicles over two routes, namely the Red Route and the Blue Route, between 7am and 7pm to record variations in journey times throughout the day.

A total of 112 runs were carried out over the two days for the two routes.

The Journey Time Survey routes are shown in Figure 4.4.

THE PROPOSED SCHEME.

The Proposed Scheme would provide uninterrupted links between the Westlink and the M2 and M3 motorways. The existing link between the M2 and M3 motorways via the Lagan Bridge would be retained.

York Street would be realigned to provide a two-way running arrangement, with a single southbound bus lane in operation between the York Street/M2 motorway junction and Great Patrick Street.

Nelson Street between Dock Street and Great George's Street would be closed to traffic to accommodate the new links to and from the M3 motorway.

The Proposed Scheme would also provide a new link between Duncrue Street and the Westlink.

A detailed plan showing the Proposed Scheme and the associated junction arrangements is shown in Figure 5.1.

Costs, Risks and Optimism Bias.

Cost estimates were prepared for the Proposed Scheme. These costs were used to define both the total construction cost and total land cost for the Proposed Scheme.

Consultations with both NI Water and Translink identified an opportunity to introduce stormwater separation and to undertake strengthening works to several foundations of the Dargan Bridge as part of the Proposed Scheme.

As these works would be funded separately and there are no corresponding transport user benefits, the construction costs and benefits associated with these works have been excluded from the assessment.

The estimated cost of the Proposed Scheme in Q2 2013 prices, including an allowance of 16.5% for optimism bias, is £120.3m.

For the purpose of the economic appraisal, the cost profile is based on a three year construction period commencing in 2018 with the Proposed Scheme opening in 2021.

DEVELOPMENT OF COMPUTER MODELS.

The assessment of the transport economic efficiency and road safety aspects of a proposed road improvement scheme requires the development and application of various computer models. In the case of the Proposed Scheme, this has involved the development of a COBA (Cost Benefit Analysis) model and a QUADRO (Queues and Delays at Roadworks) model. In addition to these models, various detailed traffic models were created to assist in the development of the Proposed Scheme.

The COBA Model.

COBA is the standard computer model introduced in the 1970s to

examine proposed investments in the trunk road network by comparing the costs of the road scheme with the associated road user benefits.

The Do-Minimum network is the base road network against which the Do-Something network is assessed.

The locations of the links and nodes which define the COBA Do-Minimum network are shown in Figure 6.1.

The Do-Minimum COBA model was calibrated to reflect local conditions. To demonstrate that the model provides a reasonable representation of existing transport conditions in the area, the observed journey times and modelled times on the network derived from the COBA model were compared. The modelled Red Route time is within -4.5% of the observed time and the modelled Blue Route time is within +2.9% of the observed time, both of which are well within the 15% target defined in the DMRB.

The correlation between the observed times and the modelled times derived from the calibrated model confirms that the model provides a reasonable representation of actual operating conditions on the network.

The locations of the links and nodes which define the COBA Do-Something network are shown in Figure 6.2.

The QUADRO Model.

An assessment of the economic effects of the road user delays associated with the construction of the Proposed Scheme has been undertaken using the computer program QUADRO.

For the purpose of the QUADRO assessment, it has been assumed that traffic management would be in place for 24 hours per day, 7 days a week for

the estimated 3 years construction programme between 2018 and 2021.

Within urban road networks in general and the York Street area in particular, multiple diversion routes are available within the local road network for road users affected by the Temporary Traffic Management arrangements. A maximum queue delay of 5 minutes has therefore been defined in the QUADRO models to reflect the time that road users are willing to be delayed due to the roadworks before selecting an alternative route.

FUTURE CONDITIONS.

In accordance with standard procedures, it is necessary to establish changes in traffic demand over the full economic life of the scheme, which in the case of the Proposed Scheme extends to 60 years from the year of opening.

It is therefore considered that the most likely forecast of long term traffic growth within the study area for the assessment of the Proposed Scheme can best be defined by the application of national forecasts of traffic growth. The National Road Traffic Forecasts (NRTF) central growth projection has therefore been adopted to provide a reasonable estimate of long-term future traffic flows within the area over the 60-year economic assessment period.

Given the degree of uncertainty in predicting future traffic flows, the Proposed Scheme has also been tested considering NRTF low and high traffic growth projections.

A further test has been undertaken to consider the potential effects of releasing any suppressed demand when the Proposed Scheme opens. This high demand test is based on a high growth scenario with an additional 5% increase in traffic travelling on the strategic routes between the Westlink and the M2 and M3

motorways.

OPERATIONAL ASSESSMENT.

Traffic Flows.

The principal operational effect of the Proposed Scheme is to provide improved transport links for strategic traffic movements by providing a grade-separated interchange that avoids the existing signalised junctions.

The estimated 24-hour traffic flows for the Do-Minimum and Do-Something networks in the 2021 year of opening are shown in Figures 8.1 and 8.2 respectively.

Examination of the traffic flows on the Do-Something network indicates that 83,400 vehicles per day would transfer on to the new strategic links between the Westlink and the M2 and M3 motorways in the 2021 year of opening.

Journey Times.

Savings in journey times are generally one of the most significant benefits resulting from the provision of a new transport improvement scheme.

The reductions in journey times for the strategic routes based on COBA Flow Group 4, which represents the peak period, in the 2021 year of opening are as follows:

Westlink to M2 Motorway - 0.61 mins (19%) Saving;

" M2 Motorway to Westlink - 4.47 mins (56%) Saving;

Westlink to M3 Motorway - 1.84 mins (53%) Saving;

" M3 Motorway to Westlink - 2.50 mins (56%) Saving.

Network Capacity

Based on the information obtained from the COBA models, the

over-capacity links and junctions in the Do-Minimum network under NRTF central traffic growth were identified.

By the 2021 year of opening, peak demand would exceed capacity on 13 links and 6 junctions, increasing to 18 links and 7 junctions in 2035.

Examination of the results for the Do-Something network indicates that peak traffic demand in 2021 would exceed capacity on 12 links and 3 junctions, increasing to 18 links and 4 junctions in 2035.

Road Safety

Given the inherent uncertainties in predicting future traffic accident rates and casualty severities over the 60-year economic assessment period, the COBA assessment has been based on the application of default accident rates and costs. These have been applied to both the Do-Minimum and Do-Something networks to provide a reasonable measure of the relative change in road traffic accident characteristics associated with the two networks.

It should be noted that due to the characteristics of some of the new links relative to the existing links, the COBA model indicates that the various improvement options would lead to road safety disbenefits. For example, whereas the northbound approach to York Street on the existing Westlink currently has a 50 mph speed limit with a default accident rate of 0.174 Personal Injury Accidents/Million Vehicle Kilometres, the Do-Something option reduces the speed limit on this section of the road network to 40 mph with a default accident rate of 1.004 Personal Injury Accidents/Million Vehicle Kilometres. This results in a corresponding increase in accident numbers and associated disbenefits. This characteristic of the model should be taken into account when considering the road

safety effects of the Proposed Scheme.

Based on the application of default accident rates and costs, the Proposed Scheme would lead to an additional 955 personal injury accidents over the 60-year period, which equates to an economic disbenefit of -£49.4m.

However, it is recognised that this increase in road safety costs is a characteristic of the default accident rates in the COBA model and it is expected that the Proposed Scheme would contribute positively to road safety.

ECONOMIC APPRAISAL

The economic results based on the combined COBA and QUADRO appraisals are summarised below, expressed in 2010 prices.

Present Value of Benefits £174.57m.

Present Value of Costs £74.79m.

Net Present Value £99.78m.

Benefit to Cost Ratio 2.334.

The principal benefits of the Proposed Scheme result from savings in transit time, which equate to £263.98m.

The results include road user delay costs of £38.26m derived from the QUADRO model.

The results from the combined COBA and QUADRO appraisal indicate that the Proposed Scheme would deliver a Benefit to Cost Ratio of 2.334 and therefore represents good value for money.

SENSITIVITY TESTS

A series of sensitivity tests has been undertaken to examine the extent to which the combined results from the COBA and QUADRO economic

appraisals vary under various scenarios. The results of the sensitivity tests to examine the effects of different traffic growth forecasts are summarised below.

NRTF Low Traffic Growth BCR 1.563

NRTF Central Traffic Growth BCR 2.334

NRTF High Traffic Growth BCR 3.544

NRTF High Traffic Demand BCR 2.289

The results from the combined COBA and QUADRO traffic forecast sensitivity tests indicate that the Proposed Scheme would deliver a Benefit to Cost Ratio range of 1.563 to 3.544.

To test the sensitivity of the QUADRO assessment to changes in maximum queue delay, the Proposed Scheme has been tested by increasing the maximum queue delay from 5 minutes to 10 minutes.

The results of this test indicate that the BCR would reduce from 2.334 to 2.170.

CONCLUSIONS

My evidence has described the extensive data collection surveys undertaken over a period of many years throughout the progressive DMRB Stage 1, Stage 2 and Stage 3 Scheme Assessments to define baseline conditions and the level of congestion at the existing signalised junctions at the intersection of the Westlink, M2 and M3 motorways.

In addition to describing the development, validation and application of the various industry standard computer models, my evidence has presented the results of the operational and economic assessments of the Proposed Scheme and the results of the various sensitivity tests.

The results of the operational assessments indicate that the Proposed Scheme would reduce journey times in the York Street area.

The results of the economic assessments indicate that the Proposed Scheme represents good value for money with an overall Net Present Value of £99.78m and a Benefit to Cost Ratio of 2.334 under the NRTF central traffic growth forecast scenario.

The results of the various sensitivity tests indicate that the Proposed Scheme would generate a positive Net Present Value over a range of test scenarios where the overall benefits exceed the cost of the scheme.

Based on the above results, it is concluded that the Proposed Scheme would improve operating conditions in the York Street area and represents good value for money. Thank you.

MR MCGUINNESS: Finally, sir, can I introduce Mr Gareth Coughlin who is going to read in the Environmental Statement Summary Proof of Evidence.

PRESENTATION BY MR GARETH COUGHLIN

MR COUGHLIN: My name is Gareth Coughlin, Associate and Environmental Scientist with URS, the consultants appointed to assist TransportNI Eastern Division's Strategic Road Improvement Team in delivering the Proposed Scheme. I hold a First Class Bachelor of Science (Honours) degree in Environmental Science, and a Master of Philosophy degree, by research, in quarrying and its impacts on the environment. I am a Chartered Environmentalist,

Chartered Water and Environmental Manager, Chartered Scientist, and Fellow of the Chartered Institution of Water & Environmental Management (CIWEM). I am also past Chairman of the Northern Ireland branch of CIWEM.

I am the Environmental Coordinator for this project, responsible for the Environmental Impact Assessment (EIA) of the Proposed Scheme, and subsequent preparation and delivery of the Environmental Statement, published in January 2015. I have been involved in the management and coordination of the EIA of the overall scheme since 2008.

Scope of Evidence

Mr Spiers has outlined the background to the Proposed Scheme and the Statutory Procedures, and Mr Megarry has addressed the scheme development, up to the publication of Draft Orders and has set the context for the current Environmental Statement. My evidence will therefore deal only with the January 2015 Environmental Statement.

Structure of the Environmental Statement

The Environmental Statement has been reported in accordance with the Design Manual for Roads & Bridges (DMRB) Section 11.2.6 and comprises three volumes; these are:

Volume 1 Environmental Assessment - the main text of the document which includes separate Non-Technical Summary, separate Introduction (Part I), Environmental Assessment (Part II), Conclusions (Part III) and References and Glossary (Part IV);

Volume 2 Appendices - relevant supplementary information associated with Volume 1; and

Volume 3 Drawings - figures as referenced within the various chapters of Volume 1.

The Environmental Statement adopts the structure set out in the DMRB Volume 11: Environmental Assessment, which lists ten environmental topics as follows:

Air Quality;

Cultural Heritage;

Ecology & Nature Conservation;

Landscape & Visual Effects;

Land Use;

Noise & Vibration;

Pedestrians, Cyclists, Equestrians & Community Effects;

Vehicle Travellers;

Road Drainage & the Water Environment;

Geology & Soils.

The effects resulting from construction, and any associated disruption are assessed under these individual environmental topic headings. The effects on specific policies and plans are reported where they are most relevant (i.e. under Strategic Need for the Proposed Scheme and the individual environmental topic headings).

A number of Interim Advice Notes (IANs) have been issued by Highways Agency in relation to the DMRB environmental assessment techniques. Where applicable, the DMRB environmental assessment has been supplemented by or superseded using this guidance.

Separate Proofs of Evidence have been prepared in relation to Air Quality (Dr. Garry Gray), Landscape & Visual Effects (Mr. Paul Tully), and Noise & Vibration (Mr. Alf Maneylaws). Whilst my evidence provides a summary of these proofs, the specialists can be made available for responding to detailed queries on their respective topics throughout the course of the inquiry.

Legal basis for the Environmental Statement

The ES has been issued in accordance with the EIA Directive and required by Part V of The Roads (Northern Ireland) Order 1993 as substituted by The Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 and amended by The Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 2007.

As per the requirements of The Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 1999, the Environmental Statement contains the information referred to in Annex IV of the EIA Directive, which is relevant to the specific characteristics of the Proposed Scheme and to the environmental features likely to be affected.

Consultation.

An integral element of the environmental assessment includes consultation with statutory authorities and other interested bodies to establish any relevant constraints or factors to be taken into account when considering the Proposed Scheme. All statutory consultations undertaken to date were in accordance with a Communications Plan, developed in line with TransportNI's brief for the Proposed Scheme and their 'Communications Guidelines for Major Works Projects' document and 'Good Practice Communications Guide'.

Summary.

On the basis of comprehensive preliminary investigations and statutory and public consultations, the significant environmental effects have been identified. These effects have been investigated and reviewed, and are presented in the Environmental Statement, Volume 1, Chapters 8 through to 17.

It is important to emphasise that the process of interchange option selection has by its nature, resulted in reducing impacts for many of the aspects considered. Clearly, these benefits are not revisited in the Environmental Statement, which only reviews the Proposed Scheme. This should be borne in mind when reviewing the Environmental Statement.

The following sections provide a very succinct summary of only the key findings of the environmental assessment. Reference should be made to the full suite of environmental supporting documents produced to date, not least of which is the Environmental Statement January 2015.

AIR QUALITY

Chapter 8 of the Environment Statement presented an assessment of the likely effects of the Proposed Scheme on local air quality and regional air quality. The assessment approach is consistent with current guidance set out in the DMRB, Advice Note HA207/07.

The Proposed Scheme construction works have the potential to generate emissions of dust and fine particulate matter. However, with the proposed mitigation measures applied appropriately the adverse effect of the works as a whole would be reduced to a level that can reasonably be considered to be acceptable. The contractor would prepare a management plan that details the

measures that would be used to control emissions of particulate matter and this plan would be submitted to Belfast City Council for their approval.

The Proposed Scheme would not have a significant effect on regional air quality as the magnitude of predicted changes in regional air pollutant emissions are small. However, there would be minor effects on regional air quality with the operation of the Proposed Scheme due to the increased flow of traffic and the additional road link length.

The likely change in long and short-term air pollutant concentrations have been quantified using a dispersion model, that has been calibrated against measurement data for locations within the study area. It is predicted that there would be a minor adverse effect of the Proposed Scheme at a small number of properties within The Belfast Air Quality Management Area (AQMA) No.1 and at a small number of properties located alongside North Queen Street. This would be counter balanced by the magnitude of the reductions in annual mean concentrations of nitrogen dioxide at other receptors in the Belfast AQMA No.1.

The Proposed Scheme would not prevent the successful implementation of strategies for the sustained achievement of air quality objectives in Belfast. On balance, it is considered that the Proposed Scheme has a Neutral effect with respect to air quality overall.

CULTURAL HERITAGE

The assessment of cultural heritage within the study area reviewed the three subtopics of archaeological remains, historic buildings, and historic landscapes. In accordance with DMRB 11.3.2.3, a 'Detailed' Assessment was deemed the most appropriate level of assessment.

The assessment concluded that there would be no physical impact as a result of the Proposed Scheme on any buildings of historic interest (designated and non-designated assets), but there would be impacts on the setting of a number of these that are in close proximity; and a number of archaeological assets would be impacted. The Proposed Scheme design has avoided impacts where possible and minimised adverse effects, however, the overall significance of effect on the cultural heritage assets would be Slight Adverse. There would be no impact on high value archaeological assets.

ECOLOGY & NATURE CONSERVATION

The assessment was undertaken in accordance with the requirements of DMRB 11.3.4 and supplemented or supported by other relevant survey and assessment guidance.

Overall, the assessment concluded that the Proposed Scheme would have a relatively low effect on the ecological value and conservation status of the area, its habitats and its species. Typically, urban species adapted to live in such environments were found and, as such, are not considered particularly sensitive.

Due to the proximity and hydrological link of the Proposed Scheme to the existing Belfast Lough and Belfast Lough Open Water Special Protection Areas, and Belfast Lough Ramsar site, a Habitats Regulations Assessment was undertaken in tandem with the ecological assessment. A Statement to Inform the Appropriate Assessment was prepared, and concluded that there would be no significant effect on the integrity of any designated Natura 2000 sites with implementation of the Proposed Scheme, either alone or in combination with other plans or projects.

LANDSCAPE EFFECTS

The assessment was carried out in accordance with the Highways Agency Interim Advice Note (IAN) 135/10 'Landscape and Visual Effects Assessment', and supported by guidance from the Landscape Institute and the Institute of Environmental Management and Assessment 'Guidelines for Landscape and Visual Impact Assessment: Second Edition' (2002).

There are no significantly sensitive landscape features within the lands required for the Proposed Scheme. No Areas of Outstanding Natural Beauty or Areas of High Scenic Quality would be affected. Clifton House and grounds (a Local Landscape Policy Area, and Historic Park, Garden and Demesne) would be the closest landscape designated area to the Proposed Scheme and some of the elevated elements, such as highway lighting and signage, may add further uncharacteristic elements to its wider setting.

Considering the existing conditions of the site (comprising mostly commercial buildings, surface car parks, and road infrastructure), the Proposed Scheme would generally blend into the site context, albeit with appropriate mitigation.

Views from dwellings in proximity to the Proposed Scheme would change. The majority of potential receptors would experience a Neutral or Minor Adverse visual impact in Year 1. The mitigation measures would further reduce the visual impact, especially after Year 15 (15 years after opening), when proposed screen planting would have matured. A small number of receptors would still experience adverse visual effects which are regarded as significant, i.e. 'Large' or 'Very Large', in Year 15.

LAND USE

The assessment of impacts on land use was undertaken in accordance with the requirements of DMRB 11.3.6. The assessment covered the effects arising from direct and indirect impacts upon private property, private land, development land, and restoration proposals for abandoned waterways. The effects on agricultural land were scoped-out of the assessment due to the urban nature of the area.

The assessment concluded that a total of six properties (two government, three commercial and one community) would be demolished (including associated landtake). Four of these would be lost to accommodate permanent elements associated with the Proposed Scheme, and two properties would be lost as a result of phased construction works.

A total of thirteen plots would be subject to private land loss impacts in order to accommodate various permanent elements of the Proposed Scheme. Furthermore, it is expected that three plots would also be subject to private land loss impacts as a result of temporary works during the construction phase. For the majority of properties affected, the significance of effect would be neutral as a result of either negligible losses or minimal disruption to continued usage of these lands. Nevertheless, adverse effects associated with private land loss would be experienced with this scheme, though offset to some degree by the opportunity to combine severed parcels of residual lands into larger plots and making these available for potential future development.

Only four planning applications would be lost in their entirety to accommodate the Proposed Scheme.

No areas of community land or BMAP designations, policies, proposals or zonings for development land would be adversely affected by the Proposed Scheme.

NOISE & VIBRATION

A noise and vibration assessment has been undertaken in accordance with the methodology for a 'Detailed' Assessment as described in the November 2011 version of DMRB 11.3.7 (HD 213/11 - Revision 1). The assessment covers both long-term noise and vibration impacts from operation of the Scheme, and temporary noise and vibration impacts from construction of the Scheme. This included a baseline noise survey.

For the operational assessment, road traffic noise levels have been calculated at all residential and sensitive non-residential properties within a 400-metre buffer around the Proposed Scheme, with and without the Scheme in operation.

For the operational vibration assessment, the calculated noise levels at all residential properties within 40 metres of the Proposed Scheme have been used to estimate the change in numbers of people affected by traffic vibration nuisance.

Temporary noise and vibration impacts resulting from the construction phase have been calculated at a representative set of receptors for a range of construction activities, employing the procedures in BS5228: 2014 Part 1: Noise, and Part 2: Vibration. The estimated noise and vibration levels have been assessed against the limits provided in Belfast City Council's Advice Note for construction and demolition sites.

Mitigation has been specified to reduce the operational noise impacts of the Proposed Scheme. This comprises the provision of two additional noise barriers along the northbound and southbound carriageways of the Westlink, and the provision of low noise surfacing on interchange links between the Westlink, M2 and M3, and the slip roads from these to the local road network.

A range of good site practices would be adopted in order to mitigate construction phase noise and vibration impacts. These would be presented in the Construction Environmental Management Plan.

With the specified mitigation, operational noise impacts resulting from the Proposed Scheme have been assessed as negligible/minor negative in the short-term and negligible in the long-term. Operational vibration impacts have been assessed as negligible.

With a robust mitigation strategy in place, and taking into consideration the short-term nature of some of the construction activities, the significance of construction noise effects has been assessed as minor negative. The significance of construction vibration effects has been assessed as negligible.

Overall, the significance of the noise and vibration effects of the Proposed Scheme has been assessed as Negligible.

PEDESTRIANS, CYCLISTS, EQUESTRIANS & COMMUNITY EFFECTS

The assessment of pedestrian, cyclist, equestrian and community effects was undertaken in accordance with the requirements of DMRB 11.3.8.

The assessment concluded that strategic and local traffic interaction would occur through a much improved highway environment. The flow of local traffic through the interchange would become more regulated and the safety of the

highway environment would improve for the vehicle user. However, even though some roads would not be subject to physical alteration, they would be subject to traffic redistributional effects as a result of proposed changes to other parts of the existing road network, altering routes taken to complete desired journeys.

Six community facilities would be lost in their entirety to accommodate the proposed scheme. A number of community facilities would also experience direct land loss or access impacts, however their continued usage during the operational phase is unlikely to be significantly affected.

The reduction in strategic traffic interaction, resultant freer flowing traffic conditions, and inclusion of a southbound bus lane on York Street would be of benefit to and help improve the quality of public transport services in delivering a modern, integrated transport system for the Belfast Metropolitan Area. However, a number of bus services utilising the wider road network, which although not directly affected by the proposed scheme, would be adversely affected by the traffic redistributional effects associated with changes to the existing road network.

In terms of amenity and relief from existing severance, the benefits associated with grade-separation of strategic links between the Westlink and M2/M3 would be significant, as pedestrians would no longer be in direct interaction with strategic through traffic within the interchange via signalised junction arrangements.

With the proposed changes to York Street, the new cycling provision would be an enhancement over existing conditions and the improvements to the junction and surrounding road layout (particularly in relation to the separation of strategic and local traffic) would result in safety benefits, reduction in

severance, and improvements in journey time and ambience.

VEHICLE TRAVELLERS

The Vehicle Travellers assessment includes 'Views from the Road' and 'Driver Stress' and has been undertaken in accordance with the requirements of DMRB 11.3.9.

The assessment concluded that vehicle travellers on most of the road links would experience a limited change in view and it is expected that grade-separation of strategic links between the Westlink and M2/M3 would generally result in reduced stress levels.

ROAD DRAINAGE & THE WATER ENVIRONMENT.

The assessment was undertaken in accordance with the requirements of DMRB 11.3.10.6, and included identifying principal watercourses and assessing the potential impact on floodplains. To analyse the polluting potential from road runoff on adjacent receiving waters, an assessment was made of accidental spillage risk and runoff contaminant concentrations.

The assessment concluded that the Proposed Scheme would have minimal impact upon the water environment, from a water quality, hydromorphology and spillage risk perspective. It is unlikely that the Proposed Scheme would cause deterioration in the Belfast Harbour coastal water body, or prevent it from meeting its Water Framework Directive objectives.

There would be no overall risk to groundwater quality, as no discharges of road runoff to the ground are proposed with the drainage design.

The Proposed Scheme would be located in the coastal floodplain and without the flood protection measures incorporated, the proposed underpasses

would be susceptible to flooding for events in excess of a 2% Annual Exceedance Probability (1-in-50 year) flood event.

GEOLOGY & SOILS

The Geology & Soils assessment was undertaken in accordance with the requirements of DMRB 11.3.11.7 and addressed the impact on important geological mineral deposits, soils, and the possibility of hazardous materials being exposed. Any sites with educational or scientific interest due to their rarity were also considered.

The assessment concluded that there are relatively few key issues with regards to disturbance of soils, made ground, engineered fill, superficial deposits and bedrock. There would be no significant impacts on solid and superficial geology, or on soils of the region. Essentially, the removal of some soils and drift material of limited importance, gives an overall neutral significance of effect.

While ground investigations have been undertaken, there is still potential for yet unidentified contamination to be discovered. If previously unidentified contamination is encountered during site works, a programme of soil sampling and testing would be undertaken to assess the appropriate remediation/mitigation measures, as outlined in sub-section 17.7.2 in Volume 1 of the ES.

CUMULATIVE EFFECTS

The assessment of cumulative effects was undertaken in line with DMRB 11.2.5 and 11.2.6.

The technical assessments have considered the likely significant

interacting impacts within each chapter of the Environmental Statement. During the assessment process, co-ordination took place between assessment specialists to ensure that interacting impacts were identified, assessed and, where appropriate, mitigated.

The potential for combined effects of a number of different projects, in combination with the project being assessed, has also been considered.

In terms of cumulative impacts from different projects, in general the effect would only be locally significant at worst and would not be a key decision making issue.

The Proposed Scheme was also tested against a 'High Demand' traffic growth scenario, which would better reflect the potential increase in demand if the proposed developments in the surrounding area are realised (i.e. as a worst case scenario). Again, in terms of cumulative impacts from different projects, in general the effect would only be locally significant at worst and would not be a key decision making issue.

CONCLUSIONS

The Environmental Statement summarises the environmental assessment carried out in accordance with National and European regulatory requirements.

The Environmental Assessment has been undertaken following the standard methodology set out in the DMRB Volume 11 (Environmental Assessment).

The gathering of baseline environmental data and subsequent assessment of the potential environmental impacts of the proposed scheme have

been used to develop appropriate mitigation measures. Many of these mitigation measures are incorporated into the design of the proposed scheme and reduce the impacts of the proposal.

Overall, although there are a number of significant environmental effects which cannot be overcome by appropriate mitigation measures, such as loss of property and private land, visual impact, and impact on community facilities, when considered against the total benefits of the proposed scheme, and with mitigation measures in place, it can be concluded that on balance these impacts are acceptable.

Since completing the Environmental Statement, the scheme has been subject to a sustainability assessment and has subsequently been awarded an 'Excellent' rating at Interim stage under the CEEQUAL sustainability assessment, rating and awards scheme for civil engineering projects.

Thank you, Mr Inspector.

MR MCGUINNESS: Sir, that concludes the presentation on behalf of the Department. I understand you anticipated taking a break at this stage?

THE INSPECTOR: Yes, I do. Let's have a break after those heavy inputs over the last couple of hours, and we will resume again at 12.15.

(Short Break)

THE INSPECTOR: Let's start the next session. There is half an hour available now for anyone in the room who wishes to get any clarification on the input from the four people from the TransportNI team. Can I stress again that

this is clarification at this stage. This is the type of situation where you have read something perhaps in the Environmental Statement somewhere and you didn't fully understand what it meant. If you have a situation where you read something in the Environmental Statement and you disagree with it then that really comes into your objection, and the objection, of course, we are hearing from this afternoon onwards. So do please try and make that distinction. If there is some additional information or anything you want clarified this is the time to do it.

So I will throw it open the floor. Anyone wish to look for clarification on any particular point? When you speak if you can give your name.

QUESTIONS BY MR ACHESON

MR ACHESON: I am Arthur Acheson, Architect. Am I right in saying, Chairman, that the European 10T route runs from Cork through Dublin to Belfast and ends in Belfast so it doesn't connect with Derry/Londonderry, Dungannon, Coleraine or even Bangor?

MR SPIERS: As I understand it it comes down the east of the coast from Belfast down to Dublin and beyond. That is quite clearly from Belfast down through Cork.

MR ACHESON: Does that extend through to Larne?

MR SPIERS: That corridor actually starts in Belfast.

THE INSPECTOR: Thank you.

MR ACHESON: A second question regarding the Strategic Advisory Group. As far as I am aware no applications for membership were invited on a public appointments basis, and the Strategic Advisory Group didn't

include any community representatives, and reports about matters of the detail in the local area which I will come to later, but I just wanted to clarify that there was no public appointment and the membership of that Group was a closed Group organised by the DRD?

MR SPIERS: Mr Inspector, the Strategic Advisory Group was formulated from various interested parties, and includes representatives from the Forum for an Alternative Belfast as well as from Department of Social Development, Belfast City Council and the Planning Department and our own strategic advice, and includes also a representative from the University of Ulster. The people on the names and the representations is quite clearly at the front of the report.

THE INSPECTOR: Does this constitute a closed group, is this a group that you decided to put yourselves together or was it open for others to join?

MR SPIERS: Sorry, Mr Inspector?

THE INSPECTOR: Was it a closed group in that you decided who was going to be part of it, or was it open for other people to join?

MR SPIERS: There was no open applications for membership of the group.

QUESTIONS ON BEHALF OF VECTRA BY MR JOE BROLLY

MR BROLLY: My name is Joe Brolly and I have been instructed by Paschal Lynch and Kieran Kelly who have the road management proposal which you are aware of.

The first question that I have relates to something that Mr Bissland said, and I have to say I did find it -- I am sure this will be in common with a lot of the members of public -- great difficulty in understanding what it was that you were actually trying to convey. But you did say this, and first of all I want to see if you did say it:

"Even though the scheme will create increased accidents we expect it to contribute positively to road safety."

Did you actually say that? Did you actually say that, even though the scheme will result in increased road traffic accidents we expect it to --

MR BISSLAND: What I said is that the application of default accident rates in the model indicates an increase in the number of accidents, but the application of default accident rates has to be looked at in detail.

MR BROLLY: I did think you had said that, and I would like to explore that. It seems to me to make no sense but let's go through it in steps. You have used a standardised model, a default model in relation to generalised approaches to road traffic accidents to come up with the figure?

MR BISSLAND: We have used the default accident rates which are in the COBA model for both the 'do something' and 'do-minimum' networks.

MR BROLLY: That is what the computer says in essence.

MR BISSLAND: The computer programme has default accident rates and costs for specific link types, yes.

MR BROLLY: So you are not taking into account the actual characteristics and the actual localised features of the planned scheme?

MR BISSLAND: It is based on the default rates within the

programmes.

MR BROLLY: There is no assessment of the actuality of the reality of the scheme and how it will work in practice?

MR BISSLAND: When we are looking at the 'do something' scenario we don't have actual accident rates so we have to do a comparison that's relative to do-minimum and do something, so use default rates for both do-minimum network and do something network.

MR BROLLY: So the assessment is meaningless, it doesn't mean anything?

MR BISSLAND: No, the assessment is the recognised industry standard mechanism for looking at the differences between a do-minimum network and a do something network.

MR BROLLY: How can that be right? And I will tell you why I mean that? You say: That is what the model produces, a 31% increase in road traffic accidents forecast as a result of the new system. That is what the model says. This is Table 5.7, 1B, Part 2, Vol 1, January 2015 of the URS report. In that forecast a 31% increase in accidents in accordance with the model that's used, you say that is not meaningless, that that means something. If it does mean something how can your conclusion in your report and in what you have said today be: We believe this will improve road safety. How does that work?

MR BISSLAND: Can I clarify? The default accident rates in the COBA programme are based on the speeds of the links. The strategic links between the Westlink and the M2 have a 40mph speed limit on them. COBA assumes that those links are typical of any other urban type link, the kind of links

which have a 30-mile per hour or 40 miles per hour speed on them. Because of that it assumes the links have junctions, direct frontage access, on street parking, everything that's associated with that typical type of urban road.

MR BROLLY: It makes assumptions that are not necessarily valid.

MR McGUINNESS: I wonder if the witness can be allowed to finish his answer and then Mr Brolly can ask questions.

MR BISSLAND: If we can accept that the strategic links are not that type of link, they don't have on street parking, don't have junctions, don't have frontage access, but there is no mechanism within the COBA programme to change that. We have to use the 40-mile an hour speed limit. That triggers a default and that results in increased number of accidents and increased number of costs. Once we see the results compared to the model it is up to ourselves to interpret those results, and in this case what I am saying is those results are not directly representative of the type of link that we are putting in. We have to work around within the limitations of that bit of the COBA sub model.

MR BROLLY: Where is that more detailed localised assessment carried out? It seems that this means all things to all men, that you can arrive at an assessment of 31% increase in road traffic accidents and say: That is meaningless anyway, there is very little point in us going through that charade because we can say: We think the proposal will work fine, we don't think there will be that number of accidents as, in fact, you did in relation to the Vector proposal where you applied the COBA model and said: We think that there will be a significant problem with road safety in relation to this. You understand, it means all things to all men and in

the end it doesn't mean anything.

MR MCGUINNESS: I want to clarify first of all, COBA has not been applied to the Vector project and the reason it hasn't been affected is because Vector haven't undertaken a proper management assessment as is required by COBA and is required under DMRB, so let's be clear there is no COBA assessment. That is one of the difficulties.

MR BROLLY: We will come to that tomorrow.

MR BISSLAND: Can I answer that question?

MR BROLLY: Yes.

MR BISSLAND: We have not undertaken any COBA assessment of the Vector proposal. Just to clarify that. The second point is, I think you will appreciate that the COBA default accident rates for a 40-mile per hour road with frontage access and on street parking, that is not representative of what the actual strategic link is, okay? Therefore, we have to make a judgment on where the application of that defaults rate is appropriate. I have concluded that we have to use it because the default rate, the end result is not appropriate. The reason, if we were to run a test at 50 miles per hour rather than 40 miles an hour then that £49m disbenefit would actually become a benefit. It is as simple as that. It is all because the defaults are not suitable for the characteristic of the link.

It is up to ourselves as the people, the professionals undertaking the assessment to interpret what is coming out of the COBA model and apply our judgment to it.

MR BROLLY: You see, it comes back to my original point which is that the assessment is meaningless, a 31% increase in accidents, you say, is

meaningless, irrelevant.

MR BISSLAND: The point that I am trying to make is the application of the default accident rates in this case is not representative of the types of links that we have in this model. Therefore, we need to run the model as it is and interpret the results coming out. We could have just gone forward and had 50-mile per hour speed limits but that would then have adversely affected the travel time benefits coming out of it, so we have to maintain the 40-mile per hour speed limit to get the correct speeds for the assessment, but then interpret the results out of the sub model, and that is exactly what we have done in the report.

MR BROLLY: What that means is you have no idea what impact it is going to have on road traffic accidents. What you have done is you fed this into the computer and it comes out and you don't like the findings and say: I think things will be fine.

MR McGUINNESS: This is a pejorative line of questioning. He is suggesting this man has no idea. Now there are two points, firstly that should be backed up by some empirical evidence. This is an experienced road engineer who indicated that he looked at the model and he interpreted the results. If my learned friend has some evidence to suggest that his interpretation is incorrect then he ought to put it, in my respectful suggestion. He can't just say this is meaningless, you have no idea. He can question, he can ask for clarity, but he can not put it in that manner, is my respectful submission.

MR BROLLY: Mr Bissland himself said it is not relevant and he has now looked at it through the prism of his experience and feels that the COBRA model is not relevant.

THE INSPECTOR: I think we have explored this one enough. I hear there is a model which you have run and interpreted as not being completely applicable to these set of circumstances that you are facing here, and there is an alternative to be used, so you have done an interpretation. That may not be satisfactory --

MR BISSLAND: It is also worth noting that we have carried that minus £49 million disbenefit all the way through the economics. It is not as though we are trying to compensate for it. We have fully reported all the results coming out of the COBA model and have then placed our interpretation of what is coming out of that based on our experience, which is perfectly reasonable.

MR BROLLY: You say it is perfectly reasonable but it is not backed up by any evidence of any kind throughout any of the documentation. You don't say: For the following reasons, or X, Y and Z and here is the actual figure, this is something that would approximate to reality. I want to ask you about your consideration of localised conditions.

MR McGUINNESS: There is a statement there that has to be addressed. There is a statement and Mr Brolly is moving onto another question. Let the witness, the first statement by Mr Brolly is that there is no evidence anywhere of what the actual figures are. Now, if you made an estimation of what the actual figures would be and if you fed that into the COBA model would that be a disbenefit or a benefit?

MR BISSLAND: We don't have access to the actual information to allow us to make that determination, but it is important within the COBA assessment to make sure we are comparing like with like. So by using default

accident rates in the do minimum scenario and the do something scenario we get a direct comparison between the two sets of models.

MR BROLLY: You have no access to any evidence to back up what you said, you think that road safety will improve as a result of your scheme. Mr Spiers said to the two boys from Vector: "I have a gut feeling it won't work."

MR MEGARRY: Mr Inspector, if I could add at this point, it is pertinent to set out the road safety audit --

MR BROLLY: I am coming to that, it is our opportunity to ask you questions.

THE INSPECTOR: I think this is going to go backwards and forward endlessly. Do you have a further point?

MR BROLLY: Yes. I want to ask you, I want to have some clarification in relation to that very issue of road safety. I want to first of all bring you to the road safety audit, stage one, May 2014.

Before that, I want to ask for a small piece of clarification before I ask these questions. Is it correct that the consultancy firm that carried out the road safety audit is the same consultancy firm that designed the scheme?

MR MEGARRY: Yes, that is correct.

MR BROLLY: So you are in essence critiquing your own scheme?

MR MEGARRY: The requirement within the standard is that there is sufficient professional distance between the audit team and the design team, and that is what we put in place. The audit team happen to be professional engineers based in Newcastle-upon-Tyne who had no involvement with the scheme design.

MR BROLLY: Before I go to the direct questions about the safety audit and how that proceeded, the consultants costs, URS Global now, if the DRD scheme proceeds the consultants costs are set out in the proposed scheme as £10.1m. That is the estimate, that is not what it might actually turn out to be, but the preparation and supervision costs of the scheme is £10.1m; is that correct?

MR BISSLAND: I think you are quoting the numbers from the appraisal. The DMRB requires us to standard values for preparation costs and supervision costs at this stage of the assessment. The standard value from DMRB is that 5% of the total construction and land cost would be supervision costs, and 6% of the total construction and land cost will be the preparation costs. Those are standard values --

MR BROLLY: Which will probably equate to about 18 to £20m based on that, and if there are overruns, as is typically the case, they could run to a quarter of a billion, your fees will then be very close to £30 million.

MR BISSLAND: Again to clarify, this is not a direct link to our fees. These are the standard values defined in DMRB which we are required to use. They are 5% and 6% for supervision and preparation.

MR BROLLY: I mean, you are aware the cost of the Vector scheme is roughly £1m.

THE INSPECTOR: I think we are getting into different territory here.

MR BROLLY: I accept that. The audit. We will go to the audit and perhaps if we could look first of all at perhaps the most critical aspect of all of this, which has not been referred to by anyone in the course of their presentations,

and I think you know what it is.

In the road safety audit of May 2014 the problem that was identified was very limited northbound weaving length on the Westlink as you approach the end of the Westlink, because we know there is an underpass on one link, subterranean road that takes you through to the M3. Then you have a two lane subterranean road that takes you to the Westlink, and then on the left you have the York Street exit. The road safety audit identified some serious problems, did it not, with the weaving distance when you come to that area, it identified serious problems?

MR MEGARRY : I think it would be helpful if you have a particular recommendation in mind.

MR BROLLY : I think the members of the public are entitled to hear what the approach to safety is on such a vitally important build. The question is this, were there serious concerns about road safety in relation to the weaving length at the bottom of the Westlink as it headed onto the M3 single lane link, and M2 double lane link and York Street, yes or no?

MR MEGARRY : If your reference is to the problem raised to under 3.1 --

MR BROLLY : It would be really helpful if you would answer the question.

MR MEGARRY : I am just trying to clarify --

MR BROLLY : We are on the same page, yes.

MR MEGARRY : If the problem that you have identified is in relation to problem 3.1, then yes, the auditor did raise concern --

MR BROLLY: Serious concerns.

MR MEGARRY: Concern with regard to the movements of the traffic from the Clifton Street on-slip, such that a recommendation was made that the Clifton Street northbound slip lane should be closed.

MR BROLLY: About £10.1m at least of public money is going to be spent on consultants, of which you are one. The public are here today to find out if there are serious problems with this scheme or not. You have a duty to the people who are here to answer these questions in plain English. Were there or were there not serious concerns expressed in the audit about safety at the crucial junction at the bottom of the Westlink at the York St Interchange, yes or no.

MR MEGARRY: If it is helpful I can read out --

MR BROLLY: I will read the problem in a moment. Would you answer the question?

MR McGUINNESS: It has been answered.

THE INSPECTOR: Gentlemen, I would appreciate if we would realise that this is not a court, and I would prefer to keep it harmonious rather than on a challenging basis, if you would please.

MR BROLLY: Very well. The conclusion was this, there is a potential for a significant amount of conflict between merging and diverging traffic, vehicles moving from Clifton Street merge to the M3 link would have to move three lines to the right, crossing two lanes of through traffic to the M2, as well as traffic moving from the Westlink to the York Street link. The weaving link at 220 metres is considered to be slightly less than the minimum for an urban motorway, and the diverge a little further at 50 metres. At that stage if you want to

get into the M3 it is now a tunnel, in essence, you have to be there to get in because you can not continue on and merge --

MR MEGARRY: There are no tunnels.

MR BROLLY: -- the subterranean road which is then separated off. The conclusion was that it is considered this merge diverge arrangement is too complex and too confined and could lead to change shunt collisions; is that correct?

MR MEGARRY: That is what it says.

MR BROLLY: And the recommendation was to close the Clifton Street northbound merge slip road; is that correct?

MR MEGARRY: That is correct.

MR BROLLY: That audit has not changed. Their recommendation remains the same.

MR MEGARRY: Certainly the audit has not changed, but if I could outline the fact that the process of audit is set out in HD19. For the benefit of those listening, road safety audit is applied at various stages of the design, four stages. Stage one being the preliminary design, the point we are currently at. Stage two is a detailed design. Stage three is following completion of the construction of the scheme, and stage four is at 12 months and 36 month post completion period. The audit reports which were publically available, and have been, the process outlined in HD19 allows for a process in the Exception Reports. These are whereby the project sponsor, in this case represented by the Department, has the ability --

MR BROLLY: I wonder if I could stop you for a moment. We will come to the next phase, so if you bear with me and when I am finished you can

say what you want to say.

MR MCGUINNESS: With great respect, if an answer to a question requires clarification then the witness ought to be allowed to clarify it and then further questions can be put. It is not appropriate to hector the witness.

MR BROLLY: I will reduce the scope of the question, we will ask it this way.

MR MCGUINNESS: Perhaps the witness can answer the question.

MR MEGARRY: I think it is pertinent to add that the project sponsor identified through the process of HD19 is allowed, based on defined -- there are a number of factors that if they are considered to have been met I would need to actually refer to the standard, Mr Inspector, but they basically -- if I can paraphrase, where the impacts have undue environmental impact, where the impacts have undue economic impacts upon the scheme, then an Exception Report to the audit recommendation can be made. An Exception Report --

MR BROLLY: I am coming to it. The purpose of this is not for you to make speeches but to answer questions. I understand you may be happier making speeches, but the purpose is for you to answer questions.

THE INSPECTOR: You didn't hear the answer to the question before you interrupted --

MR BROLLY: I know what it is.

THE INSPECTOR: Gentlemen, can I remind you that this is an information gathering exercise from our point of view. I don't want it to turn into a points scoring exercise. This is not a court --

MR BROLLY: I think £165m of taxpayers money is not a point

scoring exercise. I am asking this gentleman as part of the consultancy firm some very simple questions, and I think it is incumbent on the Chair to suggest that he answers the questions. The purpose of Chair is to facilitate the public. This is a Public Inquiry.

THE INSPECTOR: Please don't dictate to me what the purpose of this Inquiry is. You are exceeding that you are authority here. Can we keep this more on a conversation level rather than confrontational level, and I think when people are speaking they should be allowed to finish. Can you finish the point that you were trying to make?

MR BROLLY: Mr Megarry, the road safety audit was issued in May 2014 and it said you must close Clifton Street, it is dangerous to leave it open, right?

MR MEGARRY: The recommendation was as you read.

MR BROLLY: Because it is dangerous?

MR MEGARRY: The recommendation was raised in a road safety audit.

MR BROLLY: Yes, because it will cause mayhem at the junction between the M2 and M3 as you come off the Westlink. Mayhem. That is what it says.

MR MEGARRY: I don't believe it does say that --

MR BROLLY: It says:

"A potential for a significant amount of conflict between merging and diverging traffic. Vehicles moving from Clifton Street merge to the M3 Link will have to three lanes to the right crossing two lanes of through traffic to the M2

as well as traffic moving from the Westlink to the York St Link. The weaving length at 220 metres is considered to be slightly less than the minimum for an urban motorway and the diverge to Link is only 50. It is considered this merge diverge arrangement is too complex and too confined and could lead to lane change shunt collisions. Recommendation close the Clifton Street northbound merge slip road."

I am going to come back to that in a moment because I am going to ask for clarification.

THE INSPECTOR: Can I also draw attention to the fact that we have half an hour to cover this. We are now running into the next presentation. A lot of this sounds to me as though it would perhaps be more appropriate tomorrow morning when your client is actually speaking for a period of two hours.

MR BROLLY: I have only a few more areas to cover.

THE INSPECTOR: Please be brief and to the point.

MR BROLLY: I think you might direct that to the witness.

THE INSPECTOR: I direct that to both sides.

MR BROLLY: I can accept that. We then move forward from May 2014 because, you see, the road safety audit closing Clifton Street, that recommendation if it is implemented kills the entire scheme, is that correct? If that is implemented, closing that for the purposes of road safety, that kills the entire scheme, is that correct? It is unviable. It doesn't work.

MR MEGARRY: I don't know on what basis you are making that.

MR BROLLY: Exception Report prepared in accordance with what you have just told us about, HD19, paragraph 2.75:

"Problem, limited northbound weaving length. Recommendation of

Road Safety Authority, close Clifton Street northbound slip road as identified by Road Safety Audit Report.

It is not proposed to implement this recommendation since the solution recommended is not considered to be suitable given the relevant economic and environmental constraints."

I will ask you what that means in a moment.

"The economic impact of closing the Clifton Street on-slip", this is the very heart of the scheme, right in the centre of the scheme that you propose, "the economic impact was assessed using the Department for Transport's COBA software. Results from this analysis have identified that the closure of the Clifton Street on-slip road would lead to significant/adverse impacts in the economic performance of the scheme and may render the scheme economically unviable."

Ergo it kills the scheme, the scheme becomes pointless, okay, isn't that what it means?

MR MEGARRY: That is the basis upon which the project sponsor may issue an Exception Report.

MR BROLLY: So they said; okay, let's not worry about traffic mayhem down there, increased road traffic accidents, we are not sure what it will be but there will certainly be a lot of accidents. Let's forget about safety on this one because it is going to bring down the whole scheme.

MR McGUINNESS: That is not a question, that is a statement.

MR BROLLY: I take that point. In essence here we are, the nub of it, we have got to close Clifton Street, it is going to be dangerous for drivers. It is going to be dangerous. Hold on, that destroys the whole scheme, it makes it

unviable. The solution, let's build it anyway. Those are the steps I have read out to you; is that correct.

MR MEGARRY: No, I don't believe that to be correct --

MR BROLLY: Tell me why.

MR MEGARRY: As I said, there is a process followed in HD19, there are certain conditions that when met can result in a road safety recommendation not being implemented. Those conditions in the opinion of the project sponsor for the scheme have been met, so we are entirely within the process set out within HD19.

MR BROLLY: Let me suggest to you, I can't think of any other way to describe it, it is mumbo jumbo. I have read out to you what the process was. This was the process, not what you said, which I don't understand.

THE INSPECTOR: I think we have reached the stage on this one where you have a point of view --

MR BROLLY: I don't think in fairness, Chairman, it is a point of view. It is a very significant point and I am going to move on and elaborate.

THE INSPECTOR: Please do.

MR BROLLY: The economic impact has been considered using the Department for Transport's COBRA software. Results from this analysis identify that the closure of the slip road will lead to significant adverse impacts in the economic performance of the scheme, it will render the scheme economically unviable. That is the process it went through. It destroys the scheme. We can't do it. Forget about safety. If we close Clifton Street none of this works. It is a waste of a quarter of a billion odd pounds of taxpayers money.

THE INSPECTOR: Can I again suggest there is a very fine dividing line, as we discussed before we began this morning, between clarification and objection. You seem to be very much making a point of objection here which I think again would be more appropriate --

MR BROLLY: Chairman, I don't think so. I was trying to Inquire of it him whether there was anything beyond the written words on the page.

THE INSPECTOR: You have the answer --

MR BROLLY: I have the answer now, Mr Chairman. I want to seek clarification on a number of other points.

THE INSPECTOR: How long is this going to take?

MR BROLLY: I simply can't say, Mr Chairman. These are important issues we believe.

THE INSPECTOR: So scrap the programme for the day just because you have a number of points to make. I want to hear what you have to say, but I wish you would keep to the point, keep it succinct.

MR BROLLY: I think I have kept it very succinct. I have put the points in short order and read the relevant passages.

THE INSPECTOR: All we can do then is we can only eat into lunchtime. Let's continue.

MR BROLLY: If the purpose of the public hearing is to run this through and to avoid questioning then I stop --

THE INSPECTOR: Then let's keep going.

MR BROLLY: Okay. You have identified in figure 5.3.1 the areas that were considered, that were given consideration in and around the York St

Interchange, and there are a series of blue boxes positioned to indicate the areas where you have considered issues relevant to traffic flow, correct?

MR MEGARRY: Sorry, Mr Inspector, I am not sure, are you still talking about the road safety audit?

MR BROLLY: We have moved on from that. I want to move on from that to consider the localised conditions and see whether or not if you have factored in any of the localised conditions when talking about road safety and road traffic accidents, because you say the 31% figure is an illusion. Let's look at localised conditions, and I want to ask if you have considered localised conditions. Is there anywhere where you have considered impact, actual road traffic accident impact of the non closure of the Clifton road on-slip northbound, is there anywhere where that is considered, the actual impact in terms of road traffic accidents and people's safety?

MR MEGARRY: Mr Inspector, as part of the road safety audit brief, details of accidents that have occurred in a set period are included for the benefit of the road safety audit team to ensure that they have a realistic picture of the history of the accidents in the area. In relation to analysis of future accidents with regard to a potential closure of the Clifton Street on-slip, no, we have not undertaken that.

MR BROLLY: So you have no idea what is going to happen here. You have no idea how many accidents there may be?

MR MEGARRY: That is correct.

MR BROLLY: You are hoping for the best, you have no idea.

MR MEGARRY: As I said, within the bounds of what the HD19

allows the project sponsor has prepared an Exception Report to a specific recommendation.

MR BROLLY: Do you know what the reason for that is, because it is economically unsustainable if the Clifton Street on-slip is closed. You have no idea what the safety implications are of leaving it open.

MR MEGARRY: Inspector, whilst I appreciate the focus of the audit is road safety, obviously the closure of the on-slip at Clifton Street would have a significant knock on affect to access from north Belfast, and it was felt that there would be an outcry with regard to the closure of the on-slip, but that is an aside. If we follow the process set you in HD19, the project sponsor has prepared an Exception Report within the bounds of what he is allowed to prepare.

MR BROLLY: So the busiest road in Northern Ireland we are just hoping for the best at this juncture. The computer model is irrelevant. We just have no model to speculate as to how dangerous it might be. We know the audit says it is dangerous. That is where we are in essence.

MR MEGARRY: Mr Inspector, if I could just point to the fact that we have made many, many presentations to many, many key stakeholders and stakeholders to the project, and I would hasten to say about 99% of those presentation always start with an explanation of the constraints upon the scheme. So we have not tried to shy away from the challenges imposed with creating a design that connects the strategic links. We have openly shared information. We have applied a process that considers specifically road safety audit. We have followed that process. We have taken on board recommendations. I believe we have followed the process that is set before us.

MR BROLLY: Cost benefit analysis depends on traffic flows, so your cost benefit analysis depends on the traffic flow; is that correct?

THE INSPECTOR: Can I intervene again? I don't want you in any way to feel that I am restricting what you have to say, I always approach running inquiries by saying that I want anyone that wants to speak have the opportunity to do so. We have a number of people lined up to speak after lunch. I am going to suggest that if you want to have additional time for us to come back on Thursday morning to discuss this in greater depth when we don't have a time constraint we can facilitate that, is that all right?

MR BROLLY: Yes. Five more minutes now to finish this one point. Thank you, Mr Chairman. I appreciate that. I am conscious that we are all here to serve the public, so I do appreciate that.

So you have no idea what is going to ensue at the area where the works are targeted, so you don't know if it is going to work. You just don't know if it is going to work because you have no idea what the impact is going to be of the traffic weaving, the single link, dual link, the Clifton on-slip remaining open, you just don't know what the impact will be; is that correct?

MR MEGARRY: Well, the whole thrust of our assessment is that we can demonstrate that the scheme does work with regard to the movement of vehicles.

MR BROLLY: You just told me that you have no idea what the impact of the Clifton Street on-slip remaining open is going to be, the traffic weaving, the number of road traffic accidents that may occur.

MR McGUINNESS: He didn't say that, sir. He said they have not

an analysis of what the effect of the non closure of the Clifton Street on-slip will be in relation to road traffic accidents. He didn't say he had no idea how it would work. He said that analysis had not been made. Words will not be put into his mouth. This witness wants to answer whether in his professional opinion in relation to traffic management.

THE INSPECTOR: Move on to the next point.

MR BROLLY: The intervention is incorrect. I asked the witness, and the Stenographer can look for the note, I have said: "You have no idea what is going to happen?" And he said: "That's right."

THE INSPECTOR: Let's move on.

MR BROLLY: That means that you don't know if it is going to work. We all heard what you said about it, you just don't know if it is going to work. I have a series of other questions but I will not ask them now. One, you are hoping for the best because you simply don't know what is going to happen when the on-slip remains open and when the new link roads are there and people have to go to the right-hand lane to go into the M3. The cost benefit analysis depends on the traffic flows that you have set out in your report, okay. If those traffic flows are affected very substantially, as the Road Safety Audit thinks they will be --

THE INSPECTOR: Can I intervene again and say I am going to stop this now, we are five minutes into lunchtime and have a 15 minute presentation so nobody will get any lunch if we carry this on. I say again I am perfectly happy to make additional time available at the end of the Inquiry for an extended session to explore these issues. Are you happy with that?

MR BROLLY: Yes, sir.

MR McGUINNESS: It may be, sir, at this stage, and I mentioned it in passing to my learned friend, but it may be that given the time and the extent of the time used this morning, in relation to tomorrow we should consider how we schedule tomorrow's evidence by Mr Lynch. It appears to me it is most likely that Mr Lynch and his presentation with any residual issues that Mr Brolly has, would take all the two hours tomorrow and it would probably be preferable if the Department's response comes Thursday morning. If we did it that way then at least it would make logical sense.

THE INSPECTOR: Let's see how it goes. What you are suggesting I fully understand. I think I have already mentioned this, that there is a possibility that during the time allocated to hear the Vector proposals tomorrow will provide sufficient time for some of these other issues to be covered. I have no idea what approach you are planning to take tomorrow. We really need to move on and I am determined to move on. No more discussion now. Can I have Mr Smith, please?

PRESENTATION BY MR NIGEL SMYTH

MR SMITH: Good afternoon. My name is Nigel Smyth and I am the Director of CBI Northern Ireland. I welcome this opportunity to give evidence to this Inquiry on this strategically important infrastructure project.

Across the UK, the CBI speaks on behalf of 190,000 businesses of all sizes and sectors which together employ nearly 7 million people, about one third of the private sector-employed workforce. With offices in the UK as well as representation in Brussels, Washington, Beijing and Delhi, the CBI communicates the British business voice around the world. Our mission is to promote the conditions in which businesses of all sizes and sectors in the UK can compete and prosper for the benefit of all.

The CBI in Northern Ireland represents around one third of the private sector workforce, and more than 60% of the largest employers in Northern Ireland. It is the leading business organisation influencing the policies of the Northern Ireland Executive and Assembly.

Today I would like to highlight the support that CBI members have for this project and highlight:

A: Strategic importance of the York Gate Interchange to the Northern Ireland economy.

B: The key benefits and.

C: Other trends which support the need to invest in this project.

Increasing globalisation and competition means that effective and efficient transportation infrastructure are a critical requirement to enable businesses

in Northern Ireland to compete. The York Gate Interchange is a key part of the strategic road network, reflected in the fact that around 100,000 vehicles use this junction on a daily basis, and the congestion associated with the current junction layout is the most significant in Northern Ireland.

While we recognise that significant improvements are necessary to other key parts of the strategic road network, notably the A6 and A5 this interchange is clearly the top priority. The importance of investing in improving Northern Ireland's infrastructure is identified as a key priority in our recently launched Business Manifesto 'Punching Above our Weight'. This project is identified as a key priority within this document which sets out businesses priorities for the next five years.

The importance of this junction cannot be underestimated:

A: It forms a key part of the strategic road network as reflected in the Regional Transportation Strategy and part of the Trans-European transport network.

B: It provides key access to the Port of Belfast, and also to Larne for traffic coming from the south. It is a key junction within the eastern seaboard which will enable high quality and high capacity transport linkages between Dublin and Belfast and onwards.

C: The majority of traffic passing through the existing York Street junction is strategic traffic travelling between the Westlink and the M2 and M3 Motorways. The junction facilitates traffic flow in and around Belfast.

D: The route is of critical importance to industry and commerce: Heavy Goods Vehicles make up around 9.8% of the traffic volumes while other

commercial vehicles make up 11.8% of daily traffic flows.

E: The Junction is adjacent to key logistics and distribution centres, particular in the Harbour Estate to the north.

F: The junction is a key part of the all-island infrastructure - and the improvements will be of benefit to businesses and individuals from across the island wishing to access the Port of Belfast, or George Best Belfast City Airport.

G: Northern Ireland's continued economic growth will depend largely on growing our exports and increasing our tourism market - the completion of the York Gate Interchange will facilitate the growth of both these sectors. And while export growth in recent years has been subdued, there has been substantial growth in the sales of manufactured goods to Great Britain and strong growth in tourist numbers, putting Northern Ireland on track to double tourism revenues by 2020.

Since the early 1990s the Westlink has been identified as the most serious bottleneck and congestion point on the Strategic Road Network by CBI members. Since the junction improvements in the mid noughties at Grosvenor Road and Broadway the outstanding problem, where we do not have free-flowing traffic, is at the York Gate Interchange. The completion of this junction with grade-separated junctions, as proposed, will alleviate the congestion by significantly increasing the capacity of this junction. Congestion at this junction is not just confined to peak traffic periods. As we have previously highlight the goal must be to achieve free flowing traffic.

The route currently carries much in excess of its designed capacity. Traffic flows have increased fairly consistently over many years, albeit they were

impacted by the economic downturn in 2007/8. In recent years the traffic flows on the Westlink have shown a continual increase, with growth of around 20% in traffic volumes between 2008 and 2013. With the economic recovery firmly entrenched we believe further growth in traffic volumes is almost certain, and without the junction improvements being proposed the congestion levels will increase to unacceptable levels, undermining the competitiveness of business and the attractiveness of Belfast as an investment location. It is estimated that over 50% of the volumes of freight handled by the Port of Belfast come through this junction. At the George Best Belfast City Airport around two thirds of passenger journeys to/from the airport are along the Sydenham Bypass from the Belfast direction. Access to Belfast International Airport will also be enhanced for passengers travelling from south, west and east Belfast and their surrounds.

Congestion leads to uncertainties with regards to journey planning and unnecessary and unplanned delays, disrupting business activities and adding to costs, while also impacting on the quality of service distribution companies can provide. With continued pressure to deliver 'just in time' it is essential that congestion levels are addressed.

Indeed with the opportunity to reduce Corporation Tax to 12.5% now within the grasp of the Northern Ireland Executive this is likely to significantly increase economic activity, especially around Belfast. Latest assessments suggest that by 2033 a lower Corporation Tax rate will deliver:

A: An additional 35,000 jobs - many of these jobs are likely to be in high value business services and be attracted to Belfast.

B: An increase of around 10% in economic output.

While there is a need to secure a modal shift to public transport, which I will return to shortly, the prospects of moving freight onto rail are not feasible in Northern Ireland. The small size of the Province and short journey times combined with ongoing supply chain management improvements, often leading to shorter delivery times, and of course the re-handling costs associated with rail freight rule out an economically feasible rail freight service. Indeed growth in our agri-food industries requires a need for reliable and predictable journey times, particular as many food producers are selling product into the Great Britain market and need to access Northern Ireland's ports. Having a high quality road system is an essential element of supporting the continuing growth of the agri-food industry.

We accept the need to improve public transport at the same time and seek to secure a modal shift into public transport. Development of park and ride schemes have been strongly supported by CBI while we also believe that proposed Belfast Transport Hub is a key project in helping to achieve this goal. However investments in these projects, as well as Belfast Rapid Transit, do not take away from the need to address the current capacity restrictions at the York Gate Interchange. Improving public transport is essential if sustainable economic growth is to be achieved and an efficient labour market developed, and is essential in addressing social cohesion and assisting labour market mobility.

Reducing congestion will bring significant environmental advantages. Under free-flowing traffic conditions HGVs produce lower emissions over a specific distance compared to when they operate in a congested and stop/go fashion, which is less efficient and involves additional acceleration and braking. Typically a HGV will use three times the amount of fuel when driving in congested

(stop/start) traffic compared to free flowing traffic. Nitrogen Dioxide will reduce by 60% if you can improve the average speed of 4 mph in congested mode to 35mph in free flow mode.

Economic growth in the future is likely to be more concentrated in cities, and without a successful and prosperous capital city of Belfast it is difficult to see how the Northern Ireland economy will be transformed. Improving the infrastructure around Belfast is essential to enable the growth of the city and to ensure its ongoing competitiveness and attractiveness. Significant growth in Belfast will also spill over into the two main transport corridors along the M2 and the M1. Investment in public transport services along the key commuter routes of the M1 and M2 in recent years has also seen an increase in passenger volumes.

We recognise that investment in our transport infrastructure also requires more investment in traffic management - a comprehensive package of measures are likely to be required in the future to meet the increasing demands expected on the strategic roads which lead into the Westlink and York Gate Interchange, and to ensure the strategic benefits of the investment in this project are sustained. A wide range of measures will need to be considered including:

- A: Greater use of technology including variable message signs.
- B: Consideration of the development of access controls or 'ramp metering' at key junctions at peak periods.
- C: Serious consideration of the introduction of 'no-car' lanes or restrictions on cars with sole occupants.
- D: Additional investment in public transport, including park and ride facilities, Belfast Rapid Transit and the Belfast Transport Hub, along with

other measures to encourage cycling and walking.

E: And in the longer term consideration of pricing mechanisms to encourage better utilisation of this key part of the transport network.

These measures will need to be considered in consultation with users and key stakeholders to ensure they are effectively used while maintaining business competitiveness.

In summary.

A: We welcome the opportunity of giving evidence to this Inquiry.

B: This project is consistent with delivering on key transportation policy as set out in the Regional Transport Strategy, Belfast Metropolitan Transport Plan and the Strategic Road Improvement Programme.

C: The existence of traffic-light controlled junction on this key interchange is creating a major capacity constraint, and leading to unnecessary traffic congestion and preventing the free flow of traffic. The proposals for the new grade separated interchange will remove this bottleneck and enable free flowing traffic.

D: The completion of the York Gate Interchange will reduce congestion and improve journey times, and most importantly journey time reliability

E: The proposals will improve access to Belfast, and around Belfast and support further investment and economic development in Belfast to the benefit of its citizens.

F: The proposals will enhance access to Northern Ireland's key gateways, namely the Ports of Belfast and Larne and the George Best Belfast City Airport and the Belfast International Airport.

CBI members strongly support this necessary investment in the

York Gate Interchange and believe the current proposals will deliver significant economic and social benefits to the city and beyond. Thank you.

THE INSPECTOR: Thank you, we will take our lunch break now.

(The Lunch Recess)

THE INSPECTOR: Are we all ready to go?

MR MCGUINNESS: Yes, sir, I think so.

THE INSPECTOR: Our first contributor this afternoon is Mr Seamus Leheny, Freight Transport Association. Over to you.

PRESENTATION ON BEHALF OF FTA BY MR LEHENY

MR LEHENY: The Freight Transport Association (FTA) is one of the UK's largest trade associations and represents over 14,500 companies relying on or providing transport. Our members include hauliers, freight forwarders, rail, sea and air freight operators, through to customers - producers, manufacturers, wholesalers and retailers.

The FTA represent over 300 members in Northern Ireland from right across the logistics industry and we welcome the opportunity to put forward our views regarding the draft orders concerning the upgrade of the York Street Interchange in Belfast.

The Freight Transport Association (FTA) strongly welcome and support the proposed development of the York Street Interchange as outlined in the

current Environmental Statement dated January 2015.

FTA are pleased that the chosen option which was one of four initially considered has been selected.

Commercial goods vehicles in Northern Ireland are, in fact, the only vehicles that pay a specific fee to use the road network. This charge is the HGV Road User Levy introduced on 1st April 2014 and can cost an operator up to £1,000 per annum for vehicles at 12 Tonnes and more. This fee is also applicable to non-UK registered HGV's who can pay up to £10 per day to drive in Northern Ireland and Great Britain.

Additionally, commercial vehicle operators contribute significant revenue to government via fuel duty and vehicle ownership tax therefore hauliers and other HGV operators more than pay their way and therefore deserve a road infrastructure that supports their industry.

The reasons for our support of this scheme are as follows:

Improved connectivity of the Strategic Road Network.

The York Street Interchange is a pivotal component of the Strategic Road Network for Northern Ireland as it connects all major traffic flows and the vast majority of freight movements within Northern Ireland.

Major distribution centres that serve Northern Ireland are located in Belfast Harbour estate, Boucher and Mallusk Industrial Estates, therefore for goods to get to final delivery points, regardless of the distribution centres location, the majority of goods are destined to transit via the York Street Interchange at some point in their journey.

Additionally, to minimise costs the majority of retailers now rely on

'Just in Time Deliveries'. Therefore, it is vital that we have a modern strategic road network to support modern commerce.

Improved Port access and supply chain for Northern Ireland.

Access to and from Belfast Harbour will be improved thus improving the efficiency of operators getting goods to market which is vital in growing the economy and attracting inward investment.

In the past 20 years alone Belfast Harbour has invested over £400m to enhance its infrastructure and provide customers with some of the most modern quays, terminals and warehousing on the island of Ireland. Belfast Harbour competes on an island-wide basis and with inter-port competition increasing it is not just the port facilities that continually need to enhance their facilities but our local strategic road network.

In 2014 Belfast Harbour moved 66% of freight traffic in Northern Ireland which was 23 million tonnes. (SLIDE 2)

2014 figures at Belfast Harbour:

Freight Vehicles (RoRo) - 476,000.

Containers - 125,000.

Bulk - 9.6 Million Tonnes (369,230 HGV loads based on max 26 tonnes).

Total - 971,000 Approximate HGV Import/Export movements in and out of Belfast Harbour per annum regarding the RoRo trailers, FTA have been advised by the Ferry operator that approximately 50% of volume which is around 238,000 would transit the M1/Westlink with the remainder on the M2 and M3. On the same basis for all commodity traffic then we can estimate that approximately

485,000 HGV vehicles transit the York Street Westlink corridor per annum. It is key to point out that this only accounts for Belfast port import and export traffic only and does not include own account transport, construction, manufacturing and freight moving internally within NI and ROI.

It is also worth pointing out that 9% of NI freight traffic is shipped via Larne therefore access to Larne port will be greatly improved with a better connection between the M1, M2 and the newly completed A8. This will have a positive effect for Larne Harbour as it will mean operators from South of Belfast will have better access and improved journey times to Larne, thus improving competition between both ports which will ultimately lead to saving operators money and consequently end users.

Transport costs.

40% of operating costs for haulage companies is fuel. Modern Euro 5 & 6 engines are excellent at conserving fuel in consistent moving traffic. However, stop start movements associated with urban traffic and traffic lights counteracts these savings. With the removal of traffic signals for traffic travelling between M1, M2 and M3, the consequence is that freight traffic will operate more efficiently and be more cost effective.

(SLIDE 3)

This data has been compiled by the International Road Transport Union based in Geneva and works alongside the United Nations and the EU and shows the consequences of stop start movement activity for a 40 Tonne HGV, which is the current scenario on the Westlink at the York Street junction.

As the graphic shows, a HGV stopping once within 1km increases

fuel consumption by 86% and if stopping twice within 1km it rises by a staggering 200% increase in fuel consumption. As you can imagine this not only drives up costs within our local supply chain but the additional emissions can affect those living and working near such traffic.

(SLIDE 4)

As the next graphic indicates, our industry has strived to reduce fuel consumption with a reduction of 36% between 1970 and 2004. However, such improvements can only be assisted with consistent driving infrastructure.

Additionally the average cost of operating a 44 Tonne HGV is £1 per minute therefore the anticipated improvement to journey time transiting the York Street Interchange will deliver real savings to operators.

Environment.

Belfast City Council recently assessed the impact the York Street Interchange improvement would have with regards to helping achieve the EU Air Quality targets for Belfast. The test evaluated the impact of improved throughput of the junction by reducing stop start driving. The results indicate that the impact from smoothing the driving pattern at the two junctions would reduce concentrations of road nitrogen dioxide by 60%. The test assumed an average speed of 6 km/h in the congested mode and 56 km/h in the free flow mode.

The Department for Environment, Food and Rural Affairs also recently published a Draft Air Quality Plan for the achievement of EU air quality limit value for nitrogen dioxide in Belfast Metropolitan Area. The draft plan highlights the Westlink corridor for high levels of nitrogen dioxide and highlights the York Street Interchange as likely to have a high impact in reducing these

emissions.

(SLIDE 5)

Modern Euro 5 and 6 HGV engines are extremely good at cutting carbon emissions when driven at a consistent speed but these benefits are hindered when the vehicle is then driven at inconsistent stop start intervals.

As indicated in this slide, 20 new trucks produce fewer particulate emissions than a single truck manufactured before 1993.

(SLIDE 6)

Finally, with regards to pollution, modern HGVs are much quieter when driven at a consistent speed without stop start activity. As we can see with this graphic, 25 modern trucks now make no more noise than a truck manufactured before 1980. By improving the flow of traffic at the York Street Interchange then traffic noise from HGVs will reduce as the engines are designed to be quieter when running at a consistent speed.

One area that we would be keen to be consulted on is the Traffic Management Plan that would be implemented during construction. It is likely that this would have a major impact on freight movements to and from ports and well as deliveries in and around Belfast, therefore we would request any constraints put in place take into consideration the need for goods vehicles to still have adequate access to the city centre and port.

The FTA would also request that during construction period an appropriate information system is established to advise operators during the proposed scheme construction period. Adequate access, parking and reliable information will not only ensure commerce is not unduly affected by delays in

deliveries and collections but it will also protect city residents and vulnerable road users from some operators who may seek alternative routes that are unsuitable for HGV's.

In conclusion, the FTA fully supports the proposed plans to construct the new York Street Interchange as it will result in a more efficient road network for commercial goods vehicles, it will reduce vehicle emissions by such vehicles therefore bringing with it economic and environmental benefits for industry right across Northern Ireland and the general public in Belfast.

Thank you for your time, sir.

THE INSPECTOR: Thank you very much indeed. That is useful. Comments from the Department, in particular this point that Seamus raised about being consulted on the track management plan?

MR SPIERS: Mr Inspector, we will be quite happy to consult, we have already consulted and will be happy to continue consultations with the Freight Transport Association on any traffic management proposals.

THE INSPECTOR: Any other comments to make on the presentation?

MR SPIERS: I have no other comments to make, Inspector.

THE INSPECTOR: Thank you very much. We now have Mr Acheson.

PRESENTATION BY MR ARTHUR ACHESON

MR ACHESON: I am a citizen of Belfast AND of this region of Europe and that is the voluntary capacity in which I am here today, sir.

I am a first class architecture graduate of Queens University and I hold a Masters Degree from Magill University in Canada, a member of the Royal Town Planning Institute and an academician of the Academy of Urbanism. I was the founder Chair of Belfast Civic Trust in 1982 and I currently Chair the Northern Ireland Government's Ministerial Advisory Group.

As Chair of a neighbourhood partnership in north Belfast I chair the North Belfast Economic Forum, but I am here today, sir, as a citizen of Belfast and this region of Europe, not as a multi-disciplinarian or inter-disciplinarian, but as a post disciplinarian.

I want to set a bit of context. This is really a 50 year old scheme that we are talking about and it began in the 1960s. In the 1960s, the dream was of individuals driving everywhere in bright red cars and going to their destination smoothly along motorways. The dream has changed. The current regional strategy and regional transportational strategy is very different from reading the documentation that was associated with the genesis of the scheme, the Belfast Urban Motorway in the 1960s.

In the 1960s the scheme took a very patronising approach to citizens in favour of a limited number of people who had access to a car. Climate change was not recognised in 1967. The Ford Anglia and the Jaguar Mark II were Kings and Queens of the road. It was before computer aided design, before the internet

when people used paper files, carbon copies, and few had access to a photocopier. My company got a photocopier in 1969. Everybody had to be physically there to work together. The programme for Government in the current era has changed all of this. Today the significance of promoting equality, tackling poverty and social exclusion are absolutely prime areas of Government concern, not moving people around in red cars.

The current Regional Transportation Strategy states:

"Reducing emissions and realising more sustainable transport arrangements will require significant changes in travel behaviour and difficult decisions as to how we prioritise and maximise the use of finite road space."

It also states:

"Heavier road traffic can cause poor air quality, unacceptable noise levels, a weakened sense of neighbourhood and local community and the loss of valuable living space as land is used for transport infrastructure. The impact is greater for those living alongside the main roads in urban areas which are predominantly in lower income areas."

That is from our current Regional Transportation Strategy, which this purports to comply with.

"Building new roads will not reduce the total volume of traffic, and whilst increasing road capacity can temporarily reduce congestion it ultimately leads to increased traffic as more people choose to travel or make new trips to take advantage of the new road space and improved connectivity. The capacity of the existing road, however, can be increased dramatically by moving people in a different way."

This is not me, this is the Regional Transportational Strategy telling us this.

"For example, a public transport vehicle with 50 passengers does not require much more road space than a car with one occupant. As people choose to switch in significant enough numbers congestion can be managed. Public transport and active travel options should be safer, convenient, and reliable alternatives to the car making them the first choice for people, not the last resort."

I would like to move on to the question of public participation and consultation in the scheme, and certainly this Strategic Advisory Group which has been running, I think for the last nine and a half months, according to its report, from 15th January until 30th October 2015, that is nine and a half months during the 50 year development of this project.

It hardly seems to be strategic, and yet there have been strategic organisations thinking about this in Belfast for decades, and I don't need to name them. We are all aware of them, including some within Government and outside Government. Those have been excluded, as far as I can see, from the so called Strategic Advisory Group, and I would not agree that it is strategic. I would have to say it is too little too late. It talks, for example, about creating vibrancy in the left over spaces.

In the 1970s there was a programme in the Architecture Review known as: Slope space left over after planning. Well, here we are going to have slow space left after motorways, or slower space left over after roads. Roads are spaces which are absolutely vital in the city centre, yet all I can see this Strategic Advisory Group has been able to come up with is that they would be suitably

secure by fencing and the planting of wild flowers.

So I do feel there is a huge opportunity missed, that we are just not addressing this as part of the urban fabric of the city. It is a single function piece of infrastructure, and when the Regional Transportation Strategy again tells us it is not about moving vehicles but about making sure that people and businesses can access the places and services they need in a sustainable way. That same strategy calls for making the most of what we already have.

It is clear to me as I listen every morning that the main areas of blockage in this city are not in the permeable routes which we are all familiar with, but in the impermeable routes that schemes like this tend to promote. You can't get off, there is nowhere to go, and every morning we hear about an accident, an incident, a security alert on one of our bits of urban motorway. One of those brings half the city to a halt. Two of those bring the city into virtual gridlock, people simply sitting on these things. And I do understand that there are many more ways to create permeability than create these long snakes of winding roads that run continuously through city centres.

I was interested to hear this morning that the T10, that this is actually a destination point. Belfast is a destination rather than Belfast being part of a through route to Larne or Coleraine or other places.

So I do think it requires to be dealt with, and I would think that the European Union will be looking at it in terms of a destination point and not some kind of a city bypass.

Many towns and cities both in the United Kingdom and in other parts of Europe are dismantling infrastructures such as this which was built in the

60s, 70s, 80s, 90s. Indeed, parts of Belfast are now looking to dismantle overbridges and things that were built thinking they were going to solve a problem. For example, on Queens Quay where there is effectively a concrete infrastructure, it is so costly to take away the Government cannot even focus on taking it away and opening that place back for people.

So we do have to ask questions. When other people are abandoning schemes like this and removing them from their city and finding ways to deal with traffic flow, why Belfast 50 years later from the inception of the scheme still wants to proceed with it against the good advice of many people who would say 30 acres of the city centre is more valuable for other purposes, for the multitude of other purposes, the multi-functional aspect of the city rather than the single function of moving mainly private vehicles.

I have been looking back at it, but when we look to the future I have done some sums, mostly based on figures from the Automobile Association, and if we continue with our road expenditure in the way it is predicted over the next 20 years, the budget will be around five billion. That will be on road improvements, Chairman.

If we were to build all the possible railway schemes that were put forward in the Railway Paper from DRD, the total budget, including electrifying the line to Dublin, including going out into the west of the province to Dungannon, Omagh, Strabane and linking into Donegal and the upgrading of the northern route, the total cost is about 5.5 billion for all of that railway structure if that was all put in, that we will spend over the next 20 years -- these are all current rates of figures -- on public transport fares, on fares for all public transport is 2.4 million.

We have five for roads, 5.5 if we did all the railways, 2.4 for all fares on all public transport, buses and trains across Northern Ireland, and if we continue the way we are going during the same period driving our vehicles about on this infrastructure, we will spend £83 billion over the next 20 years.

So we are looking at choices here and those choices are about people's behaviour, the influence on people's behaviour, and I would be sad if the engineering professions could only come up with one solution to all these multifarious issues and not determined to build more roads. It is against the Regional Transportation Strategy and it is not what is called for in the programme for Government.

That is all I have to say at the moment.

THE INSPECTOR: Thank you very much. That is very succinct and very clear.

Can I invite the Department to respond?

MR MCGUINNESS: If I could ask Mr Spiers to deal with the Regional Transportation Strategy and whether this scheme is contrary or consistent with it.

MR SPIERS: The scheme is considered to be entirely consistent with the Regional Development Strategy, in that I fully accept the Regional Development Strategy prioritises the movement of people and goods. In terms of that most all of our policy documents follow through from pedestrians, cyclists, public transport, freight transport, with the private car at the bottom of the hierarchy, and that has been clearly demonstrated in all of our strategy documents over the years.

However, the Regional Development Strategy also identifies addressing bottlenecks on the region, on the strategic road network. The Westlink M2, M3 has been identified clearly as a bottleneck and the proposals we have are to address that.

MR ACHESON: Can I come back on that, Chairman, please? All of the DRD documents referred to congestion at peak periods. This is a scheme which is designed -- there are 168 hours in every week, Chairman, and this scheme is designed to deal with perhaps 20 to 30 hours a week. A lot of this is also to do with the prediction that traffic will continue to grow, and those are based on figures which are extrapolated rather than any kind of confidence to them, and the general prediction in bigger cities is that more people are now able to work and carry on their work in different places. They do not necessarily need to congregate, as they used to have to in the days of the nos and so on. So people had to be together following the industrial revolution. They no longer have to be together. In fact, I am connected here in this room to my office by the internet. I don't need to be physically present.

Habits are changing. I would like to feel that those predictions, human behaviours are taken into account and that we don't use a single weapon of building more roads, which the DRD's own Transportation Strategy says may temporarily alleviate congestion. We must do better than that. We must stop the 83% of people who commute in their cars, normally one person per car, and we must reverse that trend and must not do it by encouraging those smoother journeys which the Transportation Authority says itself will increase traffic journeys.

MR McGUINNESS: It does occur to me, does this witness have

any evidence to suggest that the levels of traffic in the future are going to decrease, have you any evidence to provide here in documentary form?

MR ACHESON: Can I say that the DRD has published evidence to that effect. That is that the growth area in terms of people using public transport has been very notably different in those for whom public transport is free at the point of use. That has been a growth area. By changing the software of the public transport system people move. People move to a new mode. They move to the mode of public transport if it is free at the point of use. It has remained more or less static for those who have to pay but has increased substantially for those who don't have to pay at the point of use of the bus. That is the over 60s and the over 65s.

There is an argument to say that actually when we look at those figures which I gave earlier which are from Government figures, from Translink and DRD reports, that 2.4 billion spent over the next 20 years would actually give everybody, tourists and residents, children going to school, older people, younger people, the opportunity to use public transport, and DRD have got the figures to say that when that is free people use it and they move their mode. Something which the DRD has been trying to achieve since the 1980s and has received 1 or 2 percentage points only. It might have gone from 84 to 83%, but is very, very small. The figures are already there.

MR SPIERS: Mr Inspector, I fully support the aim and to improve modal switch to public transport. That is something that the Department is actively promoting. However, that is not what this proposal is about. This proposal that we have here is about addressing a bottleneck on the existing network

to deal with the existing traffic. We are not in a predict and provide mode. We are dealing with existing traffic, existing 100,000 vehicles on that network at this location and trying to reduce the congestion between these three strategic roads.

MR ACHESON: If you get 10 or 15% modal shift the York St Interchange will be like a school holiday every day.

MR McGUINNESS: You are basing your evidence on a study that if public transport is made free then more people will use public transport. Is that not a completely separate issue to the initial question, have you any evidence that forecasts or suggests that future traffic levels in Belfast are going to reduce?

MR ACHESON: Yes, that is the evidence. The evidence is that, as written in the Regional Development Strategy, 50 people moving in a vehicle will dramatically change the extent of congestion in an urban interchange, which is reasonably civilised at the moment in that it is at ground level.

There are very many ways to deal with road junctions. I am not aware that the DRD has even done a pilot study in terms of a better road junction rather than simply signalised traffic controls where the proper set of hierarchy are actually put in place and where people have priority and can walk out, and where traffic can flow reasonably continuously through at around 20 miles an hour. The difference there being actually one or two minutes of a difference in terms of the time to transverse a junction.

Again we are using old technology which is nothing to do with respecting people as human beings, whose behaviour can be modified by appropriate environment, not by regulating and controlling them in behind fences and gates and boxes and traffic signalised junctions where we have to stand and

wait in the middle of the night for five minutes while no traffic comes along May Street and I still have to wait for a green light to cross the empty road. We have moved beyond that, and I am hoping you are going to hear from some psychologists and behavioural scientists later in the Inquiry, truly post disciplinary.

MR MCGUINNESS: I wonder can Mr Spiers deal with the side issue at this stage?

MR SPIERS: The Strategic Advisory Group was drawn from a number of key stakeholders that we had been involved with and those we felt appropriate to inform us in relation to our proposals with other Government initiatives. So the representation was myself from TransportNI and Colin Pentland from TransportNI, Mark O'Donnell from the Department of Social Development. Mark leads the Department of Social Development side on the regeneration of the area. Ann Doherty from Belfast City Council. We have Dermot O'Kane also now associated with Belfast City Council. We had Paul Spray from the University of Ulster and we had Roisin McDonagh from the Arts Council. Mark Hackett from the Forum for an Alternative Belfast. And then I had my technical support provided by URS.

That is a very good spread of people with particular interest in the area and key stakeholders, and we were at pains to ensure that our development proposals did not prevent others from implementing their proposals, and those were the key stakeholders in the area. So we were content to take representation to that group and develop our proposals on that basis.

To say that all we did was identify wild flowers and fences is inappropriate. We ensured that any residual land is available for development and

by providing access to that, and we made efforts to ensure that any land in and around the area would be fully utilised and accessible.

MR ACHESON: Could I ask, Chairman, was it an open competition for membership of that group and were local communities included?

THE INSPECTOR: I think we had that.

MR SPIERS: I think I have dealt with that point.

THE INSPECTOR: It was dealt with this morning.

MR ACHESON: So it was a closed group?

THE INSPECTOR: Yes.

MR MCGUINNESS: I wonder if I could ask Mr Spiers to deal with the issues raised in relation to the use of public transport alternative transport schemes. Mr Spiers, was that considered in relation to the York St Interchange and was it considered, for example, in the preliminary options report or before that?

MR SPIERS: The public transport was considered at the preliminary options stage. However, there was no realistic public transport option that would solve the particular problem associated with the York St Interchange. I would point out also that we are facilitating public transport in this by providing an additional access from North Belfast across York St on a bus priority lane into central Belfast. That bus priority lane links not only the public transport side but the rail network to the city centre and also to the new university. We also provide for the non-motorised users by provision of cycle lanes and additional pedestrian facilities. Therefore, in doing that that is the one corridor, so that is outside the strategic road network.

The strategic road network, we have separated strategic traffic from

local traffic by providing the direct connections between the M2, M3 and Westlink by segregating them from the other local traffic issues. Therefore, in that sense, sir, I feel we are facilitating quite directly the aims of the Regional Transport Strategy.

THE INSPECTOR: Okay. I think we have given this a fairly good hearing. Thank you for your input. That is an interesting, different approach. So we will be looking at that quite closely.

MR ACHESON: Thank you.

MR MCGUINNESS: Just one issue, sir. It is not necessarily a direct question, but it is an issue that Mr Spiers has just indicated that separating strategic and local traffic is consistent with the policy that he was dealing with. I want him to address whether separating strategic and local traffic is consistent with the Belfast Metropolitan Transport Plan.

MR SPIERS: It is always the aim of the Department to allocate most of the traffic to the roads best capable of managing it and using it. In that sense the Belfast Metropolitan Transport Plan did identify that it was appropriate to minimise use of the conflict between local traffic and the strategic traffic. So that is clearly part of our policy.

MR ACHESON: Can I make a final comment on that?

THE INSPECTOR: Yes.

MR ACHESON: The purpose of the scheme, as I understand it, is to remove congestion at peak periods at this interchange. There are other ways to remove congestion at peak periods than building more roads.

THE INSPECTOR: That is very clear. Thank you very much indeed. We will have Mr Mark Hackett.

PRESENTATION BY MR MARK HACKETT

MR HACKETT : I received a report from DRD TransportNI last night at about 7 o'clock, so I have put the submission back there this morning.

I am Mark Hackett, a director of the Forum for an Alternative Belfast. Previously we really ceased to exist earlier in the year and we agreed to work on at this project as part of the Strategic Advisory Group on a pro bono basis, and we continue to work pro bono along with some of the local community representatives to help them with some of the technical issues. So I have had a number of dealings with various stakeholders over the last six months. Previously we have been looking at this over a number of years.

So our interest is really not so much to support the scheme, we have advocated for the least worst options. We tend to agree with a lot of the sentiments of the previous speaker, whether in the big picture all of the scheme is actually needed or whether this is the right approach for the twenty-first century. Given the real politic of Northern Ireland we have taken the approach of trying to come up with the least worst options to try and better the scheme, and now more recently to present an alternative. I am going to present a number of issues that we see with the scheme and that I have been pointing out over the last six months.

To give a different context to this economically, about four years ago I sat with a group of people in front of five ministers. They didn't stay in the room very long together, but I think one of them was a representative of DRD until

one minister walked out. We were trying to get a bit of strategic thinking around north Belfast and the north of the city centre. It was pointed out at that time that about £1 billion was being spent in this area and there was simply no strategic overview.

I would point out that the Strategic Advisory Group, of which I was a member of, I would agree that it was not strategic, and I would agree that it was far too much advisory, in other words much of my advice was ignored. But it is about trying to put some wider strategic thinking to planning and urban regeneration of which the Interchange is just one part.

So the interchange is now 130, 150 million but the university of Ulster is about 250 million new build, and overall between a number of projects you have a potential for one billion of spend, but there is simply no Government connectivity about the project. The Strategic Advisory Group, I have to say, did not manage to get any thinking at that larger strategic level. Its remit was tightly defined, dealing with the aesthetics of bridges, lighting, landscape and, to some extent, a very limited extent, future proofing for development, something that I was advocating for.

Just to show some illustrations, this is back to 2010, the Forum for Alternative Belfast, we ran a week long summer school and the DRD were invited. At that point the strategy of trying to bury the development as much as possible, as subsequently proved impossible, not because it is impossible but because TransportNI are really willing to look at an option of trying to conceal the motorway and put lids on parts of the underpasses. Lids would be no longer than 80 metres so they wouldn't become tunnels.

This was worked up in greater detail with 25 university of Ulster students in 2011, and they looked at how to put housing up and against the motorway to create green spaces. And around the interchange itself on publicly owned land is at least 1m square feet of developable space. Mostly that might be presumed to be office space or mixed use, but some of it is appropriate for housing.

This is the student image of one of the projects showing how the buildings can work against the motorway to hide it and screen it, and to return streets -- in the Forum for Alternative Belfast we called this concept Six Links. It was about restoring six streets, York Street, North Queen Street, the top one which is interesting, Dock Street connecting through to the Titanic Quarter, and then the university at the bottom.

Just to say that all this work was done around 2010. We have sought continually to try and work with TransportNI in a more co-design kind of way. I think we have never really achieved that. Co-design means sitting down at a table together and thrashing out decisions between lots of different people, of which we would only be one. More people need to be brought to that table, chiefly City Council. City Council has only recently acquired planning powers, it has not yet gained regeneration powers. It is certainly not up to speed yet, it is only starting to get up to speed with the issues around the Interchange. It is not for the want of us trying to bring it to the top of the agenda at City Council, but it is not there yet.

The DSD, the Regeneration Agency has, as it is known for quite a few years, is on the way out. DSD has had limited funds and limited ability to really bring regeneration thinking to it. The Greater Clarendon plan has not been

published yet. So there is issues there, that without seeing that we are not quite sure what it would say. Of course, it is not taking a proactive approach, it is taking a reactive approach. It is reacting to the roads that are provided by TransportNI rather than trying to shape and steer those.

A lot of our methodology and thinking comes from people like Jan Gale on the left who see the notion of streets, he says cities are for people. I would go further and say people and cities need buildings. A city doesn't exist if you don't have buildings because we can't live in tents. So buildings are there longer than people, but buildings have to serve people and the city has to serve people over many generations, much longer than vehicular transport.

It has already been pointed out that this scheme would have taken 55 years to build when complete, to build four kilometers of urban motorway. The damage that that has caused in the city has been written by many people in academic journals.

Jan Gale points out what makes a bad walking experience; blank frontages, fences, dead pavements, a lack of variety, a lack of people, a lack of eyes on the street. So it is very important when you talk about walking routes around the interchange. The buildings are needed for many reasons. They help people behind the windows, they have lights left on at night possibly on low energy. They bring a level of activity and reflection to the pavement edge. They are vital. This has not been considered properly in this scheme.

As an architect I have been continually pointing out things that we would recommend and need to be done within the scheme to make this happen. This is an example again from a number of years ago, Corporation Street. We

advocate that is what happens when you put back a street with trees and buildings. It makes an enormous difference, and that should be happening throughout.

This is an interest thing and I will put it in as an aside. This notes that in 1971.⁷², these are Government minutes recently released under the 30 year Rule, an article by a man called Tim Cunningham, and it recognises that the Belfast Urban Motorway Project was built to create a cordon sanataire to cut off West Belfast at that time in 1971 creating 100 yards clear belt to the west of the city centre. This is just to highlight that this has social and political implications and wider rules and has caused enormous severance in the city.

At the same time the Minority Report put in by a civil servant from London pointed out in 1971 that this road would cause 100 years of division in the city. We are halfway through that. So the road is outlined in red. We can see in this area a map of an area of deprivation, that the west and north of the city is the main areas of high deprivation with smaller areas of pockets of deprivation in and around the inner city, with the more affluent south and east as you go out.

What is noticeable there is how the red line out to Lisburn becomes a separator to keep poorer people on one side of the motorway and more affluent people on the other side. When you get into Belfast it becomes the affluent or successful city core that has been largely regenerated, to some extent successfully and continues to strive to do so, but does not connect to inner neighbourhoods in west and north. So the motorway has become a social divider. I think we should not forget that.

We are of the view that it is vital in a motorway for the twenty-first century, it is kind of ironic in a way, no other city is really building motorways

right through their city centre, not in this day and age, certainly not in the western world, and we are still doing it. If we are going to do it we should get it right and we should not be afraid to hold off until we get it right.

With that in mind we took last year a least worst scenario and wrote to DSD, DRD and City Council and we asked them to consider sort of the bare bones issues. This is what the Strategic Advisory Group then looked at. In many ways we prompted the Strategic Advisory Group as a kind of patch, I have to say on one level of desperation trying to make sure that some of the infrastructure was not going to have very negative affects on the potential for development. I still say that hasn't been achieved.

This is our diagram. This was the diagram of what we were trying to achieve as a minimum. That was concerned with saying roads and bridges should be properly designed. I think we still don't have a vision of the bridges because TransportNI and URS have not taken on to draw bridges in any great amount of detail. I think that sort of sharpening the pencil and actually drawing something and making it out of reinforced concrete as opposed to precast, you can actually shape and form and light.

This is a good example from Paris which was looking at an underpass from the Louvre, three or four lanes of traffic. When you are on the side you are not aware of this existing because it has been surrounded by stone detail and thick hedge. At the top end of the ramp the hedge is two metres high, so you are not aware of walking between the Louvre and the gardens, there is actually an underpass there. This is an example of how excellent detailing could mitigate parts of the scheme, but I stress that this has not been enacted in the scheme in the way

that I as an architect would understand it. Somebody drew those details with great care and it was drawn very carefully, designed very carefully, and that is not happening in this scheme.

In the Strategic Advisory Group we tried to bring up issues like this. I am just trying to illustrate that we were one of the only proactive members of the group who were advocating for buildings, better pavements, trees on streets, to say this is the approach to York Street Bridge. We pointed out that York Street Bridge as proposed is very bleak. It rises six metres high and will cause urban severance. It has a big hump, it is very wide. The pedestrians and cyclists are very much subservient to that scheme. It is a very road dominated bridge. It might have some art work and so on, but that is not going to solve the approach and the fact that the lack of buildings and visual policing on the bridge is a problem.

As you go over the bridge at night, especially when the roads are less busy, you are not aware of what is on the other side. The key fear aspect is that you don't design poor structures like that that you can't see over. Fear of walking is one of the key issues in Belfast. There is a legacy of fear walking through these shadows and spaces that we have talked about. How buildings would come up against pavements, the requirement for small retaining walls at pavements, requirement for trees, good lighting, the integration of buildings and so on. These were the sorts of things we were trying to do. We were looking at sites and how they can put in on street car parking, trees. This is to illustrate that this approach was tried and very little of this, in my view, is reflected in the drawings as opposed to the words of the scheme. We also tried to help local neighbourhood groups understand the scheme as we understood it, and also foresee and advocate with

elected representatives for change and betterment environment.

This is the underpath at North Queen Street. This is a very foreboding dark space. It is one of two. There is one at Dock Street. There are proposals to do something with this. We are not very happy with those proposals, they are not robust enough. We can not see three dimensional images that we can really judge.

One thing that is part of the whole scheme, TransportNI and URS are very reticent to have proper peer review and to take peer review on board from other disciplines. The new road will come past Henry Street, and some of the residents will talk about this later. This sculpture is actually a small art work which is effectively an interface wall, there is interface problems there to do with marches, but that is only occasionally happening.

What they are probably more worried about is when you go round the corner of Citygate you are going to be faced with a tunnel effect of about 50 to 60 metres long where you have a blank wall and a blank road on the other side descending to zero, but it is still creating a dead stretch of road. It is going to become an antisocial area.

Somebody else is going to speak about the ramps at North Queen Street. These ramps only exist because the Westlink was put there. They may not be in DRD ownership, but they only exist because of the way the road cuts through the neighbourhood. In fact, the housing on the right-hand side was there before the motorway because there is old stone walls which predate the motorway. The impact of that in the local neighbourhood and its social regeneration will be talked about later. We can come back to that slide. You can see the sort of problems that

existed earlier.

The local community themselves organised for the bricks to be taken off the concrete so that they couldn't be used as missiles. That point shows that about six months to a year ago what that was like. I think it is really incumbent on TransportNI to clean up the mess it left after it. They left that mess in 1981 when they completed that section of the Westlink.

One of the real falling points of the scheme for us is the impact of the houses at Little Georges Street. This is existing planting to that group of houses, especially at the top end. It is far from being in ideal condition. The planting has got out of control, but it certainly doesn't need taking away. The residents certainly don't want it taken away. You can see that planting on the left as it thins out and planting doesn't exist at the bottom as the road narrows out. The new road will become higher at the bottom end and will be more seen I think as well, although there is buffer space for landscape provided.

This is a photograph of TransportNI's own section which I have coloured up and tried to make more clear, so this is TransportNI's own drawings. In the current condition we have a level of landscape there, the bank and the road and a fairly perfunctory safety barrier. Residents are going to talk later about the impact that that is having on them, but these are the slides before and after and they show the impact of the road moving higher and closer and a reinforced bank.

We also note the use of two piles and a cap. So this is going to be excavated and there will be a series of piles, probably about four piles per house, a pile cap and reinforced slope structure on which you can only plant lighter materials, not trees, and there will be some sort of barrier at the top.

Not only is this affecting the immediacy of the residents on the south side, I should point out that this is their south side, there is a concept called the Right to Light that has not been taken as case law in Northern Ireland but it is quite commonly used in London and other major cities and it is not the same as the assessment done by TransportNI. It is not about the amount of light or ambient light in the room, it is legal easement, which again is not part of planning law. So this lies without, in other words the residents could take the scheme to court and take a civil action to protect their Right to Light, which is the change in angle between the existing and proposed as roughly indicated here. So that angle is the issue and it is direct sunlight and direct view out from window which is the issue.

We would suggest that the landscaping is not touched and if TNI want to sharpen their pencil and try and make the scheme work in a slightly different way they could do the structure in through the existing gravel. This is all made ground from 1980, all reasonably good gravel, and put a structure in that ties back in at the upper part of the slope and builds in a safety barrier and a sound barrier in one reinforced structure, which then can have the road surface put over it. I am offering that up as a solution. I don't really want to know if it doesn't work, that is your problem, not my problem.

But to zoom out, look at the wider context here, this is the reality. On the right-hand side is the south side of these houses. The new road is going to sit with lorries driving above the eaves of the houses. They sit in a kind of valley where rubbish, various types of emissions will gather, and it is in the context of six lanes, or possibly even seven lanes of traffic exist beyond their south side. It is an extreme condition and I don't believe any EU country should be building a road

like this in the twenty-first century. I get rather annoyed looking at this drawing.

This is from Dr Benjamin Barrett who we talked to at Kings College London, a lecturer in air quality science who is involved in NO_x emissions from cars.

MR MCGUINNESS: Sir, I raise this point at this stage and I don't want to cut across, this is entirely new evidence that is being brought.

MR HACKETT: I sent it a few of days ago.

MR MCGUINNESS: I will check it, but I have not seen it. I am happy for you to consider it because I think you should consider everything, but I do want to make a note that this is new evidence and if there is any evidence to be provided by anyone at any stage it ought to be in our hands at least before they step up.

THE INSPECTOR: I agree with that in principle and you have heard me say that on at least two occasions. The Department responded yesterday evening to the original proposal, it was also very late, and you have to response to that proposal which again we have not had a chance to see this morning.

MR MCGUINNESS: I think the basis of that, sir, is the initial proposal was dated 23rd October but we received it 27th October. So there's been less than two weeks to deal with it.

THE INSPECTOR: You do have an alternative scheme and I am conscious of the fact that a lot of people have to speak, so time is running.

MR HACKETT: I have provided this in written e-mail form. What this is saying is this expert feels that the removal of the hedge will take away a NO_x and a No₂ screen, and vegetation does act to collect those particulates and

stop them collecting in the basin of the gardens. There is the whole diesel scandal at the moment and I think the Inquiry should note of the environment that we are in.

Another piece of evidence that was provided, and I am not really going to speak about it much, but I think you need to look at it because we were advised this that this is a recent case in London. I will provide that and you can put it on the website. This is really saying in London that from now planning authorities are not allowed to give -- this relates to London, a different jurisdiction -- it says that people who manage air quality and people who give planning, who are slightly different in London, agencies, are not allowed to give planning permission to things that will make emissions worse for residents locally or on a wider strategic level. They mostly advise on large schemes in London, but it really should apply here.

This is the view on the road. One of the things that we are making a point of is in 2013 the road layout was slightly different. The two red points, the merges were different and the impact of the houses was not so great as you can see here. There is a wider separation zone and you can see a large sign was placed up above the houses. Some time in that year it changed and became this situation. So just beyond the left of the slide a new lane has been put in which is essentially a layby lane. That layby lane gets narrower and goes right along the slip road. TransportNI would, of course, like to have a layby lane but I think that needs to be balanced with the needs of others. There can be layby lane provided at some locations but not, I suggest, at those houses.

When you zoom in what you realise is the reason for encroaching

into these houses is the area in blue, the sort of strip which becomes another hard standing on the right-hand side in purple, and then in the orange line is the existing line. So what you see is the new roads themselves barely encroach on the current condition and I think that this should be engineered to avoid cutting down those plants. I will just leave it at that.

The next proposal, it actually picks up on some things other members talking tomorrow are going to talk about, which is trying to use the road network you have got to the best effect, and in particular taking the Westlink to Bangor in through traffic around through Dock Street in the purple line. So out of that then flows a load of simplifications that allow two small bridges to be built rather than one large bridge. It allows land not to be used at Corporation Street and it allows York Street to run more or less at grade. It offers a lot of enhancements for pedestrians and connectivity, but it offers free flowing traffic without traffic lights.

Yes, there are compromises. Yes, there are many issues that need resolved in this scheme, but in principle I believe it works and I believe that this paper that I have submitted refutes some of the main issues that TransportNI tried to raise about levels and so on, which we have corrected and we can keep working on that and put it through to them. To prove that in principle we believe that the main thrust and intent of the scheme works.

We have not had access to road engineers. We work pro bono so we could not provide that level of detail. We do have an engineer in London who has checked some basic high level things and corrected some issues we were doing before. So that is how that stands.

We looking to reduce the area of the scheme, trying to use the parts of land that are not really otherwise used between the trainlines, bits of land that are already wasted. Nelson Street has already effectively gone to the city anyway, so use that and design the roads around that.

I think you have seen this paper for a few weeks. I would suggest that given that I have papers only yesterday that I am happy to come back at another date to cut my evidence short if you want to do the rebuttal on the second day so the residents have time to talk, because my time is up in five minutes, is that right?

THE INSPECTOR: We can give you a little bit longer.

MR HACKETT: I am happy to come back another day.

THE INSPECTOR: Let's see how we can go.

MR HACKETT: The two strategic routes routed over it without slip roads and complications, the two bridge therefore pass relatively narrow and relatively at right angles to York St. This really helps the environment issues. It is still quite light this scheme.

First of all taking the M2 from the north sweeping around 127-mile an hour bend, we were advised there's two steps below minimum and about 30 miles an hour, probably for the volume of traffic. This would achieve good flow in peak hours, and I think that is the main requirement. I think it should be speed restricted as I think fast drivers will try to take that corner faster, there is no doubt about that at night, and there should be other means on all of the roads I am talking about. There's a whole series of issues that could be resolved.

I mean it was pointed out to me that TransportNI themselves have

taken something like 180 deviations from the handbook, and I suggest that a similar approach can and should be taken with this design and it should be viewed and tempered in the spirit in which it was given, as an alternative for the public good.

So we take away the large sweep through Corporation Street and we put it into the orange line. We take the Westlink traffic over York St, we take out the slip road to the left onto York Street and move that further along and we make it part of the Bangor route. As you go down the Bangor route in magenta you are going behind the railway tracks, behind the Union building on land that is currently well away from pedestrians and so on. From that you can either loop out as an option or come out at Dock Street and turn into north Belfast. That gives connectivity for retailers and those in north Belfast. It is slightly further on and probably more where you want to go from anyway, which is Dock Street. It means that York Street coming through below can be returned to relatively modest traffic flows and become more pedestrian.

Moving on we assume that at that point we are merging with the existing, the red circle we are merging with the existing road. At the two red spots we are merging more or less with the existing road. So we are taking underneath more or less on grade it will dip just one metre in terms of pedestrians, and two to three metres in terms of the carriageway. We are talking York Street through. That is the out of town traffic in dark blue, it doesn't have traffic lights on this section. It would have a pedestrian crossing just of the screen, and then it is led without lights onto the M2 to merge with existing traffic, more or less as is, by the way.

This offers great benefit for pedestrians in red and two proper cycle lanes with pedestrian and away from the road. It offers a green space buffer to be

provided to the remaining houses with the west of the buffer maintained, and it provides linkages. We would have a pedestrian crossing to connect to York Street Station, and that shows the main thrust of the pedestrian flow and cycle flow.

The red indicates building frontages. It allows much more opportunity for buildings to engage with pavements and the city and to effectively try to recover city blocks. Further, we would hope that Corporation Street has much more potential now that it is free of the road coming through it to become fully regenerated as part of the docks and the various ownerships there. So that shows the intent.

In grey we have proposed buildings, we have panels behind us illustrating that. We have also taken on board the notion that we should keep the three lanes of traffic in purple and two in blue and take that off from the slip road, so that is an adjustment from last night. On the north we can achieve 5.5 metres, we think, on the magenta line under Dock Street Bridge. This is what it would look like potentially. So the pavement and cycle you can see has roughly four metres clearance. The proper 5.4 clearance is given to lorries on York Street slightly depressed with a hedge and a rail and so on beyond that.

This relationship between truck and vehicle means that pedestrians and cyclists are more empowered, they are away from traffic but still can see it. In the worst eventuality you can climb over the fence or in the event of emergencies and so on. There is still a connection between pedestrians and passing traffic at some level, which I think is a good thing. The road above can be designed carefully with its underpasses to minimise the impact on the city. And then in the distance we are showing new building opportunities. We believe this should be

offices and fairly large to give off light at night and have that city centre mode. It is a long section here with a bridge crossing over. You can see the road dipping down and the pedestrians and cyclists going along more or less level on York Street.

This is a series of drawings done last night to show that the levels do indeed work in our view, and they can be read very well, but that is for them to show there is some basic measurements and reality about dimensions. We have drawn that reasonably carefully but we are not road engineers, so we do need people to help us on that. If any road engineers want to work pro bono with us we would be happy for them to do that. There is Dock Street.

This is TransportNI's own scheme which is dipping eight metres into the ground, we believe. We believe there is an eight metre differential between the blue line and the reddish line. This is the main route from the M2 connecting to the Westlink. It currently dips the deepest in the cuttings, and we would propose that that is taken off the existing slip road, taken gently under the Dargan Bridge, lifts as fast as it can over York Street, slightly levels and connects into North Queen St. as existing with little impact on North Queen St. We do agree that one extra lane might be needed at North Queen St. and that is an option that can be considered.

This is just to point out the Dock Street traffic we would assume could be routed as the TransportNI scheme takes dock traffic back out of town a little bit to join the M2 and the Westlink further out of town, and we think that is the way it should be done with the modified scheme.

I think that is the end of the presentation.

THE INSPECTOR: Okay. I think due to the fact that you only

had your response and we only had our response within the last few hours from the Department, and you have in turn then responded to the response, I think we certainly do need time to digest this. I think we should probably move on. Let's see if there is any flexibility at the end of the day. How much time do you need to respond?

MR McGUINNESS: We probably need a not insignificant amount of time. I wonder whether the Right to Light issue could be dealt with discretely now, sir? That is one issue that has been raised.

THE INSPECTOR: I think we need more time. It is best to put the whole package some time later on.

MR McGUINNESS: The Right to Light expert is here today and tomorrow, sir.

THE INSPECTOR: That is a good point.

MR McGUINNESS: So we need to deal with that today or tomorrow.

THE INSPECTOR: That is a fair point and you did a report, in fact, on that comparatively recently. As Jack points out to me it may well be an issue later on.

MR McGUINNESS: What we could do as a suggestion, I know I had spoken briefly with my learned friend at lunchtime and I know he has further questions, could we move our response to this to tomorrow morning and then that would also allow potentially Mr Brolly to ask questions and keep us to that two hour time slot and that issue will be dealt with.

THE INSPECTOR: I think this is going to arise later on in the

afternoon anyway because it is a major issue as far as the residents of Little Georges Street are concerned, so let's see how that goes. You may get an opportunity to present that later on. Let's take a break now for 15 minutes and resume at 5.35.

(Short Break)

THE INSPECTOR: Let's start again. We have Richard representing Cityside.

PRESENTATION BY RICHARD AGUS ON BEHALF OF CITYSIDE

MR AGUS : This statement has been prepared by myself, Richard Agus, MBA, MEng, CEng, MICE on behalf of Cityside Retail Park. I am a director of MRA Partnership Limited, an independent transport consultancy and I have 20 years experience.

I have been engaged by Cityside Retail and Leisure Park to review the proposed road improvements at York Street Interchange, and assess the potential consequences on access and parking at Cityside Retail Park.

At the outset, Cityside Retail Park support the proposals in principle, on the understanding that it will improve connectivity between the Belfast City Centre and their site at York Street by removing a heavy traffic barrier. However, a review of the information provided to date indicates that the proposals will affect customer access to this site, and further information and clarification is sought. It is anticipated further surveys and drawing amendments will be required to address these concerns.

These concerns were summarised within a preliminary report, together with suggested mitigation. This was submitted at the pre-inquiry meeting to aid further discussion with Transport NI in an attempt to narrow the issues prior to the Inquiry commencing in November. It is noted that drawing revisions subsequently undertaken have begun to mitigate against some of these concerns, but there remains significant issues with the proposed layout amendments which will be detrimental to the future viability of Cityside.

A meeting is scheduled for 30 October with TNI representatives,

and this may narrow the issues prior to the Inquiry.

Existing Conditions.

Cityside Retail and Leisure Park has expanded on its York Street site since the opening of Yorkgate Shopping Centre in 1991. It now contains a foodstore, multiple non-food and mixed retailing units, restaurants, bingo halls and a multi-plex cinema.

Access to the site is currently obtained via York Street and Brougham Street. The centre currently has approximately 900 parking spaces, required to be provided by the Department of the Environment as a result of previous and on-going expansion. The most sought after parking area is adjacent to York Street.

Cityside is readily accessible for customers approaching along the M2, M3 and A12 (Westlink), enabling it to be easily accessed by car from throughout Belfast and Newtownabbey. In addition, it is accessible by car and on foot from Belfast City Centre, via York Street.

Primary concerns with Proposed York Street Interchange.

The proposed modifications at York Street have the potential to be very damaging to the trade at this existing centre if the existing good access and parking is compromised.

The proposed modifications to the road layout will isolate Cityside from customers approaching on the M2, and leaving towards the Westlink. This prevents passing trade and will deter existing customers. Whereas at present the route for M2 customers is a 250m drive from Great George Street, in the future these customers will need to leave the M2 at the previous junction (Duncrue), and

travel 1km along an indirect network using unfamiliar roads. Whereas at present these customers use the York Street access, in future this will no longer be possible.

For customer leaving towards the Westlink, currently they use Dock Street, Nelson Street and George Street, a journey of circa 900m. In the future there will be no access to the Westlink from this route. Customers seeking the Westlink will have to seek an alternative route via North Queen Street and Clifton Street, a journey approaching 1.5km.

This major issue will be compounded if, during the construction stage, the access routes for customers vary from phase to phase.

As well as customers, these changes will affect deliveries approaching the site from the M2, which includes HGVs arriving from two main docks in Northern Ireland (Stena Belfast, and Larne)

Mitigation sought.

To re-educate customers and delivery drivers, signage will be required from the M2 (at Duncrue Street) along the new route to Cityside, and to the Westlink. Ideally the new route can be established as soon as the old route is closed, and that this new route remains accessible so that the approach routes will be consistent throughout the construction period and onwards.

Utilising this methodology, customers and deliveries will become familiar with the new routes, and these will remain the new routes post construction. It is recognised that whilst desirable, such signage could not remain in place on a permanent basis, and would be removed after a fixed period of time (for example, 12 months after completion of the scheme).

By signing Cityside customers along the new route (available from

Phase 5), the volume of traffic going through the main works area will reduce, easing the traffic management through the main works.

The construction of new underpasses and junctions will inevitably affect vehicle and pedestrian movements along York Street, and therefore affect the flow of customers between Belfast City Centre and Cityside. Whilst drivers are often accommodated, Cityside is concerned this area will become even more congested in the short term, deterring customers.

Cityside is further concerned that pedestrian connectivity will be lost as footways are removed/replaced. Cityside attracts retail and leisure trade from students and staff at the University of Ulster campus in Belfast. This footway linkage will be disrupted just as this campus expands, harming the opportunity for this trade to take place.

It is noted in Phase 9 that the York Street access will be closed while the new access is constructed (drawing YSI-URS-XX-XX-DR-RE-TM009). This will deter customers, and there is no indication the Brougham Street access has adequate capacity to accommodate all the traffic.

Mitigation sought.

To ease vehicular linkage with the city centre, Cityside would facilitate an access from North Queen Street. Assuming signage would direct customers this route, this will reduce the traffic flow through the construction areas, easing congestion as well as maintaining access to Cityside whilst the works are ongoing. This route would help re-direct Westlink-bound traffic via Clifton Street.

To maintain good pedestrian activity, Cityside need a signed, surfaced pedestrian route along York Street to be maintained at all times, with

appropriate, safe crossing points.

It is not acceptable for the York Street access to be closed in Phase 9 altogether without mitigation, such as the North Queen Street access. This closure should take place during overnight periods only, when access is not required for customers.

The York Street access is the main access to the site for customers approaching from M2, M3, Westlink and the city centre, and as noted above, alterations to the road layout will result in the loss of good access from the M2. The York Street access is also being changed from a priority junction facilitating left-in/left-out access to a signal controlled access. Whilst this change is acceptable in principle, there is a lack of detail regarding the junction layout, the capacity, and how this will affect the efficient, internal operations of Cityside.

The proposed layout was indicated on Junction 6 drawing GE306. This showed a single exit lane coming from the site, stopping up existing parking circulation routes within the site. The access led directly into existing parking areas which would have needed removed.

At the Pre-Inquiry meeting these car park works were dismissed by Transport NI as accommodation works. RSPPG S028 identifies Accommodation works can comprise such things as the provision of fences (temporary or permanent), hedges, walls, gates and the restoring of access to the road on a new or altered boundary. There is no reference to car parking within RSPPG S028, and such works appear to be replacing existing site features, such as boundaries and access. The proposed works will remove car parking from the site, significantly alter the layout of the parking on the site and therefore cannot be dismissed as

accommodation works. Even if they were accommodation works, there is no forum other than this Inquiry whereby these amendments necessary to facilitate the scheme can be discussed.

We are pleased to note that Transport NI have acknowledged these concerns, and have amended the proposed access arrangements to minimise works to car park (and loss of spaces) in Cityside Retail Park. (reference - drawing TNI_YSI-URS-ENM-ZZ-DR-HY-000007).

Whilst the original layout was totally infeasible, the new layout is dangerous and will be unworkable, resulting in congestion within the car park (and therefore tailing back on to the public road) and will discourage customers from coming to Cityside.

The revised layout restores the separate entrance and exit arrangements at the existing car park, signalling the exit. There are 5 issues with the revised layout, articulated in detail below:

The entering traffic is being directed up a one way aisle the wrong way.

Within approximately 20m of leaving York Street, entering vehicles will be obstructed by car trying to enter and leave parking stalls. This manoeuvring will prevent following vehicles from entering the site, resulting in a queue of vehicles tailing back on to York Street. The traffic data provided shows 3-4 vehicles per minute will need to pass along this route, leaving limited time for manoeuvring in and out of the 32 spaces located on this first aisle. At busy periods, the arriving traffic will exceed this, at least one vehicle every 10 seconds.

This first aisle directs all vehicles past the main entrance of Cityside.

This is the location where the maximum volume of pedestrians will be located.

Good parking practice has car parks filling from the rear not the front, to minimise the number of vehicles at the main store entrance. The new layout ignores best practice, and poses a threat to the safety of vulnerable road users.

The proposed layout will turn the 2nd aisle into a cul-de-sac serving 38 spaces. It is recommended cul-de sacs should be no more than 3 or 4 stalls. The consequence will be vehicles reversing back along this aisle, toward the main entrance where all the arriving vehicles and customers converge.

The vehicles seeking to exit the site will face congestion, because there is insufficient storage for cars to wait at the proposed traffic signals. The traffic data provided shows 119 vehicles seeking to leave this car park. This number could increase as the M2 will now be accessible. Best practice suggests designing a car park so that a quarter of the capacity can exit in 15 minutes (Car Park Designers Handbook, ICE). Cityside has two accesses, and York Street is the less busy access during the PM peak. Based on the portions provided, York Street is favoured by 20% of users, and this equates to 6 vehicles every 2 minutes, based on a 900 space car park. This seems a reasonable figure for a busy period given the weekday PM peak is 4 vehicles every two minutes (2 minutes is the maximum cycle time the proposed signals will have).

The revised plans show a waiting area for 1 vehicle at the stop line, before conflict with movements in and out of aisles and parking stalls will begin to interfere with the movement of traffic through these proposed signals. This conflict will lead to congestion which leads to frustrations which at best deters custom and at worst leads to collisions and injuries.

To accommodate 6 vehicles, an unhindered exit lane of at least 36m will be required.

Mitigation sought.

The proposed signal control access will greatly impact on the size and operation of the car park. This proposed arrangement can only be accommodated through cooperation of Cityside or vesting of additional lands.

That Transport NI have already altered plans to start to address these issues is welcomed, and it demonstrates a) it is a problem and b) their willingness to resolve it.

Now that it has been identified and accepted that the proposed access arrangements will affect the size and operation of their car park it will be acceptable to Cityside that detailed designs and signalling arrangements, and consequential compensation can be agreed in the future outside of this public inquiry.

The proposed access from York Street will be detrimental to the primary parking area of Cityside. The revised plans already result in the loss of spaces. As identified above, the car parking layout needs to change further to be safe and effective, and this will result in the loss of further parking.

This is the prime area of parking at Cityside, and any reduction of spaces would be detrimental to the attractiveness of the retail and leisure park. There is no justification provided supporting the removal of these spaces, which Cityside have had to provide to satisfy planning conditions. Indeed, the removal of these spaces would put Cityside in breach of their planning conditions.

Mitigation sought.

Detailed plans of the revised parking arrangements at Cityside are required, showing how the loss of prime parking will be minimised. Confirmation that such a reduction will be acceptable to the local planning authority will be required. This loss of parking will need to be acceptable by Cityside, and appropriate compensation will be required.

Conclusion.

This statement has identified four areas of concern on behalf of Cityside Retail and Leisure Park, whose operations will be detrimentally affected by the proposals.

Cityside are willing to facilitate a third access (North Queen Street) to help alleviate access and congestion issues which will arise during the construction process. This offer is not indicated on the traffic management drawings, which instead shows the York Street access being closed during Phase 9. This closure is unacceptable except at times when Cityside is closed.

Cityside will require vehicular and pedestrian access to their site throughout the construction programme, including signage to Cityside from the M2, and from Cityside to the Westlink, since the road improvements prevent the existing routes being used. Pedestrian routes are also important, and require to be signed and surfaced.

The alternative amendments proposed to the York Street access arrangements and parking layout are welcomed insofar as they acknowledge this is an important issue previously ignored. The revised layout remains unsafe and impracticable. Cityside are willing to agree layout amendments with Transport NI in due course, subject to planning issues and compensation being resolved.

Thank you.

THE INSPECTOR: Thank you very much indeed. We have had quite a bit of paperwork backwards and forwards on the correspondence you have had, and minutes of meetings and so on. Where are we at the moment in responding to these outstanding issues, has it moved forward in the last week or so?

MR SPIERS: Sir, we have recently shared the minutes of a meeting with Cityside so we have not had response on accuracy for a start. But essentially this is an accommodation work, and we are working with them to accommodate them as best we can. If there is a loss of car parking spaces that is a matter for compensation.

In relation to the opening of the second access, that is something we will investigate and providing it is satisfactory in all accounts in terms of its access arrangements and reviewed by PSNI and the appropriate authorities, I don't see the difficulty with it at this moment in time but I can't guarantee it.

In relation to signage we would be content to sign the York Street area as a temporary process through the works, not to Cityside itself because we do not sign as a matter of policy, retail developments from the strategic road network, as such, but we are quite content to sign certainly York Street, and I have reviewed that with them because I see that as reasonable to do that because if we can take traffic off the works during the course of construction phase, that would seem a sensible solution to meet both our needs. I believe we have still a bit of way to go but I have no doubt that we can in some way resolve all of the issues raised.

THE INSPECTOR: From previous inquiries my understanding would be that many accommodation works are actually addressed at a slightly later

stage.

MR SPIERS: That would be the normal process. We would not at this stage be moving into detailed accommodation works with any of the landowners at this stage.

THE INSPECTOR: What you would require would be approval from us, were that to happen, and there is no saying it will or will not, to move ahead with this scheme as you have proposed, and then at that stage when you have got closer to the final planning and construction phase you then get involved in those discussions. Are you reasonably content with the dialogue which has taken place so far?

MR AGUS: This is the forum where these things need to be discussed. There is no public Inquiry for accommodation works. We need to deal with it now, and the publications on accommodation works talks about new drives and fences, not the removal of parking and access which has been provided at the requirement of a different government department. There is again a lack of guarantee with any -- Mr Spiers said they do not sign retail from strategic road networks, well, just have a look at the Applegreen site. There is permanent signs, they advertise Applegreen. They do so permanently. We are only seeking temporary signs whilst their customers learn the new route. If they don't come off a junction early they have to go up Clifton Street and have to go through the construction site twice, and they will not come back.

THE INSPECTOR: I think I hear the Department are saying during the construction phase you are happy to give signage to that area.

MR SPIERS: We would be content to sign York Street and that

portion of Belfast. I wouldn't at this stage give a commitment to identifying a particular retail outlet. In relation to the Applegreen comment, the issue associated with the signage of service areas for motorway are totally different, and not in relation to the normal signage arrangements.

THE INSPECTOR: Let's leave it and see what we can recommend. You are making a proper case anyway.

MR MCGUINNESS: Before this witness leaves, I wonder do you need to hear in relation to the necessity, there is a suggestion there was going to be a loss of six parking spaces, do you need to hear from Mr McBride as to why that is necessary, if there is land take or are you content?

THE INSPECTOR: I hear you say it is probably necessary. Also what I am hearing is negotiation is wanted to see if this scheme can be tweaked in such a way in due course to minimise the impact because of the legal requirement for tenancy agreements and so forth.

MR MCGUINNESS: If there is any land take, that is a compensation issue.

THE INSPECTOR: I think I would be happy to leave it at this stage, that you are planning to take this amount of space, leave it with us and let's see what we can recommended.

MR MCGUINNESS: I had one or two questions sir.

THE INSPECTOR: Very brief.

MR MCGUINNESS: They will be, sir. I think you indicated that pedestrian traffic is not often very well catered for, did you say something along those lines, and it is important to Cityside retail park? If there was a traffic flow

that prevented access for pedestrians going north up York Street and effectively accessing and bypassing Cityside retail park you would view that as adverse; isn't that right?

MR AGUS : We were given some assurance that there was a pedestrian corridor between the University and the train station being provided, and we are on that route.

MR McGUINNESS : I accept that, but I am just asking you whether if there wasn't a pedestrian access then that would be adverse, isn't that right, you would see that as adverse?

MR AGUS : Yes.

MR McGUINNESS : In the present scheme are you aware that there is direct access onto the M2 from Cityside?

MR AGUS : Yes.

MR McGUINNESS : If there was no direct access onto the M2 from Cityside would you view that as adverse to your interests?

MR AGUS : That is one of the concerns that we have. We are aware we have lost it to the Westlink and lost it from the M2. We just have to protect what else we have.

MR McGUINNESS : Just to be absolutely clear, the omission of a direct access onto the M2 that is adverse to you, you wouldn't advocate that?

MR AGUS : I don't think we are allowed to have a direct access, that would be nice, thank you very much, but we will have to ...

THE INSPECTOR : I know where you are coming from on this and you are being a barrister --

MR MCGUINNESS: If you have the point. The final point is just in relation to access, effectively vehicular access to you only comes via Westlink on the Vector proposal, isn't that right, have you considered it?

MR AGUS: I have not looked in sufficient detail at the Vector proposal. I have seen there was a public park being put across the bridge. The most important thing for Cityside is that people can get to the site. If it takes a longer journey to get home at least they have arrived, but that was the primary point. I was asked to comment on Vector, I simply didn't have the time to get my head around the proposals.

MR MCGUINNESS: Thank you.

THE INSPECTOR: Thank you very much indeed. We now have Paul O'Neill. Do you want to bring any of your team with you?

MR HACKETT: I will assist him.

THE INSPECTOR: We already have some comments that will take you into your area from the presentation earlier on. These are very pertinent issue as far as you are concerned so over to you.

PRESENTATION BY MR PAUL O'NEILL

MR O'NEILL: I am Paul O'Neill from the Ashton Community Trust, which is a social enterprise and development trust that employs 170 people in 10 separate locations. It operates services throughout north Belfast and has made a considerable contribution to the physical regeneration of the local area, including interface areas that were once barren and derelict. I say that we are

coming at this in a positive rather than negative way. We are here to see if we can contribute to solutions that suit everyone.

North Belfast, as you know, contains some of the most deprived neighbourhoods in the region and it has struggled to get investment into the area. Pure physical environment is one reason that underpins this problem. Communities are highly segregated along religious and political lines, with physical severance and disconnects clearly visible. Someone once described north Belfast as a patchwork quilt of sectarian interfaces and that continues to the present day.

However, besides the politics and sectarianism we would argue that planning and design decisions have also contributed to a sense of physical exclusion and the barrier effect that exists. You have already heard both Mark and Arthur Acheson touch on some of these issues. There are very few walkable approaches into and out of the north part of the city, and North Queen St where the underpass is, is one of those walkable approaches.

It should also be noted, and this has been mentioned as well, there are a number of large redevelopments taking place or being planned nearby, and this includes the new University of Ulster campus, the Streets Ahead project and also plans for a major scheme at Northside.

However, thus far there is no evidence that any resources are being concentrated into making public realm improvements that would create street lights to effectively connect our neighbourhood with these developments, despite the fact that all these things are happening right on our doorstep.

We would argue that the motorway interchange if it must proceed, if it is managed in a manner that takes into serious consideration the needs and issues

that are raised by residents. Again, it might not exacerbate the situation, and that is what we are looking for. We are looking for cooperation here. We would argue that they are creating improved connections and access to the wider commercial and civic life of the city. This would enhance confidence and life opportunities for people in deprived inner city neighbourhoods such as our own. It would also create a more visually appealing and inspiring living environment, so it is from that general perspective that we approach the motor way interchange project.

I am the Chairperson of the local residents group. This was formed to engage with all the relevant authorities about the motorway interchange scheme. Our group has already raised a number of issues in written submission to the consultation and I would like to concentrate on two particular aspects of this.

North Queen St steps, ramp and walkway along the Westlink, and this is the picture in front of you, has been a site for persistent anti-social behaviour for many years. Missiles have been used to attack the traffic and police and individuals walking along what is essentially a central arterial route. Individuals walking on the road have been physically assaulted, and there has been fire setting, dumping and problems with graffiti. Even elderly people going to mass at nearby St. Patrick's chapel have been attacked. The problematic nature of the space is caused by the physical layout, including its proximity to the Westlink. This space provides a hiding place and a gathering point for anti-social elements, and most local people avoid it at night-time.

Over the past 10 years there have been on-going engagements with statutory bodies to try to resolve this problem, including workshop processes involving local residents, however, failure to commit the necessary resources to

redesign the area has meant that apart from some local art projects and some minor repairs the problems at this site have not been addressed and have persisted through to the present. Given that there will be a considerable amount of reconstruction and disruption with the interface, new interchange project, which is in immediate proximity to this site, we believe this provides an important opportunity for TransportNI to work in cooperation with the local community and, indeed, other agencies to finally address this particular problem.

Now in reply to our initial submission TransportNI seemed to be suggesting that because of the recent improvement scheme nothing else needs to be done. In fact, the improvement scheme is a mural which was put there to try and brighten the place up a wee bit. The reality is that this most recent improvement is just one in a long line of improvised initiatives which have failed to correct this problem on a long term basis. This can be confirmed by residents and by local elected representatives. I have an e-mail here from the neighbourhood sergeant in relation to all of this.

I don't know if TransportNI intended to be dismissive but the rebuttal says:

"During the consultation referred to above with the Department of Justice and Police Service of Northern Ireland the existing steps and ramps to the north-west corner of the bridge were discussed. It was confirmed that the area had benefited from an improvement scheme to address known anti-social behaviour in this location. It is understood that this scheme has been successful in this regard. TransportNI can confirm that the proposed scheme would not significantly impact the existing arrangement."

We think they are missing a point. We brought TransportNI around here we spoke about this and they are well aware of what we are talking about. We want them to work and to make a commitment to work with the local community to address the problems that we have outlined. Given the fact that work around the bridge will actually occur in this immediate proximity it just makes sense, if you are going to pull the place apart you may as well fix problems that already exist there if it can be done.

This is the second point. The North Queen St underpass is just a short distance away. There it is, you can see it, and it is to be widened a further eight metres as a result of the new scheme. This feature is currently very foreboding, dark, shabby and unwelcoming. We understand that there will be some lighting and surface treatment to mitigate the dark tunnel affect and TransportNI have indicated they will work with the local community on this. Remember, this is a gateway to north Belfast we are talking about.

However, the other issues nearby which I have already mentioned, the steps, the ramps will continue to add to the general negative environment if left unaddressed. Ultimately we need all of these issues to be resolved in an interconnected way to overcome the problems and create a new safe bright walking space at this important gateway to North Belfast. That is basically what we are looking for. There is something like a billion pound of regeneration projects happening on our doorstep. From our perspective we don't see anybody joining this together. It all seems to be happening in isolation. We are left as community workers trying to get heard, get the needs and issues of local residents raised. You often feel like a barking dog, someone who is standing in the way of progress

rather than someone who wants to be a part of resolving these issues.

We feel that mitigating measures agreed in consultation and with the need for participation of the local community are crucial to ensure that the York Street Interchange actually provides tangible improvements for the local community. Given that the project is 130 to £150m and that considerable disruption will occur for local residents, we would argue that in advance of the York Street Interchange implementation, measures to compensate the area, minimise negative impacts and potentially strategically improve the chances for social and economic development in north Belfast should be put in place.

We would request that a general plan session should be initiated by TransportNI including a scoping exercise of the area, and this should be conducted with the involvement of local residents, community and elected representatives and any relevant statutory authorities.

I conclude by saying this, a number of residents are going to speak, this is a very daunting experience for people. Normally people within communities are baffled by the science. We have had no technical assistance in relation to this. The only technical assistance we have had has been on a pro bono basis by Mark Hackett here. We are relying on the goodwill and honesty of the agencies to stretch themselves in a way that will let residents and communities feel confidence in the fact that they are part of the process, not just a problem to be gotten around. They are not a fly in the ointment. If this project is to proceed we would like to proceed with the full cooperation of all the agencies with the local community to try and find answers to problems before they even arise, or to resolve existing problems such as those I have outlined. Thank you.

THE INSPECTOR: Thank you for that. That is very clear.

MR MCGUINNESS: If I can let Mr Spiers take the lead, sir.

MR SPIERS: Mr O'Neill, we have made significant efforts to meet with you and to discuss the proposals as they stand over the course of the development for the whole phase of the project. We have had extensive consultation and made ourselves available to actually meet with yourselves. I would point out that regeneration issues are not within the remit of my Department. That is quite clear. I do not have that within my remit. However, we will continue to work with you as a local community to try to resolve any specific issues. That is the main point that I want to make.

I will refer to my colleague here in relation to a couple of the specifics in relation to the steps at North Queen St.

MR MCGUINNESS: There is one question I want Mr Spiers to clarify. Whilst regeneration unfortunately may not be within your particular remit in this area are we doing anything that prevents regeneration?

MR SPIERS: Absolutely not. One of the aims of the project is to make sure we facilitate any other government department to undertake any regeneration initiatives they have. That is part and parcel of the proposals for the master plan. This project is actually inbuilt within that so that further development plans for that whole area will have regard to these proposals.

THE INSPECTOR: As far as making the point that you have a number of different initiatives taking place in the area that you seem to be spending a lot of time to knit together, can you facilitate this, and this is taking us outside the brief of what we are here today, and we have to be careful about that, but is there

anything that you can do as a senior member of your Department to facilitate?

MR SPIERS: We operate within the realm of my Department so therefore I have no recourse to take on board the issues from Belfast City Council to draw together the Department of Social Development or others with planning authorities with regeneration proposals in this area. This is essentially a scheme, and I am ensuring that we will not do anything to prevent other departments taking things forward, but I don't have the remit to take the lead in that role.

THE INSPECTOR: Can you comment specifically on the underpass and the dark tunnel where it appears to be, certainly at the moment from walking through it and making it wider would make it darker, what about the steps, is that still within the footprint of the scheme? I think it is.

MR MEGARRY: I think if I can comment just on a point of clarification that Paul made. He referred in terms of widening, there is widening on each side of North Queen St Bridge, it is in the order of 2.7 metres on the southern side and about 4.5 metres on the northern side that is on the screen currently. So all told it is of that order, but it is some widening on each side.

If I can first of all answer your query with regard to the ascetics. This is a matter that was considered with regard to the Strategic Advisory Group. The Group considered this, and I know Mr Hackett has commented on this. The Departments have and are committed to efforts to try to enliven the environment beneath the North Queen St Bridge, principally that is in the form of trying to incorporate panels, aluminum composite panels to give a greater use of colour in that area.

We had envisaged that that work would be undertaken in

conjunction with communities, probably local schools to engage younger people to contribute to those images and what they would look like. We have also committed to undertaking featured lighting under North Queen St Bridge, and additionally with regard to the elevation that you can see at the bottom of the screen, we have undertaken to ensure there is a decorative acoustic barrier. So we are making movements with regard to North Queen St Bridge.

With regard to the issue of the steps, I think initially Paul is correct in that obviously he has read from the response that was put to him, was responded to him by. The footprint of the widening works do not immediately impact on the layout of the steps, so the initial consideration was that because we are not affecting the steps what we end up doing is there is a pathway that leads away from the steps towards the flats, the area of the flats. We do affect that pathway and would be realigning that pathway. But to avoid mission creep, if I can use that term, it was determined that because there was no immediate impact upon the steps that there would be no direct change made.

Now Paul has raised the issue of discussions with DoJ. I was involved in those discussions and, indeed, with the community policing staff in the area. My notes of the meeting, I certainly noted the fact that, as Paul had outlined, the images that you can see on screen are the result of an improvement, possibly some of which was undertaken by the local community themselves, the message I received on the day of the consultation was that to some degree that work had been effective in regard to the problem of anti-social behaviour. On that basis we concluded that whilst not wanting to avoid the issue but that because we were not directly impacting upon the steps that they could remain.

I think you get the sense hopefully, that certainly with regard to the environment beneath the North Queen St Bridge we are making efforts.

TransportNI, as I have said, has committed to steps that will improve those environments. But I guess you can say the mission creep in that regard is always a point of concern.

MR O'NEILL: I mean, each Department we speak to talk about mission creep, and all of these things continue blunder after blunder, bad money thrown after good, inevitably more money spent on this if is not addressed. You can view that underpass if you want but you are wasting your money if you don't sort out the problem at those steps. I know there are other departments, and we spoke about this in relation to the responsibilities of other departments, the Strategic Advisory Group has never approach the community. We found out about their existence through Mark Hackett. We raised it and hopefully we will get a better response from that group.

I am not trying to tell you how to do your job or anything like that, but unless there is a change in thinking here at a high level and the departments start joining together, you know, this is scandalous what is actually happening. If you look at that particular area you have grass and walkways, something like four different departments responsible for different things, and each time you to go to get things sorted it is very frustrating.

This is from the neighbourhood sergeant who knows best who works with us. I have also had a phone call from the Safer Streets Initiative which has met the residents and with various statutory agencies and police. This is from Sergeant Brian Glaskey:

"Despite the best efforts of the police community to deal with this issue, with some success, I honestly believe that a focused long-term solution is required to redesign out crime with community support and with the new overpass in an area where there needs to be an urgency to look at collective approaches by all agencies to ensure that this does not remain a potential to become a more difficult anti-social behaviour hot-spot."

That is from the horse's mouth from the sergeant at the coalface with us dealing with these issues. I am not here to pick a fight or argument but it needs a collective approach, and I don't think it is good enough to use "mission creep". A wee bit of thinking outside the box here in relation to these matters.

THE INSPECTOR: I think you made your point very well and it is very useful.

MR MCGUINNESS: I think Mr Spiers has -- if Mr O'Neill could stay where he is.

MR O'NEILL: It's always a bad sign when a barrister calls you back.

MR SPIERS: I have discussed internally recently and it may be that in order to construct the bridge it may have some impact on the actual steps itself. If that is the case there is a possibility that we may well be able to do something in that area. Now, I will undertake to look at this sympathetically in terms of possible removal of the steps if that could be done through the reconstruction. I can't say what can be done at this stage.

THE INSPECTOR: Rest assured we will hold you to that.

MR MCGUINNESS: Just one point of clarification, if I could. I

think at present my understanding is that there is a parade which would go down York Street and would pass Little Great George Street and Molyneaux Street, Henry Street, if that route was no longer available for pedestrians and if there was a single flow of continuous traffic, that would mean that the parade would have to go down North Queen St, is that right, that is not something that the community group would accept or be keen on, is that a fair comment?

MR O'NEILL: There would be an argument on that now. I don't think so.

MR McGUINNESS: What I am saying is that that is something you would certainly not be keen on?

MR O'NEILL: I think it is ridiculous that it would be even thought about. We have enough problems in north Belfast.

MR McGUINNESS: I am not suggesting that should occur. I am suggesting if York Street is no longer available because there is a continuous traffic flow on it then it couldn't be used, then there may be a problem in relation to that parade?

MR O'NEILL: It wouldn't be my call on that, but I don't see a parade even being considered, even by the Orange Order to go down that.

THE INSPECTOR: I was going to say something but I don't think I will say it.

Mrs Murphy, you are welcome. You are a committee member and you are also a resident of Number 7.

MRS MURPHY: Yes, Brenda Murphy, 7 Little George's Street.

PRESENTATION BY MRS BRENDA MURPHY

MRS MURPHY: My name is Brenda Murphy, a resident of Little George's Street. I originally came from the long streets, Upper Meadow Street, but our houses were due for redevelopment so we were given options of where to move and I took Little George's Street as my option. It was a privately owned house, it had been Housing Executive but had been rebought back by them ones -- sorry, I am really nervous. I had took it as a Housing Executive house, brought my family up there, my grandkids, and then I eventually bought the house myself about 12, 13 years ago. We had no bother, but at the minute I do fear for our houses in this redevelopment going ahead.

We get a lot of vibration and noise already and I am really concerned about the air quality. We do know that there is at least 20 of the wee monitoring stations in and around the area. We know there are two at our houses. If they are giving the medium of the readings it is not giving an accurate reading of our homes. If they are taking a medium and there is only two at our houses it means that you are not getting an accurate reading. We are getting all that pollution and everything else in the air coming from the motorway and to bring that motorway, I am at the top end of Little George's Street, that motorway is coming closer to my house. The bank is coming in really, really close.

They are talking about taking the trees away. At the minute the trees are our screening. The back of our homes is where the natural sunlight comes from. If they take that away we are left with the total pollution coming right through. It is okay for people to say the motorway is that bit further away but when them big

lorries are coming down, I have a grandson at three years old and he is petrified, he thinks the lorry is going to fall off the motorway and fall on top of him. Anyone is welcome to come to my home to see how we live at the moment without it coming closer.

The vibration is that bad at night when it is quiet without all the work that is going to be getting carried out. In our street there is a couple of nurses and girls that do night shift. They sleep during the day, how are they going to sleep during this work? Nobody seems to care about the residents. The new bank, it is going to totally be very dominant, visually very imposing. Our privacy to the rear of the houses are going to be affected. They are talking about the trees. If they take them away, to put them back they only put wee plants and things. That is not going to take up all the stuff that comes from cars -- sorry, I don't know what word to use

THE INSPECTOR: "Stuff" will do alright.

MRS MURPHY: The right to have privacy at the back of our homes, that is the only place where we have privacy. Lorries are looking in. I have a bedroom to the back of my house, that is my son's bedroom so is he supposed to watch and live in that bedroom with all the noise that's going on?

There is constant litter from the motorway that comes down bank. The road is going to be taller and closer to at least six of our homes. It will cut away more sunlight and in the winter the trees lets sunlight through but still offers screening, and they can't replace this natural affect. We are concerned that particles will increase. We hear in the news at the minute the Volkswagen thing that is going on and that really concerns us residents because people are constantly sick. Asthma is a big thing in the area, children sick, adults sick. Is it coming from all

that? They are bringing the motorway closer to all of us. Nobody is coming to us and saying what do you think about it. The girl's house next door to me, the sale fell through when the news came out about the motorway coming closer to us. I can't sell my house now, I am going to leave it to my children, but it is of no value to them.

We are told about the air quality. We need constant checks done. Somebody needs to do something. We have been talking to local universities and we are hoping somebody is going to put it in place, that if they do the readings at our houses and we find out that they are below standard we are going to take legal action, because we have up to five years after this motorway goes in. If we can't sell our homes where does it leave us?

I know Right to Light has never been tested in Northern Ireland, but the Right to Light, it is a precedence that has not been set here, and I understand it is not a planning or daylight issue. The natural sunlight comes from the south and the south of our houses are at the back, so where does that leave us? Are we supposed to work with this going on behind us and totally blocking our sunlight and nobody seems to care?

If it comes to it I have spoke to a solicitor and if we have to we will take legal action.

THE INSPECTOR: I don't know what you were talking about when you said you were nervous, that was very good. Very clear. Can we have a response from this side?

MR MCGUINNESS: I think we can break that down into a number of parts. The Right to Light issue is probably one that we can do now.

There is the vibration and noise issue and there is an air quality issue and there appears to be an issue about the affects of construction and construction mitigation, and there appears to be an issue in relation to the change in the geometry at the back of some of the houses at Little George's Street.

MRS MURPHY: That was changed in the planning recently.

MR McGUINNESS: Those are five issues and if I could deal with those one by one and deal with them now.

THE INSPECTOR: I think that would be useful.

MR McGUINNESS: I think I would like to deal with the Right to Light issue if that was convenient.

THE INSPECTOR: I have read that report, it is very highly technical in nature and not easily understood from a non-engineering point of view so if we can simplify this.

MR McGUINNESS: We have Dr Foroutan Parand who has compiled the Right to Light issue. There is no legal right to direct sunlight but there is right to light. That may be a distinction without a difference, but it is an important distinction. I want to ask Dr Parand briefly to outline his approach to carrying out of the daylight.

THE INSPECTOR: If you can keep this in as simple words as possible.

MR MEGARRY: If I can add we have generated a section on screen. This is a section that the Department has put together. In summary the red dotted line outlines the existing scenario of the canopy of trees, existing slide slope, and then the more defined reinforced slope is shown in greater colour. It is an

image to confirm to the Inquiry that this is a section at 5 Little George's Street, and it gives an order of magnitude with regard to the increase in height of the embankment increasing to 650ml, and indeed the order of magnitude of the movement of traffic towards the houses. I just thought I would point that on screen.

FOROUTAN PARAND

Examination by Mr McGuinness

MR PARAND: Good afternoon. I am Foroutan Parand and I am a mechanical engineer and I have a PhD in solar and physics and I am the Technical Director of URS leading a team of physicists. The point about that is that we have done tens of this kind of studies in the last 10 years that I have been with URS. Before that I was at BRE. We have been using some of the guidelines for this kind of.

MR MCGUINNESS: What guidelines, Dr Parand, did you use initially in assessing the impact of the development on the access to daylight in relation to the houses on North Queen St, Little George's Street and Molyneaux Street?

A. On daylight it is mainly the BRE guidelines which is normally used.

Q. Who are those guidelines normally used by?

A. Normally by local authorities to assess the impact of a development on the neighbouring existing buildings.

Q. Now we know that the BRE guidelines propose three methods of assessment to daylight on the surface of a wall and inside a room, the first one is a visible sky angle. Can you tell us about the visible sky angle?

A. Visible sky angle is basically an angle that you can see the sky, and the way you measure that is from the centre of the window you draw a horizontal line perpendicular to the vertical wall where the window is. You then draw a line from that to the top of the tip of the obstruction outside. It will give you an angle, and if that angle is below 25 degrees that leaves you about 65 degrees of the sky that you can see. So that is the visible sky angle. If the objection is too high obviously your visible sky angle will be smaller and you will get less daylight from the sky. So that is the first test. However, this test is normally done on an obstruction which is continuous at the same height. However, in this case we are dealing with a sloping obstruction. So we had to use a second method.

Q. What is that called?

A. It is called vertical sky angle. Vertical sky angle is actually -- sorry, vertical sky component, I correct myself -- which is the amount of light that comes through a vertical wall from the sky. So it is related to the visible sky angle and it can give you a measure, an average measure of a visible sky angle and that will determine the amount of daylight you can get from the sky. So this vertical sky angle, called VSC for short, is a measure that is normally universally within the UK, at least, is used for measuring the amount of daylight that you get.

Q. I wonder could I just clarify, it may simplify it, you are talking

about a ratio, the vertical sky performance is effectively a ratio?

A. It is a ratio --

Q. Just to be clear, it is the ratio of the amount of light that comes through the vertical wall, in this case the window, so if we are talking about Mrs Murphy's house you would be looking at her back window, and then it is the ratio between the amount of light that comes to the centre of her back window over the amount of light that comes to the top of the roof?

A. Yes, it is the ratio between the amount of light reaching a vertical point on a wall, reaching a point on a vertical wall or window to that unobstructed horizontal plane, and this normally the maximum of it would be 40%. If you get 40% of this ratio then you have all the light that the sky can offer to you.

Q. Just to be clear, do you measure it using the actual light outside or do you use a standard, and if so what is that standard?

A. The standard that you measure it actually is nothing to do with the sunlight, it is the amount of light from the sky and it is measured under what is called the CIE Sky. CIE Sky is an international standard that defines the overcast sky that gives you an amount of light that all over the world they use that as standard. So you measure that on a horizontal roof without any obstruction and you measure the light on a vertical wall and the ratio is that vertical sky. So it is nothing to do with the sunlight. It is all about the amount of light under an overcast sky.

Q. What you have said is if you get 40% that is equivalent to --

A. That is the maximum you can get.

Q. Is there a point that you are looking for that equates with this

visible sky angle that you have described, and if so what is that?

A. The guidelines that I mentioned, they recommend 27%, which effectively if you get 27% VSC, Vertical Sky Component or that ratio I mentioned, then you will get sufficient daylight on your vertical wall. So that is really the trigger for us when we look at any impact. If a development meets this 27% VSC, Vertical Sky Component, then we say the impact is not significant or adverse.

Q. Now, if it is below 27% what is the next step to take? So the first step is let's look at the VSC, let's see if it is above 27% and if so your right to daylight is not in any way restricted. If it is less than 27% what is the next step?

A. The guidelines suggest that if the VSC is below 27% this does not mean that you don't get enough light inside the building. However, you have to have details of the internal information about the sizes, the window and so on, about the rooms behind that window and then you can calculate a factor which is called Average Daylight Factor. This Average Daylight Factor, the British standard and the BRE guidelines suggest that it is the same ratio as VSC, however you measure it on a working plane inside the room. So far with the VSC we have been talking about measuring it on a point on a vertical wall. This time the daylight factor is actually a ratio of the amount of light available under the sky on a desk which has an 850 millimeter height from the floor.

Q. So this time it is a different ratio, we are using the same light standard?

A. Yes.

Q. Which is CIE, but now what we are doing is looking at the ratio between it and what you would get, quite and you can see that --

A. -- for bedrooms normally it is 1% and for living rooms it is 1.5%. This is the BSI standard which the BRE guidelines also recommends, and that is the standard basically. So if we calculate the average daylight factor or ADF of 1.5% we assume that the room is then daylit sufficiently.

Q. Now, let's look at the Right to Light and the guidelines for calculating that, light in the context of the legal Right to Light and whether it has been infringed. What does one normally look for, what are the legal guidelines in relation to infringement of the Right to Light, is that from the Waldram test of 1920?

A. Right to Light is a slightly different, similar sort of concept, but this is a legal right as you mentioned. It has been developed in the 1920s by a guy called Waldram and that is why it is sometimes referred to as the Waldram method. The very simple name for it is the 50/50 rule. Now I explain what it means. However, this one, you have a window, it is only for an aperture, holes in the walls and windows. So the amount of light that you get, and this is completely internal criteria, so it is the light, the amount of the light that you get inside the room. Again, on the same working plane at 850 millimetres. So the amount of light Waldram proposed, and it was accepted and it has been commonly used since then in the courts, it is suggested that you need one lumen, which is a unit of light, to be able to distinguish any work that you do inside the room. He also calculated that outside on a horizontal unobstructed plane you will get 500 lumens, so he suggested that and he named this Sky Factor. It is now used as a Sky Factor.

This ratio of what you get on a working plane inside the room to that of an obstructed horizontal plane on the roof is called Sky Factor. He mentioned

that if you used a 0.2%, which is a ratio of one lumen over 500 lumens then you have enough light to do work, and he suggested any room that needs to be useable has to have at least 50% of this area at that level. So this is why it is called 50/50 rule.

So what we do is we calculate a before development, contour of this line of 0.2%, the Sky Factor and another line after the development. Obviously the development will affect this line and the area that it covers from the window, and that is the difference. So the criteria is if you still get 50% or more then Waldram rule has been satisfied.

Q. You have built a detailed model in relation to light, and you built that detailed model using the radius model of IES and simulated software, and it is one of the leading software packages for lighting and daylight; is that right?

A. Yes.

Q. And doing that you created 3D models for the calculations?

A. Yes.

Q. And geometrical data was supplied in the form of drawings from URS design team, including 3D CAD models and section drawings for each affected property; is that right?

A. Yes.

Q. And you took some steps to undertake detailed assessment inside some of the properties. So for example, a detailed internal assessment was made of 1, 3, 11 and 17 Little George's Street?

A. Yes.

Q. The reasons that you used these are because you were looking at most significant middle effect and the lesser significance.

A. Yes.

Q. Perhaps the best thing we can do is let's look at Mrs Murphy's house at Number 7, and maybe you can indicate how Number 7 is affected. This might help us in particular with Mrs Murphy's house?

MR HACKETT: Can I make a point here, I think it would be most useful to look at the worst case scenario?

MR McGUINNESS: We will, but I thought it would be useful to look at Mrs Murphy. I can look at it if you want. I have no difficulty in that.

THE INSPECTOR: I don't want to keep people away to the night-time.

MR McGUINNESS: What I wanted to do is look at Mrs Murphy's and then the worst case scenario. Let's look at Mrs Murphy's.

MRS MURPHY: I am not only here to speak for myself but the other residents, and it is affecting the houses really badly to from Number 1 to number 13.

MR McGUINNESS: I am going to do that. What I want to do is explain this table to you and then we will go and look at who is worst affected. What does Mr Hackett have as an issue in relation to that?

MR HACKETT: This is going on and on. If there is a legal Right to Light case it will be held in court and this report and the arguments, the residents will fight it out in court. So really the question is can we cut to the chase and see is there an assessment saying the Right to Light it is not infringed, and possibly move

on to the things like air quality and vibration.

THE INSPECTOR: I would favour that. This is being run along, I understand the reason, you want to give the background rather than saying this is the conclusion we have reached. You make a fair point.

MR HACKETT: I don't think the residents have been furnished with this report.

MR MCGUINNESS: It is on-line.

MR HACKETT: Why couldn't they say that?

MR MCGUINNESS: All the documentation is on-line. I can check when it was put on-line.

MR MEGARRY: It was finalised in the last few months.

MR HACKETT: Why couldn't it have been sent?

MR MEGARRY: I think it has been circulated.

MR HACKETT: No.

MR MEGARRY: It has been placed on a publicly available website.

THE INSPECTOR: This all leads to a conclusion, so what I am really interested in is your conclusion, it has clearly been done on a very systematic well constructed way. What is the bottom line?

MR MCGUINNESS: Let's cut to the chase, using the Waldram test that is achieving a Sky Factor of 0.2% for at least 50% of an area of a room, do the results show that --

A. We have a table six which shows we have looked at all the calculations and selected the two worst cases, which were Number 1 and Number 3

in terms of the amount of daylight they would get on their vertical wall, and then used that for daylight and Right of Light calculations. But I will now talk about Right of Light calculations, Sky Factor results, which for 1 Little George's Street we also did three scenarios, the existing scenario without any plantation.

Q. That is winter?

A. That is winter. The second one was existing trees.

Q. So that is summer?

A. Summer, and Number 3 was the proposed without any vegetation.

Q. What we are looking for here in relation to the Waldram factor is more than 50%?

A. Yes.

Q. If you have more than 50% then Waldram says you have an adequate Right to Light.

A. Yes.

Q. Number 1 and Number 3, are they the worst affected?

A. Yes, one is worst affected by the development but the other one had less daylight reaching it initially after development, and so that is why we chose those two. We also chose Number 11 which was a middle of the road impact of the development, and Number 17 which had very little impact or the end of the impact. We give those results.

We have calculated only the Sky Factor. After the development for Number 1 it will be 95% of the room lit to the level that Waldram has set, which is 0.2%. Number 3 he gets 91%. Number 11 he gets 92%, and Number 17 he gets

94%. So all over 50% Waldram has defined, but comparatively they are only about between 2 to 4% worse than the before case, and compared to the scenario with the trees, actually in almost all cases they are better than that scenario with the trees.

THE INSPECTOR: Okay. That is the bottom line really of the argument. I think it is perhaps useful, though time consuming to get the background, but thank you for that. If you wish to challenge that there is perhaps another forum for that and it would be more appropriate.

Can we move on to your next. Let's see if we can condense this?

MR MCGUINNESS: Can we deal with air quality now and Garry Gray, and there are two issues in relation to air quality, the issue in relation to the monitoring stations and the fact that there are two of those close by. I hope Mr Gray will deal with what monitoring stations are for and the model that is designed, so it covers everywhere. Secondly, Mr Gray I would ask just to deal with the quotation that was put up by Mr Hackett.

First of all in relation to air quality, I will ask you what were the general conclusions in relation to air quality in relation to Little George's Street.

MR GARRY GRAY

EXAMINATION BY MR MCGUINNESS

MR GRAY: A tiny bit just to give it a little bit of sense and context. Historically, the air quality in Little George's Street has had concentrations of particulate matters, so the PM10 size fraction, the fraction that you can breathe onto your lungs and exhale again, and nitrogen dioxide which have

been above the limits the European Union have set for the protection of human health. And that is still the case for nitrogen dioxide but it is no longer the case for particulate matter because the concentrations across the city have decreased to the point where the standards are now met.

So if you were to look at the screen there are red triangles label R1 to R3 which are properties close to the road and they represent the kind of concentrations that you get along that section of the street.

The two blue dots next to them labelled 1 and 3 are measurement stations that were used as part of our study, but there are a lot of other monitoring stations in that part of the city which are operated by the City Council themselves. One of those is the green dot 13. What these measurements are is they are a long-term continuous measurement of nitrogen dioxide concentrations. The gas is collected onto a surface within a plastic tube and then sent to a laboratory for chemical test. The results we have got there show values that are currently above the 40 microgramme per cubic metre limit value, and the tube locations were between the road and the houses.

For the basis of the assessment, because we have to deal with the future, we prepare our model. It takes into account a year of hourly meteorological conditions, so that is approximately 8,760 sets of meteorological conditions, and we do that for the year in which the measurement data was collected, the same measurement period. That allows us to calibrate the performance of our predictions which is why we can then calculate it at the individual properties.

We have found in the current situation there are still exceedences of this limit value, and then there are fundamental changes to future emission rates for

vehicles with different technologies, different engine specifications come through. So by 2021, the year of opening, the standard of air quality in that area of the city has improved considerably to the point where the air quality limit values are now met and it continues to improve further by the design year.

Q. The second point is in relation to the NO_x which I think was raised by Mr Hackett, and he presented an extract which I anticipate you will be familiar with?

A. I am.

Q. And that tended to suggest, I think, that the foliage was good at screening for NO_x?

MR HACKETT: Or any particulate?

MR MCGUINNESS: What do you say about that?

A. Again, two parts of my answer. The first one is we need to distinguish here between the oxide, the nitrogen dioxide which is a gas, and the particulate matter which is a solid suspended in the air. If you have a fairly large particle suspended in the air it doesn't travel very far before it deposits out, so if you think of something like snow or sand it doesn't go very far before it lands. The size of the particles that make up the PM₁₀ are so small that some of the emissions from Belfast will be measurable, they contribute to the measurable concentrations on the eastern side of Europe, their pollution goes to China, China goes to the States, the States passes the pollution back to Europe. This is not something that easily deposits out of the air. It is gas like but it doesn't behave in quite the same way.

So if you have vegetation what happens is the vegetation exchanges

gases with the atmosphere, little holes in the leaves called stomata, and the particles will pass into the leaves and become deposited. So there is a very small amount of particulate matter which is extracted from the air, but it doesn't work like a vacuum cleaner or some efficient means of filtration. What happens in practice is the air blows around the leaves, around the twigs and branches as if they are not really there. So there is no practical benefit to a screen of deciduous plants in terms of reducing air pollution.

The comments that Ben Barrett was making is that when councils are putting out those little plastic tubes they need to be mindful of what obstruction there is between the point of measurement and the point that they are trying to represent. Most people would think that there is a big solid wall there, I will put my measurement on the correct side of the wall. They don't always pay attention to the vegetation. If you have a very dense type hedge, something like yew or holly, then that forms some sort of barrier to the air flow and the air is forced to go over it or around it, and that will change the levels of concentrations immediately next to the barrier within a matter of a couple of metres. Beyond that the turbulence that you get means that you are back to similar concentrations. If you have a very open tree like a birch then that is no barrier at all, and therefore it makes no difference.

MRS MURPHY: Sorry, can I say something? So you are saying that you do need the trees there but they want to take the trees away. They want to cut these completely back. We are suppose to live with people looking in on us. If they take the trees away what quality do we have? I know residents have had to move, one in particular her sister had to move from Belfast to Craigavon because they say living beside the motorway caused her health to be really bad. If you cut

the trees away where does that leave us?

MR MCGUINNESS: Perhaps what I could ask you to address is, you said if it was a solid yew hedge or holly that would form a barrier. Do the trees that are there at present form a substantial or significant barrier?

A. If it was a yew or a more dense material they would form an initial barrier to the air movement but they wouldn't change the concentration by the time you get to the house. I really do mean one or two metres of affected area.

THE INSPECTOR: I am anxious again to get to the bottom line of this, and this is all interesting stuff and you are very knowledgeable and have a lot of experience, but what is the bottom line in terms of impact?

A. The hedge makes no difference. If it was there or wasn't there the concentration at the facade of the house as it currently stands would still be above the limit value.

THE INSPECTOR: And what about the broader issue about bringing the carriageway one car width closer?

A. The big issue here in terms of the exposure of the residents to air quality is the existing concentrations from all the sources within the city and the surrounding area. As a result of them at the moment they are over a limit value. The council's working to achieve that and when it comes below the standard, which is a good thing, then the change of the carriageway makes no significant difference. It is fractional decimal places of a microgram per cubic metre.

MR HACKETT: Can I make a few comments? Firstly I think the quote that I gave from Ben was an e-mail to me, so it was specific.

MR MCGUINNESS: With the greatest respect if he is not here to

give evidence it is not appropriate to say what he saw and had done. It could have formed part of his submission --

MR HACKETT: Are you calling me a liar?

MR McGUINNESS: No. We have a quotation put up. This expert has given evidence in relation to that quotation. Unless Ben is here to say that is not right, with the greatest respect if he is not here --

MRS MURPHY: Wait a minute, only for Mark we would have been totally lost. We don't have the financial backings that you have to be able to do all this. I am just an ordinary person like everybody else here from our community. We don't have solicitors or nothing. I have been in contact with a solicitor and am trying to do it through a friend that we are not going to be charged big money because I know at the end it is going to have to go to court.

MR HACKETT: There was something said that made me think that you were interpreting the comment put up in relation to measurement, but the comment was an extract of an e-mail after sight of the section drawings that I have shown here today. There is something in what you said that made me think that that comment relates to bushes being a barrier to measurement. That is not what he was referring to. He was definitely referring to the drawing, and we can do that by written submission if need be. You may not have been aware that that quote was an e-mail sent to me in relation to me sending a query to Ben who, you know, he is only reviewing the drawings and what he can see on Google and so on. He can't be here. I did ask him. He just can't be here today because of a conference.

To come back to the point, we are looking for pro bono help from technical assistants. One of the lines is the, one of the things that you were

mentioning --

MRS MURPHY : We have asked several times for the trees to be cut back only to be told by Road Service that they have to be there to protect you, they are there for your health. And for you to put in bushes, how many years is it going to take for them to grow to protect us, because they don't do it from the start. They are going to be wee things.

MR HACKETT : Can I make a final point. In written submission on a number of occasions I have written a very detailed letter, which you probably have had sight of for the last six or seven months, where it is saying in my view what hasn't happened here is that URS have lined up every technical consultant on the book, but is there an architect? No. There is no architect. The point is this needs to have an architectural, holistic viewpoint on vibration, air, light and planning amenity, where at the side group detailed images was shown of their properties on the proposal. The planner looked at the image and said that would not pass planning permission.

So I am not going to go further than that because that was a closed meeting, but every planner and every architect I think that looks at this in a holistic way, not getting down into technical detail, looking at it in the round thinking about gaps between windows, these houses are quite old, there is an issue and responsibility, I would say -- I don't care if it is legal but it is a moral responsibility, and if you are trying to get an architect or planner to write a holistic report putting together all the data you have got to take a holistic point of view, they have to write that report with the code of conduct in mind.

I have read the code of conduct very carefully in this matter and I

have quoted it earlier to URS in an earlier letter, it is very clear that architects and, I believe, planners also have very strong responsibilities to third parties. So if I am getting paid by TransportNI to do something, I as an architect have to moderate everything I say, not by being an employee or by being paid by TransportNI, I have to do it with my own code of conduct to the fore, and my duties to third parties.

I believe the real issue here is the reason there is no architectural report done at the inception of the idea of taking these trees away and taking this bank out, if I was an engineer or I was designing a project I would go to the relevant set of professionals and say: Is this a good idea, should we be doing this? This report was not done, and I believe it was not done because URS and TransportNI simply cannot get an architect who will come into this room and breach his code of conduct by recommending that these images are a good idea. That is the bottom line as far as I am concerned. You will not get any credible planner who will sign up to his professional code of conduct and say that this scheme is not even just adequate, is a good idea. It is meant to be a benefit and it shouldn't be even worst damage, they should be seeking to enhance the situation here.

THE INSPECTOR: I have read this in your earlier submissions in the file, so I am aware of the point.

MR HACKETT: What have you to say?

MR McGUINNESS: I have to say in response that URS have landscape architects who have been involved in this, they have planners, all of those people are subject to their own professional code of conduct in the same way as you are. You are effectively calling into question their professional ethics.

Now, what is sauce for the goose is sauce for the gander, they could turn that round on you, but what I am saying is --

MR HACKETT: We have all different codes of conduct actually.

MR MCGUINNESS: What I am saying is that landscape architects and planners have been involved in relation to this scheme.

MRS MURPHY: Can I come in there? When were we going to get involved in that, the ones affected by it, because nobody has come to speak to us and asked us what do you think about it coming closer to your houses? You come and stay in my house for a while. Your whole house vibrates.

MR MEGARRY: Brenda, I obviously hear what you are saying. I think that you would acknowledge that in recent months we have met together with you on a number of occasions, we have attempted to communicate more clearly and more pragmatically the nature of the scheme. So we have made efforts in that regard.

What I would say is with regard the absolute treatment of the reinforced slope there is a proposal included within the Stage 3 assessment that showed a quite modest level of planting, simply a hedge to the back, but I am sure that the views of the residents can be taken on board.

I have to say, I will make this comment, Mr Inspector, I don't mean to be divisive, but I have been in various public events, we have had two public events, one in 2011 and one in 2015, and I have to say I got mixed messages from folks that I talked to. Some of the residents are clear that they enjoyed the benefit of the planting and I have had it relayed that some would like it removed. So, I just mention that.

We have also had this idea that the reinforced slope if it was to be landscaped would it be maintained. We were looking at measures to ensure that people weren't looking out onto something that was horrendous, but we could soften in that more natural way. So I think the option to landscape is there and I think it is fair to say we would listen to residents.

MRS MURPHY: Michael, I was at both them meetings for the regeneration and I asked you why was people from Dundonald having a say on which design was going to be when it should be the residents. A lot of the residents in our street are pensioners, they can't make their way down to hotels. You didn't bring it down to the centre where people could have went to it.

THE INSPECTOR: Okay.

MR WRIGHT: John Wright, Green Action. PM10 going down as the expert said, that is largely due to the lack of coherence in Belfast at the moment. PM2.5 are the carcinogens that are on rapid increase and to the shame of Belfast they are not being measured, certainly where they are occurring. The only one place where PM2.5s are being measured is at Lombard St in the pedestrian area. I just thought I would pass on that information.

THE INSPECTOR: Thank you, we are happy for that. Let's take a break for five minutes. How is everyone doing for time? It is always difficult to anticipate how much time you would need. I could suggest to take the evidence from those of you who are scheduled to speak this afternoon next after a short break of five minutes so that we hear that and get that into our system, and then if you want to have any further discussion, depending on the time available we could extend it further? Is that okay with you in the room. Take a break until about 20

past.

(Short Break)

THE INSPECTOR: Just before we start I have been advised that we are required by the owners of the building that we need to vacate the building at quarter to. So there is not flexible unfortunately, we have to stop where we are at that time. Over to you.

PRESENTATION BY MRS BERNIE CAUGHEY

MRS CAUGHEY: My name is Bernie Caughey and I live in Molyneaux Street which is situated at the bottom of Henry Street and faces onto York Street. I am representing certain residents of Molyneaux Street who have concerns with regard to the York Street Bridge.

The first of those concerns is if we want to walk into town we have to double back on ourselves to the Cityside entrance and start to walk up along the new bridge which, I believe, is going to be at the height of five metres high. So it will be five metres height up and five metres height down into town. We think this is unsuitable for the elderly and the disabled. I know there was talk of putting steps at the bottom of Henry Street. Again these would not be suitable for elderly people or the disabled. So we don't think that would work.

The second of our concerns, during the construction of the bridge the bridge will start and go up, as I said, from York Street entrance. As it starts to rise it will create a corridor for about 60 metres from the wall of the bridge and the wall of Cityside. We believe that this will lead to an anti-social behaviour hot spot. It is in an area that over the past few years there have been several muggings, and that is in broad daylight. This corridor will be blinded from the residents and we believe it will be a gathering spot for anti-socials. We spoke to the community safety police who are in agreement with us, they would have concerns with regard to this as well.

The final point is, as has already been stated, the bottom of the Henry Street is an interface area. There are several marches that go along each year, most of those are peaceful and the reason they are peaceful is because of the peace barrier at the bottom which goes from round Henry Street and all round York Street to the beginning of the Westlink, that separates the residents from the marchers. When this is built that will take away that barrier and it will then be that the marchers will be up above and looking down and residents looking up, which we believe is a potential for more trouble.

I have heard about the marchers coming along North Queen St. Being realistic, without being political, we all know the problems around rerouting parades without getting into that one. I couldn't see that happening. These may seem like insignificant concerns to most people but to the people living there they are very significant.

We feel that this whole scheme has been designed to suit road users, people who are going to use this section of roadway for five or 10 minutes twice a

day. These residents have to live here 24/7 and we feel that we have not been taken into consideration.

Thank you.

THE INSPECTOR: Again that is very clear. Good points well made and very, very brief.

Now cut this really short, no extended long answers, please.

MR MCGUINNESS: Can we deal with those points because it may be we can deal with the other points tomorrow morning.

THE INSPECTOR: I would like you to deal with the points she has raised. Two sentence answers.

MR MCGUINNESS: Mr Megarry could deal with those particular issues.

MR MEGARRY: Hopefully we can bring up some images on screen that consider the issue of the interface. Mr Inspector, it is something that we have become aware of since the objections were received. As previously mentioned, we engaged with DoJ and the local police staff, and we attended a meeting as well with Kate Clark and Kieran Shannon as well, who I think it is fair to say represent the local community.

We completely hear what you say. As Bernie has said, yes, there was this concern that as you turn the corner past Cityside that you were entering into a rather narrow space. The point I would make is actually the existing footway, the retaining wall that is going to curtail people is actually further away than the existing kerb line, so there is no sense that it is narrower, it is actually wider. It does have a retaining wall adjacent to it. I believe that retaining wall is at

the point of the edge of Cityside retail park, it is about one and a half metres and descends as you proceed to the Cityside entrance to absolutely nothing. So it is the thin edge of a wedge.

We openly discussed the idea of whether it would be better to have a solid treatment along the top of that wall. The point Bernie made is there was concern that people as they turned the corner that they have to double back on themselves to walk towards York Street -- I don't know what is happening with the images there -- but we openly discussed the idea of whether it was preferable to have steps in this area. The view expressed at the time by Cathy Lachen, who is the police sergeant, was that steps in themselves would become an area where people would congregate, so her view at the time was that they were not appropriate. I take your point that equally the elderly wouldn't enjoy the use of steps.

Nevertheless, what I would point out is that the redirection is of the order of 30 metres. People would turn the corner and then turn back and you are looking at a distance of approximately 60 metres. So the turn at Cityside and then double back on themselves. It is an additional 60 metres and then ascend the raised footway.

Bernie, you mentioned this idea of the concern that the march would be elevated, I think there is maybe two things I would say, ultimately again we engaged the opinion of the police on that and their view was it was better to have a parapet edge that was open, it offered no protection, not an area that you could duck down.

MRS CAUGHEY : The local PSNI that we talked to were not in

favour of it.

MR MEGARRY : The discussion was with Brian Gaskey and Cathy Lachen who are the local PSNI staff. I will not dwell too much on this. At that meeting we committed to ensuring that there was appropriate consultation, particularly given the concerns of public safety and turning that corner. We gave that undertaking that we would consult with the local community with regard to the detailed design, that will include whether it received an enhanced level of lighting to ensure greater levels of safety, and that can extend to discussions on the form of that parapet, whether it was open so that people couldn't hide, or whether it is closed so that there is a certain visual deterrent.

One thing I would say, it is off screen here, but obviously screen appropriate planting could be used to screen. I would say as well, not to diminish it, the parades issue is relatively short lived, it impacts a number of days per year. So overall the feeling was with appropriate levels of consultation with yourselves we could come to a solution with regard to the interface area.

MRS CAUGHEY : I will agree with the parades but the anti-social behaviour in the corridor may be something that would be there several days a week.

MR MEGARRY : I think maybe the concern was the ability of people to congregate in this area. Again, if there was concerns in that regard we feel that suitable landscaping, low level planting that is not going to allow people to duck in and hide, that you can landscape those issues so that people are not standing in an area to stand or hide.

MRS CAUGHEY: Is this in the corridor because people have to use that to get to Cityside and into town?

MR MEGARRY: I think there is a broader issue, if I heard you correctly you are talking about anti-social behaviour that extends right along.

MRS CAUGHEY: The corridor.

MR MEGARRY: We have openly said and committed to the fact that we would take on board the views of the local residents and, indeed, the local police with regard a design to ensure that the public safety concerns were taken on board.

MR HACKETT: Am I right in saying that the road hits grade again just about the end of Citygate as you get to the entrance, I seem to remember that is the case?

MR MEGARRY: It is of that order.

MR HACKETT: When you look at that drawing it seems to be three metres at the corner, because in perspective the brickwork is about three metres tall and in perspective going back that wall is probably three metres, so three metres going to around 60 to 65 metres, so the return journey would be 120 to 130 metres.

MR MEGARRY: Mr Inspector, if it is helpful I will get an exact measurement on that and an exact measurement on the distance travelled and, indeed, the height of the wall as it passes Cityside. We can confirm that possibly tomorrow.

MR HACKETT: The figures you quoted were half of what I think they are.

MR CALLAN: You passed comment there about vegetation and put it low, nowadays with anti-social behaviour, you made some comments that people wouldn't be able to hide, they do it in front of your face. I am just saying whether it is a tree or not, I doubt the PSNI will actually know this, a young fella heading for a train who was shanked with a knife, he came to my house, 15 years of age, with two or three young fellas after him and did it in front of people. It is in your face.

MR MCGUINNESS: There is just one issue that I want to deal with, not necessarily this particular contributor, sir, just before we finish up.

Una Somerville is here, she is a planning expert. Mr Hackett is calling into question the bona fides of our expert. I want to tell you, sir, that not only is Una Somerville part of the side team, that the issue in relation to the design at Little George's Street, it was submitted as effectively a judgment call, a judgment call between professional planners, is the first point. The second point is she is subject to the Royal Institute of Town Planners code of conduct. Not only is she subject to that, but what that means is regardless of who she works for she has to give her professional opinion. She's a former Chair of the Royal Institute of Town Planners in Northern Ireland, not only that but she's a member of their National Council. To be absolutely clear that is the position that she's coming from.

MR HACKETT: I think I have a right to come back on that. I am not questioning anyone's professional code of ethics, right? What I am saying is you're salami slicing the issue into different disciplines. You are salami slicing the issue. I also believe Una Somerville, I don't think you were working on this scheme when that particular issue was being designed, probably about two years

ago now. So I would ask the question, Una, I know in the side meeting took a broad look at planning context. I don't think she, to be fair, provided solutions at a bigger urban level. She wasn't working in an urban design mode, she was giving a planning context to the overall scheme.

So did she, or was she asked to give a detailed planning report from the point of view of dominance, amenity, the normal planning issues, the PPSs and so on? Given that the scheme doesn't have to meet planning requirements, we do understand that the scheme doesn't have to meet DOE, or now council planning requirement, the point is has Una been asked to write a specific report where she brings her experience to bear, or in my understanding she probably wasn't even there at the early stages.

MS SOMERVILLE: I am happy to answer that, Mark. I joined URS, now AECOM, in June 2014, so clearly I only had involvement since that time. But the side group was set up some considerable time after I joined, and those matters were fully debated and discussed. So the point that I was making through our council was that these matters are clearly ones of judgment. They are very real concerns by the residents, and we fully acknowledge that. This is a very, very important issue and one that has been given due consideration.

From the perspective of the discussions within side, I have given it my fullest consideration, having looked at the policy and looking at issues pertaining to right to light etc, etc, so my view in the side meeting was a different view from the representative from the Planning Department, and it is a difficult call, but it is one where the test in essence is the diminution, is there significant diminution.

We can not, unfortunately, have a greenfield site. It is a very difficult situation where there is an existing superstructure there and we are mending that superstructure. It would be better if there was a greenfield site, but it is not. It is a retro fit so we have to take into consideration all the constraints pertaining to that. So my professional view is, yes, there will be an impact and the EIS has referred to that, but it is not so significantly damming that it should prevent the scheme going ahead.

MR HACKETT: In reply to that you mentioned landscape architects. I am fully familiar with what the profession of landscape architecture entails on many different levels, but did URS actually consult an architect in your team, because you have many in your office, officially or unofficially to say is this a good idea, is what we are doing right, and to examine all the issues that I brought up in my letter which was sound, vibration? Holistically, holistically is my point of view. I think what you have done is you have salami sliced all the decisions into different disciplines and specialisms, and I don't think, Una, that you -- I wasn't even aware that you gave that consideration in the side meeting because it was a very short conversation in terms of what you were presenting.

MS SOMERVILLE: I think there was a fairly detailed discussion at that particular meeting, but in essence my view was different from the planner that was part of the side group. Sorry, Mark, you are referring to salami slicing and different professions, and from what I am hearing you say it is only an architect that could have given that view. Given it was multi disciplinary team --

MR HACKETT: Have you approached an architect?

MS SOMERVILLE: -- it is a multi disciplinary team. The

landscape team had a lot of involvement, we have the director of landscape architecture from URS here to answer any questions on landscaping, and the EIS has a very, very detailed section on landscape and visual impact. It may be something Michael wants to further expand on, but from our perspective it has been an integrated holistic look.

THE INSPECTOR: Unfortunately, we can not have any more discussion because we have reached our deadline and we have to leave the room.

MR HACKETT: The question has not been answered.

MR McGUINNESS: It can be answered tomorrow.

THE INSPECTOR: Tomorrow is tomorrow, and we have a plan for tomorrow which we will do our best to adhere to. It is for me to come back on Thursday for those of you who have not had an opportunity to speak. We can't take anything more.

MR McGUINNESS: This is just a housekeeping issue, sir. I was going to formally ask that in relation to tomorrow if we could deal with Mr Hackett tomorrow morning and then go into Paschal Lynch, but leave the Departmental response on Paschal Lynch to Thursday. It is now nearly 6 o'clock. We have work to do tonight in relation to Mr Hackett and it would be most convenient, the most appropriate.

MR CALLAN: I am a resident, I work with the Child Support Agency, I am doing it for me, my colleagues. I see people in this room, 78 signatures I think outside, and the majority of people in this room are against the residents, no disrespect to you. Sorry for this. You turned around and said "our counsel", why haven't we got counsel? You represent our best interests in our

estate for the right to light, standard of living life. Comments have been passed -- I do apologise, and now all of a sudden: Fine, I have to come back another day. Can I come back tomorrow morning and speak and put Paschal or whoever to one side? I can't just keep on taking time off.

THE INSPECTOR: As you probably gathered from those here all today, time is extremely important to me and I have done my damndest through Ian to put together a programme which was workable. Unfortunately, it is not always possible to adhere to that. Everyone was given an opportunity to give an indication as to how much time they required to reply, and what do I could, do I stop the discussion and then be accused --

MR CALLAN: I am not accusing you of anything.

THE INSPECTOR: We have the situation today, unfortunately, where for the first time in my experience in running these inquiries we have come badly off the rail. I appreciate your point.

MR CALLAN: Do it first thing in the morning if need be.

MR McGUINNESS: I know Mr Lynch's representative is happy to put it off to Thursday, sir, so it may be more appropriate if we could start tomorrow and move on to Thursday. If it suited you and accommodated the residents and Mr Hackett you could deal with these issues.

THE INSPECTOR: People want to speak, the last thing I want is anyone leaving here at the end of this Inquiry saying that Jim Robb prevented me from having my say. We will run it into Thursday, and if we have to we can rehash the programme slightly tomorrow morning if necessary in Paschal Lynch's session.

MR HACKETT: I would prefer to be after Paschal Lynch.

THE INSPECTOR: Can the residents who wanted to speak today but who haven't had an opportunity to speak today come tomorrow?

(Residents shake heads no). That is most unfortunate. When would it suit.

MR HERON: This could all be avoided. Everybody is saying look at them ones, they don't live near the construction but when it comes to the people who live in the middle of it we are whitewashed, yet we have to give up time to come and suit these ones unpaid, which these boys, God knows what they are on an hour.

THE INSPECTOR: Can you come back tomorrow or Thursday?

MR HERON: I can't.

THE INSPECTOR: Can you give us a note of the points that you want to make?

MR HERON: Yes.

THE INSPECTOR: I don't want to have a situation where you wanted to say something and that's been blocked. Make a note, whatever, it doesn't matter what way, and anyone else who was scheduled to speak this afternoon and hasn't had that opportunity.

MR HERON: Yes.

MR CALLAN: I will be happy to come back but I need to have notice.

THE INSPECTOR: Talk to me about the scheduling of that.

MR MCGUINNESS: Is it going to be tomorrow or Thursday, sir, it is just that Mr Hackett has started, I think from a continuity point of view we should finish him?

MR HACKETT: I got a report at 7 o'clock last night, I was up to 6 o'clock in the morning.

THE INSPECTOR: Work out which way you want to play that.

MRS MURPHY: Can I ask one of the ones who are going to talk here in the morning to ask a question, I want to know if our houses now are devalued and not selling what are we to do with them? If the Council know and they had this all planned where does that leave us as residents, most of the top end of Little George's Street where does that leave us?

MR McGUINNESS: There is a right to compensation under Part 2 claims in the compulsory acquisition.

MRS MURPHY: If our houses don't sell you will give that to me --

THE INSPECTOR: Remember, I said in introductory comments here that we can not deal with compensation issues. That is not part of our brief. That is for Land and Property Services. You would talk to them about that.

MRS MURPHY: So we have to go and say now our houses won't sell.

MR CALLAN: I appreciate that is not your brief but that is the reality of it, that people have to leave their home. That is why we are here, it is for the residents. We are here for our lives, where we live.

THE INSPECTOR: I appreciate that.

MR CALLAN: No disrespect.

THE INSPECTOR: I don't want to belittle the effect of compensation. All I am saying is we are not authorised to discuss that at this meeting. It is not within our brief. We have no expertise.

MR McGUINNESS: The final issue is Dr Cran is only here today and tomorrow, so any Right to Light issues need to be tomorrow.

THE INSPECTOR: I think we have explored that.

MR McGUINNESS: If you are happy, sir?

THE INSPECTOR: That is fine.

(The Hearing adjourned until Wednesday 11th November 2015 at 10.00 a.m.)