

The Roads (Northern Ireland) Order 1993

Local Government Act (Northern Ireland) 1972

DEPARTMENTAL STATEMENT

PUBLIC INQUIRY

Into.

NOTICE OF INTENTION TO MAKE A VESTING ORDER.

For

Annaghmore Road/Bellshill Road

alternative junction

Before:

Ms Eileen Brady (Inspector)

Mr J Robb (Assistant Inspector)

Tuesday, 29th September 2015.

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INSPECTOR'S COMMENTS

THE INSPECTOR: We will commence the Public Inquiry into the Annaghmore Road/Bellshill Road Castledawson this morning. I want to say good morning everyone and welcome today.

For those of you who have been to the pre-inquiry meeting on 2nd September you will have heard most of what I have to say, what I said then I have to repeat today. However, I have some additional points that I wish to make now that we have reached the Inquiry itself.

As a matter of introduction for those who are not aware, I am Eileen Brady and I have been appointed as the lead inspector responsible for conducting the Public Inquiry into the published Vesting Order concerning proposals to acquire lands for the construction of a junction to connect the Annaghmore and Bellshill Roads at Castledawson to proposed A6 Toome to Castledawson Dual Carriageway.

I have a background in law as a qualified barrister. I presently am part-time chair of the Exceptional Circumstances Body, appeal body. I chair a Professional Regulatory Conduct Committee and have acted as Assistant Electoral Commissioner responsible for conducting public inquiries into electoral boundaries.

I have been appointed by letter of appointment and I have to, as a matter of record, read it into the record.

"The Department for Regional Development:

In accordance with provisions of paragraph 2 of Schedule A1 to the Interpretation Act (Northern Ireland) 1954, the Department for Regional

Development hereby appoints Ms E Brady to hold an inquiry into the Department's proposal to make an order under Article 113 of the said Order and Schedule 6 to the Local Government Act (Northern Ireland) 1972 for the purpose of acquiring the land to construct the Annaghmore Road/Bellshill Road junction."

Signed DJ Miller, Senior Officer for the Department for Regional Development, 11th June 2015.

On my left is Jim Robb. Some of you may be acquainted with Jim in his previous role in inquiries, and he is acting as Assistant Inspector to the inquiry. I will ask Jim to make some introductions about himself.

MR ROBB: As Eileen has said, most of you will remember that I was involved in both the 2007 and 2012 inquiries, both of which involved the Annaghmore Bellshill Road arrangements. Now Eileen has been appointed to lead this inquiry because essentially what is proposed by the Department at the present time is the development of my recommendations to a degree from both the 2007 and 2012 inquiries, so in the interests of impartiality we believe that it is preferable for a new pair of eyes to overlook the proceedings, and it will be Eileen's report and Eileen's recommendations at the end of the day. My attendance here today is really in essence for continuity rather than anything else. So it is essentially Eileen's show today. That is really all I have to say at this stage.

THE INSPECTOR: Thank you very much. I will turn to housekeeping matters. In terms of an evacuation procedure should a fire alarm sound please proceed to the carpark following any of the emergency exit signs. If anyone requires assistance please don't hesitate to ask. In terms of mobile phones, please ensure mobiles are switched off or turned to mute.

As you can see on your entrance to this building please sign in your details to record your attendance at the inquiry. There are washrooms located in the main hall to the right. There is a roving mic and if you feel you have the need to use it, go ahead. The media are welcome, but no filming or photographing.

We are scheduled to be here today commencing at 10.30. We shall break for lunch at one until two. There will be comfort breaks if necessary mid-morning and mid-afternoon and we aim to finish around five.

I will now turn to some other introductions. To my right is the programme officer Eamon Donnelly. Although Eamon is employed by TransportNI he has a completely neutral role and he is responsible for the detailed administrative arrangements, and if you require any further information or guidance he is available to assist.

Also present is Kay Hendrick, the Stenographer, and she is making a verbatim account of the proceedings so please speak at a moderate rate and with clarity so she can hear and record properly and help her in her arduous task of completing this recording.

Also in the room are Road Service representatives to my right, and maybe they would kindly introduce themselves starting with Mr O'Reilly.

MR O'REILLY: My name is Francis O'Reilly, I am a barrister and I am instructed by the Department Solicitor's office on behalf of TransportNI.

MR HITCHENOR: My name is Andrew Hitchenor and I am the project sponsor of TransportNI based in Coleraine.

MR MACLEAN: My name is Michael MacLean and I am the project manager for the scheme and I work for AECOM, TransportNI consultant.

MR BISSLAND: My name is Russell Bissland and I am with AECOM and I am the technical director and Aecom and I am responsible for the traffic signalling.

MR COUGHLIN: My name's Gareth Coughlin and AECOM and I am an employed by AECOM and am acting as the environmental team lead for this scheme.

THE INSPECTOR: Thank you very much for that. I will return to the background of this inquiry.

The Department is proposing to acquire lands to construct a compact grade separated junction located between the existing Bellshill Road and the Moyola River south-east of Castledawson, and a north south link road to carry over the proposed A6 Dual Carriageway on an overbridge to connect the Bellshill Road (north) and Annaghmore Road (south). Two connector loops will provide access to the A6 Dual Carriageway both east and west bound.

The Junction Scheme that is before this Inquiry has evolved after two previous Inquiries. In 2007 and 2012 Departmental proposals for a junction to link the area around Castledawson to the proposed A6 Dual Carriageway were rejected. However, on the basis of the Inspector's recommendation within the 2012 report, the Department devised a junction and sought the appropriate planning approval for such in December 2014. This inquiry has arisen due to the requirement for lands to be vested to implement the proposed junction.

The Department issued a Notice of Intention to Make a Vesting Order on 19th January 2015, which was published as required in the weeks commencing 9th and 16th February 2015. For the purposes of the record Aecom

and I am required to read out the Notice of Intention to make a Vesting Order.

"Notice of Intention to make a Vesting Order:

Annaghmore Road Bellshill Road junction at Castledawson.

The Department for Regional Development proposes to make an Order vesting certain lands in the townlands of Annaghmore, Shanemullagh, Tamnadeese, Tamniaran, County Londonderry in the Department under the Local Government Act (Northern Ireland) 1972 and the Roads (Northern Ireland) Order 1993.

The Department proposes to acquire the lands for the construction of a junction to connect Annaghmore Road and Bellshill Road at Castledawson to the proposed A6 Toome to Castledawson Dual Carriageway. A map of the lands may be inspected at all reasonable hours at TransportNI offices of the Department, Northern Division, County Hall, Castlerock Road, Coleraine. Also at Galgorm Road, Ballymena and headquarters at Clarence Court, Adelaide Street, Belfast, and at the offices of Magherafelt District Council, Magherafelt and Magherafelt Library.

Anyone who wishes to object to the proposed Vesting Order being made must write to the Divisional Manager, Department for Regional Development, TransportNI, Northern Division, County Hall, Castlerock Coleraine before Friday 20th March 2015 giving your reasons.

It also indicated on the Notice that information that you provide in your response, including personal information could be published or disclosed under the Freedom of Information Act 2000 (FOIA) or the Environmental information Regulations 2004 (EIR). That was signed by DJ Miller, the authorised officer, and

it is dated 19th January 2015.

In response to this notice 14 letters of objection were received and three comments. Given the nature the proposals and as many objections had not been resolved the Minister decided to go to Public Inquiry. This allows a fair opportunity for parties for and against the proposed vesting to have their case heard and questions to be put to both the Department and objectors.

Now turning to the inquiry process itself. This Inquiry is open to anyone to attend. We want everyone who has come along to have an opportunity with the relevant contributions. These proceedings follow the rules of natural justice which allows and ensures all participants a fair opportunity to be heard and to hear the case they are challenging. I expect the proceedings to be conducted cordially as this will assist in the smooth running of the schedules.

My role today is to hear submission in an impartial and open minded way. I am independent having been appointed from a panel of inspectors and, as already indicated to you today, Aecom and I am tasked with producing a report in this Inquiry and making recommendations appropriate to the Department.

I must emphasise also there are specific areas of contention this Inquiry will not be permitted to consider; these are areas of planning law, compensation and human rights.

In terms of planning issues this proposal has already been subject to the planning process, and planning approval was granted on 3rd December 2014.

In terms of compensation there does exist a mechanism which lies outside the scope of this hearing to deal with compensatory matters. In terms of human right matters, these require to be heard before a different forum, namely the courts.

Although we may have sympathies in these areas with yourselves we have no scope in terms of our remit before this Inquiry today.

In terms of preliminary matters, the Assistant Inspector and myself have carried out preliminary site visits and are very familiar with the proposed Vesting Order area. We are prepared to make further site visits if required, but please note we can not hear any new or additional information on the objection, but the visit can prove fruitful and helpful in terms of emphasising particular features that you wish to emphasise.

As outlined, Aecom and I am tasked with producing a written report. Once I have done this to the Department the Director of Corporate Services at TransportNI will examine and produce a written response. Once complete the reports are available for public inspection.

In terms of today's sequence of events, the Department will commence by opening and presenting their case. Each of the witnesses will take it in turn to give a summary of the presentation they want to make today. Then the objector will have an opportunity at this stage to put questions to the Department, and I must stress this is not the time to put your objection before the Inquiry, but it is important for you to raise any issues that you feel need to be raised from their presentation if needed. The Objector does have an opportunity at the timescale that has been allotted to make their presentation.

I must stress also that repetitiveness does not serve to reinforce points, but can impact on the efficiency of the programme timetable, and we do want to make sure every one has been heard in the time allocated. When the objector has finished presenting their case the Department will respond and may ask questions

or they may present details on any mitigating measures that they can take.

Following the final objector and if anybody is present and wishes to make a submission this is appropriate then.

Any written objections which have been submitted to the Inquiry will be addressed by the Department if it has been sought. Once all participants have concluded I shall make some closing remarks.

Finally I want to reiterate that today is an opportunity for each side to make contact and to have the aim of resolving any outstanding matters and to avail of the opportunity present today.

So in line with all that it seems the formalities are now completed and I would ask the Department to commence presenting their case.

OPENING BY MR O'REILLY

MR O'REILLY: Inspector, as you rightly said, this is the third Inquiry relating to the proposed Dual Carriageway, and the present proposal arises from a recommendation made by the Assistant Inspector. This Inquiry is the result of two recommendations made by your Assistant Inspector, both in 2007 and 2012. Certainly the Assistant Inspector will recall that at the commencement of the 2012 Inquiry the position the Department adopted was that any form of junction that trespassed upon a flood plain was likely to be prohibited, but the Inspector took it upon himself to summon the Rivers Agency and to extract from that body the confirmation that, indeed, part of the junction could be located within the flood plain. As a result of that he confirmed that in his written report and the Road

Service or TransportNI has acted upon that by applying for planning permission for a scheme of that nature.

The resulting difficulty, if I may say so, is that where part of the flood plain is lost as a result of the Dual Carriageway junction then a compensatory area has to be acquired so that there is no unreasonable flooding, and a substantial part of the lands proposed to be vested are as a result of the necessity of providing compensatory land area.

Now it is right to say that where possible and land has been acquired of the Vesting Order as approved to compensate for the loss of the flood plain, that land will be offered back to the owner for sale, albeit subject to certain restrictions, but it is not intended that the land will be lost for ever.

The design has been long in the making. The planning process -- I know you don't want to touch upon it -- took 18 months. It was made as a planning application rather than going through other statutory forms. The planning application was accompanied by the Environmental Statement which is before this Inquiry today, and planning permission was granted in December 2014.

There are, as we said, a number of objections, and understandably land owners and farmers, in particular, clearly do not wish to suffer any loss of land that they have had, and perhaps have been in families for generations beforehand. That, sadly, is one of the consequences of trying to construct new roads in what would be called green belt or virgin areas and trying as far as possible to avoid residential accommodation. The burden always falls on landowners, which is a sad fact of life. It is part of the regional scheme of Northern Ireland with the intention eventually of having a Dual Carriageway standard type road from Belfast to

Londonderry and bypassing hamlets, towns and villages on the way there.

I don't wish to say anything further at this moment in time, as you kindly granted me rights to cross-examine, if appropriate, any of those who come forward with objections or any of the witnesses here today to respond to questions they may have.

So I would ask you to hear from Mr Hitchenor who is the Strategic Roads Improvement manager TransportNI, and he is a project sponsor for this particular scheme.

PRESENTATION BY MR HITCHENOR

MR HITCHENOR: Thank you. My name is Andrew Hitchenor and I am a Principal Professional Technology Officer with TransportNI - Northern Division in County Hall Coleraine. I have a BSc (Hons) degree in Civil Engineering Quantity Surveying and an MSc in Infrastructure Engineering and over 30 years experience within the construction sector working for both client and contractor. I am a member of the Chartered Institution of Highways and Transportation.

I was appointed to the post of Strategic Roads Improvement Manager in Northern Division in late 2013 and I am the Project Sponsor for the A6 Randalstown to Castledawson dualling scheme.

Also with me today are Michael MacLean, AECOM's Project Manager, Russell Bissland, AECOM's lead Transport Planner and Gareth Coughlin, AECOM's Environmental Team Leader.

As discussed and agreed at the pre-meeting with the Inspector, the Full Proofs of Evidence have already been submitted and will be available on the Department's website and we will now each present a short precise or summary of our evidence which is found in the proof of evidence.

I will provide the Inquiry with the background to the scheme along with the policy and procedure context of the scheme. Following this, my colleagues will summarise their evidence based on their particular area of specialism and, where appropriate, introduce other key staff and specialists who may provide additional clarification during the Public Inquiry.

I do not intend to go into the full background and policy context of the A6 scheme, as this was covered in previous inquiries. However, it is covered in my full proof of evidence.

TRUNK ROADS AND GOVERNMENT POLICIES

The Regional Development Strategy for Northern Ireland recognises that Northern Ireland is almost wholly dependent on a road based transport system reflecting the small internal market and dispersed settlement pattern. The A6 is an important part of the top tier of the Region's long distance routes connecting the cities and main towns to the major regional gateways.

The upgrading of the A6 between Randalstown and Castledawson Roundabout will have largely positive effects in terms of national, regional and local planning policies. General principles of road safety are promoted and the scheme is supported and safeguarded by

a number of planning policies including those contained in the Regional Development Strategy for Northern Ireland. Most policies at strategic level recognise that road transport will remain the predominant means of transport for the foreseeable future.

SCHEME HISTORY

The Department published proposals in March 2007 to upgrade the A6 from the western end of the M22 Motorway at Randalstown to the Castledawson Roundabout to dual carriageway standard. In his report on the Public Inquiry held in November 2007 to examine the proposal, the Inquiry Inspector, Mr Robb, recommended that changes should be made to the published junction at Annaghmore Road/Bellshill Road at Castledawson. He recommended that the north-south spine of the junction should be located in the Moyola floodplain east of Bellshill Road in farmland between Bell's Terrace/Hillview Terrace and the Moyola River.

In its September 2009 'Statement by The Department on the Report on the Local Public Inquiries into the Environmental Statement, Direction Order and Vesting Order for the proposed T8 (A6) Toome to Castledawson dualling scheme', the Department accepted the Inspector's recommendations to replace the Annaghmore Road/Bellshill Road junction arrangements examined at the Local Public Inquiry with an alternative arrangement, subject to satisfactory outcome of the normal statutory process, and that local public consultation would measure acceptability of these alternative junction arrangements.

The A6 Toome to Castledawson dual carriageway Direction Order incorporating amendments and Environmental Statement Notice to Proceed

were confirmed in March 2011; the Vesting Order remains in Draft until funding for the scheme has been confirmed.

In accordance with the guidance in the Design Manual for Roads and Bridges (DMRB) that construction of roads over floodplains is to be avoided, the Department decided to avoid the Moyola floodplain, opting to proceed with a junction located west of Bellshill Road. This was the Annaghmore Road/Bellshill Road 'diagonal link junction'.

This option was presented to the public at Community Information Events held in Castledawson and Toome during November and December 2009 and was the subject of a subsequent public meeting with Castledawson residents in February 2010. A substantial volume of comment was received during and after these events. Prime among the concerns was the proposed connection through Castle Oak to Annaghmore Road (north).

The Department subsequently revised its alternative grade-separated junction proposal in response to some of the concerns expressed. The Department brought forward a planning application, Environmental Statement and a Vesting Order to provide for the new arrangements subject to successful completion of the statutory process the Department plans to carry out this work in conjunction with the main scheme.

Because the alternate grade separate junction proposal was not a 'permitted development' as defined by the Planning (General Development) Order (NI) 1993 No. 278 (as amended), a planning application accompanied by an Environmental Statement was submitted to PlanningNI on 25 November 2010, seeking planning approval to construct the Annaghmore Road/Bellshill Road

alternative grade-separated junction.

The Department received three hundred and twenty letters of objection (twenty five individual letters and three petitions) concerning its proposal to vest lands to construct the Annaghmore Road/Bellshill Road alternative junction. PlanningNI received three hundred and ninety letters of objection (twenty nine individual letters and four petitions) concerning the planning application to construct the Annaghmore Road/Bellshill Road alternative-grade separated junction. (The objections submitted to TransportNI and to PlanningNI were similar.)

Public Inquiry.

Given the nature of the proposals and the likelihood that a number of the objections to the NIMVO could not be resolved, the Minister for Regional Development approved the holding of a Public Inquiry to give objectors, TransportNI and others a fair opportunity to be heard and to question the case for and against the proposal to vest lands to construct the alternative grade-separated junction proposal. The Department appointed Mr. J A Robb as Inspector and Mr. W O'Neill as Assistant Inspector to hold an inquiry to consider the proposed Vesting Order.

Main Conclusions and Recommendations of the Inspectors' Report.

Having reviewed the evidence presented by TransportNI, objectors and others, both before and during the Inquiry and considered the detail contained in the Notice of Intention to Make a Vesting Order (NIMVO), the

Environmental Statement and other documentation, the Inspectors recommended that:

The guidance set out in the Design Manual for Roads and Bridges (DMRB) which indicates that the construction of roads over floodplains is to be avoided should be set aside in this instance. (The Inspectors received clear guidance from Rivers Agency that it would have no objection to a north-south road being built over part of the Moyola River floodplain to the east of Bells Terrace and Hillview Terrace. This was based on the assumption that an adjacent flood compensation area could be provided by such a north-south road.

Junction Option B1, as defined in Scott Wilson Technical Note No. 2, dated 25th February 2010, should be taken forward as a more acceptable alternative to the Preferred Option 9 recommended by the Department;

The proposed pedestrian overbridge at the Annaghmore Road/Castledawson Bypass intersection should be removed;

The TransportNI Preferred Option for the treatment of Annaghmore Road and Bellshill Road Junctions as set out at the 2007 Public Inquiry should not be reintroduced.

In its November 2012 Departmental Statement on the Inspectors' Report, the Department accepted the Inspectors' recommendations.

THE PROPOSED SCHEME

Planning approval was sought in June 2013 for a fine-tuned version of the 'Inspector's junction' with the north-south spine located east of Bellshill Road in farmland between Bell's Terrace/Hillview Terrace and the Moyola River; planning approval was granted in December 2014.

The Department published a Notice of Intention to Make a Vesting Order (NIMVO) in January 2015 to acquire land to construct the junction. 11 objections and three representations were received before closure of the period for submitting objections; three objections were received after the closure of the period for submitting objections.

The proposed scheme is a compact grade-separated junction located between the existing Bellshill Road and the Moyola River, southeast of Castledawson. A north-south link road, carried over the proposed A6 dual carriageway on an overbridge, connects Bellshill Road (north) and Annaghmore Road (south). Two compact connector loops would provide access to the A6 strategic dual carriageway (eastbound and westbound) from the north-south link road.

This layout has been adopted because Bellshill Road (north) provides the better connection to Castledawson Main Street and Annaghmore Road (south) provides the better connection to Aughrim Road. The existing Annaghmore Road and Bellshill Road junctions with the A6 Castledawson Bypass would be stopped-up, with no connection to the proposed dual carriageway.

OBJECTIONS & REPRESENTATIONS

Landowners and occupiers directly affected by the scheme

and others objected on the following grounds:

- a) Excessive vesting of land;
- b) Not properly informed about the vesting proposal;
- c) Vesting of lands zoned for development;
- d) Impact on farm viability;
- e) Landscaping/screening issues;
- f) Excavating alongside existing buildings;
- g) Property devaluation;
- h) Possible routes for 'northern link road'.

Representations commented on aspects of the scheme while not objecting:

- a) Blighting of adjacent properties;
- b) Agricultural/animal husbandry issues.

Alternative Proposals

No alternative proposals were received by the end of the objection period.

Having received objections with respect to the published NIMVO, the Department determined that it was necessary to hold a public inquiry.

HUMAN RIGHTS CONSIDERATIONS.

TransportNI considers that there is a compelling case in the public interest for confirmation of the Vesting Order and that Order, if confirmed, would strike an appropriate balance between public and private interests. The rights of owners of interests in the Order lands under the Human Rights Act 1998, in particular the rights contained in Article 8 and Article 1 of the First Protocol, have

been taken into account by the Department when considering whether to make the Order and when considering the extent of the interests to be comprised in the Order. The Department considers that the Order land is both suitable for and will facilitate the carrying out of development, redevelopment and improvement and will make for a positive contribution in the promotion or achievement of the economic, social and environmental wellbeing of its area for the reasons explained in this proof.

CONCLUSIONS.

In conclusion the published proposals have been subjected to a detailed appraisal on engineering, economic, environmental and amenity considerations and they satisfy the Department's objectives.

The scheme will benefit society as a whole and it is in the public interest to use the Department's compulsory purchase powers to acquire the land for the scheme.

Whilst construction of the dual carriageway is subject to the availability of finances, it is essential to complete planning of the alternative junction to prepare for implementation.

Thank you.

THE INSPECTOR: Thank you very much Mr Hitchenor.

PRESENTATION BY MR MACLEAN

MR MACLEAN: Aecom and I amMy name is Michael MacLean. I have a BEng (Hons) degree in Civil Engineering. I am a Chartered Engineer and a Member of the Institution of Civil Engineers, and I have over 29 years's experience in the Civil Engineering Profession.

Between August 2003 and October 2012 I was Project Manager for the development of the A6 Toome to Castledawson upgrading scheme on behalf of TransportNI. I was responsible for co-ordinating the various teams involved in specialist aspects such as: roadworks design; structural design; Geotechnical design; environmental assessment; and traffic and economic analysis.

My evidence is restricted to the engineering details of the Annaghmore Road/Bellshill Road Junction, subsequently referred to as the "Scheme". Specialist Comment on other aspects of the Scheme, such as traffic and environmental issues, will be provided by Mr Russell Bissland and Mr Gareth Coughlin respectively. I will use drawings to assist with the explanation of some of the details, which will include:

The background to the Scheme;

A description of the existing conditions around Castledawson;

The development of the layout, describing how the proposed Scheme was selected;

A description of the proposed Scheme; and any construction issues identified.

I will now summarise the background to the Scheme.

BACKGROUND TO THE SCHEME

In March 2007 the Department for Regional Development published proposals to upgrade the A6 to dual carriageway standard, from the western end of the M22 Motorway at Randalstown to the Castledawson Roundabout.

The proposals for the western section, between Toome and Castledawson included provision of an overbridge at Annaghmore Road, to connect land north and south of the proposed A6 dual carriageway, with left-in/left-out junctions connecting Bellshill Road with the A6 eastbound and westbound carriageways.

In November 2007 a Public Inquiry was held to examine the case for and against that section. In his report, the Inspector recommended that this

connection should be included at an alternative location east of Bellshill Road, in farmland that forms part of the Moyola River floodplain.

Following an assessment of a number of options, including that recommended by the 2007 Inquiry Inspector, a Planning Application was submitted by the Department for Regional Development for an alternative alignment west of Bellshill Road, which avoided the Moyola River floodplain.

A Notice of Intention to Make a Vesting Order (NIMVO) for that scheme was published in January 2011 and a Public Inquiry was held in February 2012.

In his report, the Inspector again recommended that the connection should be located east of Bellshill Road and within in the Moyola River floodplain.

I will now summarise the existing conditions within the study area.
Annaghmore Road/Bellshill Road Junction Public Inquiry Proof of Evidence
(Summary)

EXISTING CONDITIONS

The existing single carriageway Castledawson Bypass, between Castledawson Roundabout to the west and Hillhead Road Junction to the east, is shown in Figure 3.1.

The Castledawson Roundabout is a 100m diameter, 4-leg roundabout that forms the junction between the A54, A31 and the A6, linking Castledawson and Magherafelt with the strategic road network.

The Hillhead Road Junction is an at-grade priority junction linking the areas of Hillhead, Castledawson and Knockcloghrim with the A6.

Between Castledawson and Hillhead Road there are additional

junctions and accesses connecting Brough Road and individual farms with the strategic road network.

Mid-way along the existing Castledawson Bypass there are two staggered atgrade priority junctions connecting Castledawson to the north and Annaghmore & Aughrim to the south with the A6.

Land to the south of the existing Castledawson Bypass is rural in nature with a limited number of residential properties and farm buildings. Land to the north is more urban, with dense housing along both the Annaghmore Road and Bellshill Road, with more recent housing development between both connector roads.

Numerous utility services traverse the study area, including those linking to individual commercial and residential properties.

Within the immediate study area there are numerous minor watercourses. To the north of the A6 are Bells Hill Drain and Bells Hill Drain Branch, and to the south of the A6 are Castle Hill Drain and Castle Hill Drain Branch, shown in Figure 3.2.

The Moyola River is approximately 43km long and drains a catchment area of approximately 313km², before entering Lough Neagh at Moyola Water Foot. The Rivers Agency Strategic Flood Map for Northern Ireland shows that the Moyola River has associated floodplain east of Bellshill Road (N). It also shows that the Coppies Burn has associated floodplain in the vicinity of Bellshill Road (S).

I would now like to describe the process by which the various route options were developed and assessed, and how the proposed Scheme was

identified.

Annaghmore Road/Bellshill Road Junction Public Inquiry Proof of
Evidence (Summary)

DEVELOPMENT OF THE SCHEME

During the development of the A6 Toome to Castledawson dualling scheme between 2003 and 2007, a number of layout options were considered for the Annaghmore Road/Bellshill Road Junction prior to the selection of the Department's preferred option at that time, which is shown in Figure 4.1.

In his report on the inquiry, the Inspector recommended that the proposed overbridge at Annaghmore Road should be replaced by an alternative crossing behind the Bellshill Terrace and Hillview Terrace. He also recommended that link roads be constructed north and south of the proposed dual carriageway to provide local access as shown in Figure 4.2.

Following the 2007 inquiry, the development of the Inspector's recommended option initially focussed on the alignment of its link roads north and south of the A6. Further consideration was also given to the mitigation of its impact on the Moyola River floodplain. The developed layout is shown in Figure 4.3.

Whilst some of the original impacts of this option could be eliminated, with modifications to the geometry of individual components, a number remained.

One significant impact was that on the Rivers Agency designated Q100 Moyola River floodplain, which required approximately 9,700m³ of compensatory volume to offset that lost beneath the footprint of the proposed link road and its associated compact connector.

Planning Policy FLD 1 is the main planning policy associated with Planning Policy Statement (PPS) 15V Planning and Flood Risk. It states that development within floodplains will not normally be permitted unless the proposed scheme is an exceptional case and/or it is of overriding regional importance.

Furthermore, HD 45/09 of the Design Manual for Roads & Bridges (DMRB) states that new roads or improvements should only be located within functional floodplains if there is no acceptable alternative, and they should be restricted to the shortest practical floodplain crossing.

Consultations with Planning NI on this issue concluded that any alignment that had a direct impact on the Moyola River floodplain would not be considered an exception to Planning Policy FLD1, as long as there was a viable alternative that had no impact on the floodplain.

A viable alternative linking Bellshill Road (N) with Annaghmore Road (S) was identified, which had no direct impact on the designated floodplain, as shown in Figure 4.4. The Department promoted this alternative option with a planning application and published a Notice of Intention to make a Vesting Order (NIMVO) in November 2010.

Objections were subsequently received to both, and a Public Inquiry was held in February 2012 to examine the NIMVO proposal. In his report, and following consultation with Rivers Agency, the Inspector again recommended that the connection should be located in the Moyola River floodplain and that the advice in the DMRB, in this instance, should be set aside.

The Inspector's recommended option was developed, in consultation with Rivers Agency and TransportNI, to minimise the impact on the floodplain. A

detailed FRA was also carried out to ensure that the Scheme adequately compensated for the floodplain capacity lost as a consequence of the earthworks footprint.

During these consultations, safety concerns were expressed about the potential for the Scheme to add traffic onto the Bellshill Road, south of the proposed A6 dual carriageway, and through its existing junction with Aughrim Road. This junction has limited visibility due to a tight crest curve on Aughrim Road approximately 90m to the west.

Consequently, the link road south of the proposed A6 dual carriageway has its main connection with the Annaghmore Road (S) and a minor junction with Bellshill Road (S). This arrangement was developed to encourage traffic to use the higher standard Annaghmore Road/Aughrim Road junction, and limit the potential for increasing the traffic volume on the lower standard Bellshill Road/Aughrim Road junction.

I will now describe the proposed Scheme layout in more detail.

Annaghmore Road/Bellshill Road Junction Public Inquiry Proof of Evidence (Summary)

DESCRIPTION OF THE SCHEME

The proposed Scheme, shown on Figure 5.1, comprises a compact gradeseparated junction located in agricultural land east of the existing Bellshill Road and west of the Moyola River.

The layout of the proposed Scheme can be split into 5 separate elements, namely:

The Bells Hill north/south link road;

A compact connector to the proposed A6 eastbound carriageway;
A compact connector to the proposed A6 westbound carriageway;
A north link road between Bellshill Rd (N) & Annaghmore Rd (N);
and

A south link road between Bellshill Rd (S) & Annaghmore Rd (S).

The Bells Hill north/south link road comprises a 7.3m wide single carriageway approximately 850m long running in a north-south direction connecting Bellshill Road either side of the A6 dual carriageway.

From the roundabout, this link road incorporates a pedestrian footway on the west side and road lighting over its length. Immediately south of the proposed link road to Annaghmore Road, this link also incorporates a footway on its west side. The Design Speed is 85Bkph and it is proposed that the speed limit will be 30mph, consistent with the existing Bellshill Road.

In the immediate vicinity of the overbridge, the link road will be constructed on an earthwork embankment approximately 7.1m above original ground level (OGL) to achieve the 5.65m headroom required on the dual carriageway.

The roundabout located at the south end of the link road has four arms. Three of these serve: the Bellshill Road; the compact connector to the A6 westbound carriageway; and the south link road to Annaghmore Road. The fourth arm serves agricultural land, associated residential and farm buildings as well as other land and property towards the Moyola River. The roundabout is approximately 6.9m above existing ground level and the proposed 6.0m wide access connects with the existing road over a length of 160m.

This junction itself comprises compact connectors of varying width connecting the Bellshill road link road with the proposed A6 eastbound and westbound carriageways. They will have Design Speeds of 30kph and will be lit over their full length.5.8 A single carriageway link road north of the proposed A6 connects the Bellshill Road (N) with Annaghmore Road (N). This 7.3m wide link incorporates pedestrian footways and road lighting over its full length. The Design Speed for this element is 85Bkph, however it is anticipated that the speed limit will be 30mph, consistent with other roads in the vicinity.

A single carriageway link road south of the proposed A6 connects the Bellshill Road (S) with Annaghmore Road (S). This 7.3m wide link incorporates soft verges and will be unlit over its full length. The Design speed for this element is 85Bkph, it is anticipated that the speed limit will be 60mph, consistent with other roads in the vicinity.

An outline drainage design has been prepared for the Scheme, which is shown in Figure 5.6. On the proposed kerbed sections north of the A6 gullies will be used to collect the surface run-off, which will then run along drains within the proposed verges towards the outfall.

On the unkerbed sections south of the A6, an “over the edge” drainage system incorporating filter drains in the verge is proposed. The majority of run-off from this section will be taken to a SUDS detention pond adjacent to south link road, at a low point in vertical profile approximately 300m from its tie-in with Annaghmore Road (S). This pond will provide secondary treatment of the run-off before discharging, at a controlled rate, into the nearby Castle Hill Drain.5.12 As the link road east of the existing Bellshill Road (N) is within the designated Q100

Moyola River floodplain, a full Flood Risk Assessment (FRA) was required. This identified that the proposed road junction resulted in a 15,600m³ loss of floodplain volume.

Without mitigation flood levels at a number of receptors in the vicinity could be expected to increase by more than 100mm as a consequence. HD 45/09 defines the magnitude of this increase in flood level as “Major Adverse”.

As there are up to 100 residential properties within the vicinity of the Q100 floodplain, that would be affected without appropriate mitigation in the form of compensatory floodplain, HD 45/09 defines the importance of this flood risk as “High”.

Having assessed the importance and magnitude of the flood risk, their combined significance, without mitigation, is categorised as “Very Large Adverse”.

A number of areas were considered for the flood compensation area, and the optimum location is immediately east of the Bellshill Road link road and north of the proposed A6 dual carriageway.^{5.17} An initial assessment identified that the compensatory area north of the proposed A6, and between the proposed Bellshill Road link road and the Moyola River, provided adequate compensatory volume at each contour up to 20.00m.

To mitigate the effect at the high 20.00m to 20.25m level, relief culverts are included below the proposed Bellshill Road link road, to re-introduce existing Q100 floodplain behind residential properties on Hillview Terrace. Additional culverts are also incorporated close to Annahorish Drain to the east, to ensure that appropriate provision is made for flood flow connectivity in this area.

The importance and magnitude of the flood risk for the Scheme, with the above mitigation in place, was subsequently assessed as “Negligible”.

It is expected that the detailed design will include for a boundary treatment of wooden post and wire fencing along all new and realigned roads with associated hedgerow planting. Additional measures, such as stock proofing and the maintenance of existing field lines will be developed during the detailed design stage and in consultation with affected landowners.

Safety fencing will be provided in accordance with the DMRB and will generally be installed on the approach to structures, where the embankment is high, or adjacent to particular safety hazards.

I would now like to consider some of the construction issues that could be associated with the Scheme.6 construction issues.

It is anticipated that construction of the Scheme will be undertaken as part of the main dual carriageway works. The most significant impacts on access to Castledawson would be as a result of the construction of the A6, when right turns to and from the existing Annaghmore and Bellshill Roads are likely to be prohibited, with local diversion routes put in place.

Traffic management related specifically to the Scheme is likely to be minimal as it is mostly off-line from existing access routes. Some disruption is likely to be experienced during the construction of tie-ins to the existing Annaghmore & Bellshill Roads, both north and south of the proposed A6 where traffic lights with single-lane working would most likely be the traffic management layout adopted.

Construction traffic related specifically to the Scheme is likely to be

confined to the vested footprint, with access taken from the A6 on the line of the proposed compact connectors. Some disruption on local roads will be unavoidable until haul routes within the vested footprint are constructed. The construction contract will require that these are established at the earliest opportunity.

CONCLUSION

In my Evidence I have presented a background to the Scheme and described the existing road network in and around Castledawson. I have described how the proposed layout of the Scheme was identified and provided some detail of its main components, as well as providing comment on some of the issues anticipated during the construction process.

In conclusion, the proposed Scheme was developed in accordance with the requirements of TransportNI, resulting in a layout that:

Provides a high standard grade-separated junction with connections between the proposed A6 dual carriageway and the village of Castledawson and its surrounding rural hinterlands;

Provides a direct connection between the townlands of Castledawson and the rural hinterlands of Annaghmore and Aughrim;

Reduces the potential for additional traffic on Main Street and Chichester Avenue, which were local concerns raised about the option presented at the November 2007 PLI;

Reduces the concerns of local residents regarding the introduction of additional traffic into the residential area of Castle Oak;

Mitigates the impact on the designated Q100 floodplain of the Moyola River through the provision of compensatory flood capacity with good

connectivity to the adjacent river; and,,h mitigates its impact on the highest flood levels through the provision of flood relief culverts beneath the proposed Bellshill Road link road.

THE INSPECTOR: Thank you very much

PRESENTATION BY MR 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 Chartered Institution of Highways and Transportation since 1991. I have more than 37 years experience in civil engineering projects. I am presently employed by AECOM (formerly URS) as a Technical Director based in the Glasgow office. I have been working on major roads projects in Northern Ireland for 17 years.

The scope of my evidence is to report on the traffic operational assessment of the proposed junction based on the collection and analysis of observed traffic movements in the area and the predicted changes in trip patterns.

BACKGROUND

In November 2007, a local Public Inquiry was held to examine the Preferred Route for dualling the A6 between Toome and Castledawson at which time various objections were heard regarding the junction provision at Castledawson. Following a Community Information Event in December 2009, the junction layout was further developed.

In February 2012, a further Public Inquiry was held which has led to the development of the proposed junction, as shown in Figure 1.

TRAFFIC SURVEYS AND DATA COLLECTION

A detailed programme of data collection surveys was undertaken to assist in establishing current traffic volumes at key locations in the area and to quantify variations in hourly and daily traffic demand, as shown in Figure 2.

The first programme of traffic surveys around Castledawson was undertaken In June 2007, a further programme of traffic surveys was undertaken including eight full 12-hour manual classified counts at key junctions in and around Castledawson and five 10-day automatic traffic counts. Another programme of traffic surveys was undertaken in October 2011 which consisted of eight full 12-hour manual classified counts and two 7-day automatic traffic counts. The most recent programme of traffic surveys was undertaken in May 2013 and included manual North Western Key Transport Corridor Proof of Evidence - Summary Annaghmore Road / Bellshill Road Junction Public Inquiry Traffic Operational Assessment Classified counts along the A6 between Castledawson Roundabout and Hillhead Road.

The results from the longer term automatic traffic counts independently verify the results from the daily manual classified traffic counts.

AUTOMATIC TRAFFIC COUNTS

The average hourly weekday traffic flow profiles recorded at each of the five automatic traffic count sites in 2007 indicate the following traffic flows.

At Site 1 on the A6 Castledawson Bypass, the average peak hour flow is 1,600 vehicles per hour.

At Site 2 on the Magherafelt Road, the corresponding traffic flow reduces significantly to 660 vehicles. At Site 3 on Hillhead Road, the average peak

hour traffic flow reduces further to 250 vehicles.

At Site 4 on Annaghmore Road, the average peak hour traffic flow reduces to 120 vehicles, and at Site 5 on Bellshill Road, the traffic flow reduces again to 110 vehicles.

The peak hour traffic flows recorded four years later in 2011 were within 10 vehicles of the 2007 flows on Annaghmore Road and within 20 vehicles of the 2007 flows on Bellshill Road.

MANUAL CLASSIFIED COUNTS

The results of the manual classified counts undertaken in 2007 indicate that during the 12-hour survey period approximately 15,700 vehicles used the A6 Castledawson Bypass, approximately 6,900 vehicles used Main Street and approximately 1,000 used Annaghmore Road and Bellshill Road, as shown in Figure 3.

The manual classified counts undertaken in 2011 indicate that traffic flows have generally reduced relative to the flows in 2007.

The manual classified counts undertaken in 2013 indicate that traffic flows have generally reduced relative to the 2007 flows.

These results provide an indication of the significant variations in traffic levels on the road network in and around Castledawson and indicate that the volume of traffic using Annaghmore Road and Bellshill Road during the peak hours is relatively low compared to the volume of traffic on Main Street and the A6 Castledawson Bypass.

THE PROPOSED JUNCTION

The current proposal involves the provision of a compact

grade-separated junction on the A6 to the east of the existing Bellshill Road junction, with various link roads.

OPERATIONAL ASSESSMENT OF TRAFFIC REDISTRIBUTION

The principal traffic effect of the proposed junction is to provide access between Castledawson and the proposed A6 Dual Carriageway.

A comparison between the 2013 2-way a.m. and p.m. peak hour traffic flows for the existing junction arrangement and the proposed junction indicates that the effects of traffic redistribution would not extend beyond the limits of the scheme as the proposed junction would accommodate all traffic movements, as shown in Figure 4.

It is expected that traffic flows along Main Street would not be significantly affected by the scheme.

It should be noted that the proposed junction would not generate any additional traffic on the local road network.

CONCLUSIONS

My evidence has described the background to the scheme, the detailed traffic surveys and data collection undertaken to define baseline conditions in the area, the general arrangement of the proposed junction and an operational assessment of the effects of traffic redistribution.

Through the collection and analysis of both manual classified and automatic traffic counts over a period of six years, a clear understanding of traffic flows in the area has been established.

Comparison of the 2007, 2011 and 2013 survey data indicates that traffic flows have

6.3 Comparison of the 2007, 2011 and 2013 survey data indicates

that traffic flows have not changed significantly during this six year period, but have reduced generally within the area.

In comparison with the traffic flows on Main Street and the A6 Castledawson Bypass the volume of traffic on Annaghmore Road and Bellshill Road is relatively low.

The proposed junction would accommodate all traffic movements on and off the proposed A6 dual carriageway.

The effects of traffic redistribution would not extend beyond the limits of the scheme and therefore traffic flows along Main Street would not be significantly affected. The proposed junction would not generate any additional traffic on the local road network.

THE INSPECTOR: Thank you. At this stage we will take a small comfort break of 15 minutes and return and Mr Coughlin can present next.

(Short Recess)

THE INSPECTOR: Thank you very much. We will recommence the submissions by the Department. I think it is Mr Coughlin who is next.

PRESENTATION BY MR COUGHLIN

MR COUGHLIN: My name is Gareth Coughlin, Associate and Environmental Scientist with AECOM, appointed consultants to the 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 assessment of the scheme, and subsequent preparation and delivery of the latest scheme layout for the A6 Annaghmore Road / Bellshill Road Junction at Castledawson Environmental Statement, June 2013. I have been involved in the management and coordination of the environmental assessment of the overall scheme since 2003 with AECOM and its various legacy companies of URS, Scott Wilson, and Ferguson McIlveen.

The environmental assessment reported in the Environmental Statement has been undertaken by environmental specialists from AECOM, with the Cultural Heritage assessment undertaken by Northern Archaeological Consultancy, and the Noise & Vibration assessment by FR Mark & Associates.

Legal Basis for the Environmental Statement

The Environmental Statement was issued in accordance with the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012, which apply the EIA Directive (Directive 85/337/EEC, (as amended), to the planning process in Northern Ireland. The Environmental Statement accompanied the planning application lodged in June 2013 (Ref. No: H/2013/0243/F) for the construction of the compact grade-separated junction located between the existing Bellshill Road and Moyola River, south-east of Castledawson. The planning application was subsequently granted approval by DOE Planning in December 2014.

Structure of the Environmental Statement

The Environmental Statement adopts the structure set out in the Design Manual for Roads & Bridges (DMRB) Volume 11: Environmental Assessment as follows:

VOLUME 1

Non-Technical Summary

Part I - Introduction

Introduction

Need for the Proposed Scheme

Alternatives Considered

Scheme Description.

Existing Conditions

Consultations

Part II - Environmental Assessment.

Environmental Impact Assessment Methods

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.

Part III - Conclusions

Cumulative Effects

Summary of Environmental Effects.

Schedule of Environmental Commitments.

Part IV - References and Glossary of Terms

References

Glossary of Terms.

Where relevant, reference has been made to the methodologies outlined in the DMRB Volume 11: Environmental Assessment.

VOLUME 2

Appendices

Consultations.

Air Quality

Cultural Heritage.

Ecology & Nature Conservation

Landscape & Visual Effects

Noise & Vibration

Vehicle Travellers

Road Drainage & the Water Environment

Each of the environmental topics is reported in the same format namely an Introduction, Methodology, synopsis of Consultations, Regulatory & Policy Framework, Baseline Conditions, Predicted Impacts, Mitigation & Enhancement Measures, Residual Impacts and Summary & Conclusions.

Summary

On the basis of comprehensive preliminary investigations and extensive public and statutory consultations, the significant environmental effects have been identified. These effects have been investigated and reviewed, and are presented in the Environmental Statement, Volume 1, Sections 8.0 through to 17.0.

It is important to note that the process of junction layout 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 junction layout. This should be borne in mind when reviewing the Environmental Statement.

AIR QUALITY

An air quality assessment was carried out using the recognised screening methodologies to determine the likely impacts of the proposed scheme at carefully selected receptors in close proximity to the existing and proposed junction layouts. The methodology is outlined in DMRB 11.3.1.3. The assessment concluded that no significant impact on air quality would occur in the vicinity of the proposed junction and predicted pollutant concentrations remain within the relevant legislative limit values.

For the majority of properties, the changes in predicted pollutant concentrations would be imperceptible, though some properties in close proximity to the proposed junction would experience a negligible deterioration and some properties in close proximity to the existing junction layout would experience a negligible improvement in air quality.

CULTURAL HERITAGE

A cultural heritage assessment was undertaken for the proposed scheme, which addressed potential for impacts on Scheduled and State Care Sites, known archaeological sites, listed buildings/structures, industrial archaeological sites, defence heritage sites, and historic parks, gardens & demesnes, as recorded and documented by the Northern Ireland Environment Agency. The assessment also attempted to determine the potential for yet unrecorded archaeology.

The assessment concluded that there would be no direct impact on recorded cultural heritage sites (including Scheduled and State Care Sites). The closest archaeological site is an Enclosure to the immediate east of Bellshill Road (south). Similarly, there would be no direct impact on industrial heritage sites, the closest being a bridge associated with the former Cookstown Branch Line of the Belfast and Northern Counties Railway. No listed buildings/structures, Historic Parks, Gardens or Demesnes, Battlefields or Defence Heritage Sites would be directly impacted.

The collection of known archaeology within the study area is negligible, and has almost certainly been destroyed by ploughing. Field boundaries are the most prominent feature of the landscape. The effects on the cultural heritage resource would be Slight Adverse.

Topsoil stripping would be monitored during construction and certain sites may have to be examined more closely by qualified archaeologists in advance of the construction works (in some cases by excavation).

ECOLOGY & NATURE CONSERVATION

An ecological assessment was undertaken for the proposed scheme, in accordance with the requirements of DMRB 11.3.4. This included a desk study and subsequent range of on-site specialist surveys, including an 'Extended' Phase 1 Habitat Survey, and invasive non-native species survey, as well as specific surveys for badger, bat, breeding bird, otter and smooth newt, all undertaken at the appropriate time of year.

No designated sites would be directly affected by or in close proximity to the proposed junction. The closest sites are Lough Neagh & Lough Beg Ramsar site, Lough Neagh & Lough Beg Special Protection Area (SPA), Lough Beg Area of Special Scientific Interest (ASSI), and Lough Neagh ASSI, which are situated over 3km east of Castledawson. Due to the proposed junction's hydrological link to Lough Neagh & Lough Beg SPA, a Habitat Regulations Assessment was undertaken, which concluded that there would be no significant effects on the integrity of the protected area or its selection features.

A small area infested with Himalayan balsam is situated on the boundary of the Flood Compensation Area adjacent to the Moyola River. Its permanent removal would represent a Minor Beneficial impact.

The proposed junction layout would have no significant impacts on the bird population in the local area, nor would it disturb or destroy any known bat roost. It would fragment habitat used by breeding badgers, but no existing setts

would be impacted directly. It may also potentially impact on suitable otter habitat at the proposed crossing of Castle Hill Drain Branch. There would be no significant impact on habitat for smooth newt.

The junction alignment would inevitably impact on local ecology through fragmentation, disturbance and loss of existing habitat. However, the landscape proposals include substantial mitigation to compensate for these losses.

LANDSCAPE & VISUAL EFFECTS

A Landscape and Visual assessment was undertaken in accordance with guidance contained within the Highways Agency Interim Advice Note (IAN) 135/10 'Landscape and Visual Effects Assessment', published in November 2010. It was also supported by using guidance from the Landscape Institute and the Institute of Environmental Management and Assessment "Guidelines for Landscape and Visual Impact Assessment: Second Edition" (2002). This included a desktop study, regular site visits, and preparation of photomontages of critical viewpoints.

No Areas of Outstanding Natural Beauty (AONB), Areas of High Scenic Quality or Local Landscape Policy Areas (LLPAs) would be directly affected by the proposed junction. The proposed scheme would introduce new roads into a tranquil rural landscape south of the Castledawson bypass and in close proximity to residential areas north of the bypass. Sensitive design and landscaping would gradually integrate the road into the surrounding landscape.

Views from dwellings in proximity to the junction would change. Mitigation of these impacts has been considered through the arrangement of the junction, the initial design of structures and planting to address residual impacts. The construction of the junction and four-arm roundabout with associated lighting,

large bridge structure and associated embankments would be the most visually significant features of the scheme.

In general, the landscape and visual effects of the scheme will be very significant in the year following construction. However, over time, with the maturing of new vegetation and other mitigation measures, the significance of the residual effects will be reduced as the proposed planting establishes.

LAND USE

The assessment of impact on land use has been undertaken in accordance with the requirements of DMRB 11.3.6. The assessment covers the impacts arising from the potential demolition of property, loss of residential, commercial and community land, loss of committed development land, loss and severance of agricultural land, and the effect on restoration proposals for abandoned waterways.

The proposed scheme would require the demolition of a complex of farm buildings to accommodate the north/south link road, as well as impacting on the access lane to a 10-unit terraced housing development, adjacent to Hillview Terrace. To facilitate access to this development (currently at foundations level), a partially realigned shared lane would be provided, though this would result in the removal of the [northern] end property from the terrace.

In terms of private land loss, eight properties would be subject to negligible land loss; three properties would experience minor land loss, associated with the tie-ins of the north link; and one property on Bellshill Road (south) would experience moderate land loss, associated with the tie-in of the 'south link' with the new four-arm roundabout.

In terms of development land, the proposed junction would encroach into Housing (Land Use) Policy Area CN 05 causing land loss and severance, though would facilitate access to residual lands. Housing (Land Use) Policy Area CN 03/4 (to the rear of Bells Court, Bells Manor, Oak Grove and Castle Oak), would be directly impacted by a farm accommodation overbridge, however the impact would be minimal.

Three extant planning applications (at the time of ES publication) would be directly affected by the proposed scheme, one of which would be lost in its entirety (new single storey dwelling between 41 and 45 Bellshill Road) to accommodate the 'south link' between Bellshill Road and Annaghmore Road. The impact of the proposed scheme upon the other applications would not be significant, with development of each site remaining a possibility post scheme implementation.

The proposed junction would result in the vesting of approximately 16.74 hectares (41 acres) of land, of which 15.6 ha is assessed as 'currently being in agricultural usage'. In total, fifteen individual agricultural plots would be affected by the proposed scheme, either by partial land loss of affected plots, or by total loss of the plot. A comprehensive schedule of accommodation works and mitigation measures would be developed through dialogue with landowners directly affected by the proposed scheme.

NOISE & VIBRATION

The potential impact of traffic noise has been assessed for all properties within 600m of the existing and proposed junction layout, following the methodology of the DMRB 11.3.7 HD 213/11 (Noise and Vibration) Chapter 3

(Procedure for Assessing Impacts) (February 2011) and in line with a 'Detailed' assessment. Calculations were carried out at heights of 1.5m and 4.0m within the baseline/opening and future/15th year for the 'Do-Minimum' and 'Do-Something' scenarios.

Detailed noise assessment comparisons have also been prepared and summarised in the Environmental Statement. The introduction of the proposed junction and associated link roads would result in changes to the number of vehicles on the surrounding link roads. Existing properties located close to the proposed junction would experience a relative increase in noise levels. The proposed junction would create a perceptible increase in noise levels at properties not currently exposed to high levels of transportation noise, due to their location relative to the existing road network.

Under the 'Do-Something' scenario, it is predicted that the noise level at a number of locations would be in excess of 68dB LA10, 18hr and experience more than a 1dB increase with scheme implementation. Specific mitigation measures are proposed to reduce this noise impact.

In terms of potential vibration impacts, the highest levels of traffic-induced vibration are generated by irregularities in a road, and this is unlikely to be an important consideration for new roads.

There is the potential for noise and vibration impact from construction works associated with the proposed junction, although this is relatively short-term in nature and a temporary impact at any single property.

PEDESTRIANS, CYCLISTS, EQUESTRIANS & COMMUNITY EFFECTS

The assessment was undertaken in accordance with the requirements of DMRB 11.3.8 and included a review of community facilities used by pedestrians and others, which may be affected by the proposed junction. A review of the potential impact on the public transport network, local vehicle journey routes, cycling facilities, public equestrian facilities, and pedestrian facilities was included.

No community facilities would be directly affected by the proposed scheme. Strategic and local traffic interaction would be reduced. Access for all properties in the vicinity of the proposed junction and users of local roads to community facilities would be maintained for all modes during the construction and operation.

Whilst there would be loss of direct access to the A6 from the existing Annaghmore Road and Bellshill Road junctions, new access would be provided to the planned A6 dual carriageway via the proposed junction.

The bus stop in the vicinity of Bells Manor/Bells Court would no longer be serviced by the 389b Ulsterbus service, however a new bus stop for this service would be provided on the north/south link road.

Grade-separation of the proposed junction would minimise local road user and strategic traffic interaction, generally improve accessibility, safety, journey ambience and journey times and alleviate the severance created by the existing A6 bypass between Castledawson and its hinterland to the south.

Footways would be provided north of the A6, reflective of existing footway provision along the existing road network and throughout the surrounding housing developments. The dedicated footway to the north/south link road overbridge would facilitate access between the developed residential area north of

the A6, and the countryside to the south, opening-up a walking corridor devoid of all strategic traffic; a significant benefit to pedestrians over current conditions.

There would be no specific dedicated provision for cyclists or equestrians, however improved accessibility to and across the A6 would provide a much safer highway environment.

During the construction phase there may be adverse effects on access for local residents because of the need to potentially use diversionary routes and traffic management measures, for example. Careful traffic management procedures would best attempt to minimise potential impacts.

VEHICLE TRAVELLERS

The assessment on vehicle travellers considers both views of the surrounding landscape from the new road and the effects of the scheme on driver stress. The assessment was undertaken in accordance with DMRB 11.3.9.

The new north/south overbridge and link road would be prominent features in the travellers' view along the planned A6 Toome - Castledawson dual carriageway. New views will be opened-up to the vehicle traveller, particularly panoramic views of the Moyola River valley as they travel over the north/south link road/overbridge, and views towards the south from the Annaghmore Road/Bellshill Road south link. Views along the section of road between Bellshill Road (south) and Annaghmore Road (south) would be more attractive than that experienced at present on existing roads.

The north/south link road and safe access to the new dual carriageway would contribute to lower levels of stress for strategic traffic passing through the junction and for local traffic joining the strategic route, and for local

traffic moving between Castledawson and its hinterland to the south. During construction, vehicle travellers would experience a heightened sense of driver stress, however these effects would be transient.

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.

Routine runoff from the proposed scheme would be within 1km upstream of an EC designated Salmonid fishery (Moyola River/Coppies Burn); as such, the importance of the wider water environment is considered to be very high. Routine runoff would change the quantity, quality and peak rates discharging to the affected surface waters. However, with the incorporation of a SuDS detention basin at Castle Hill Drain Branch, the risk of negative effects occurring would be slightly reduced due to the ability of the proposed treatment system to attenuate flow by limiting discharge rates from outfalls, to reduce the pollutant concentration through in-basin treatment, and reduce the risk of a spillage causing a serious pollution incident. There would be direct discharges to groundwater from the SuDS detention basin, though the effect is considered neutral.

There would be loss of floodplain capacity west of the Moyola River at Castledawson, which (if not mitigated) may lead to localised flooding, though an additional Flood Compensation Area (FCA) would be provided at a level similar to that lost. Excavation of this area would have the potential to contribute to elevated

suspended solids in the Moyola River during construction, however mitigation measures are proposed to reduce the potential for adverse effects.

Hydromorphological changes within the affected surface waters would be experienced as a result of culverting, however the effects would not be significant and loss of quality fisheries habitat would be minimal.

To control sediment erosion and contaminated silty runoff discharging to surface waters during construction, an Erosion Prevention & Sediment Control Plan would be included in the Contractor's Construction Environmental Management Plan prior to commencement of any works.

GEOLOGY & SOILS

The assessment examined the potential for impact on solid & drift geology, important geological mineral deposits, agricultural soil types, sites of educational or scientific interest, and the possibility of hazardous materials (contaminated land) being exposed. It was prepared in accordance with DMRB 11.3.11.7.

Residual impacts of the proposed scheme are considered to have a negligible effect on the geology and soils of the study area.

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

It is accepted that the proposed junction would have various adverse environmental impacts, however given the nature and scale of the proposed junction at Castledawson, the proposal integrates relatively well into the existing environment.

THE INSPECTOR: Thank you very much Mr Coughlin.
Mr O'Reilly, does that conclude?

MR O'REILLY: Yes, there are some technical people here, some of the more detailed matters require explanation. I will not introduce them unless the need arises.

THE INSPECTOR: Thank you very much. In line with that the Department's case has been presented. At this stage the floor is now open for any comments or clarification sought in terms of what was submitted this morning. So has anybody got any submissions they would like to make at this stage? Please introduce yourself if you are going to speak.

MR GARY GALWAY

There is a report there from County Hall in Coleraine saying that Mr Robb said it was going through the flood plain, this road, but they are proposing to take out our farmyard, and I want to know why are you going through our farmyard and not the flood plain? That is all I want to know now. If he says it has to go through

the flood plain it should go through the flood plain.

THE INSPECTOR: Would anybody from the Department like to make a response to that in terms of the technical?

MR MACLEAN: Probably it will be in a little more detail when we deal with the specific objection. But the existing flood plain east of Bellshill Road extends from the back of the properties at Hillview Terrace and extends in some ways up towards the Bellshill Road itself and extends all the way down to the Moyola river. We have taken the road behind the existing properties as close to the properties as we can and as far as to the west as possible, which is at the highest point in the ground, the existing ground profile, once you go down towards the river in an easterly direction the land starts to fall down towards the river which would extend the earthworks connected with bridging over the carriageway.

We are trying to strike a compromise between the optimum bridging location and the impacts on the flood plain. As we move east relative levels between the land and the A6 change which would require higher earthworks to provide the headroom clearance required at the Dual Carriageway crossing.

Even though we are affecting the farm buildings at this location we are required to replace over 15,000 cubic metres of flood plain capacity. So we are impacting on the flood plain to that extent. It is not that we are avoiding the flood plain. We are in it to the extent of 15,500 cubic metres. So as well as that we need as part of our flood risk assessment to identify land that is available to offset that impact, ultimately we are trying to achieve a negligible impact on the flood plain itself. So if we impact on the flood plain more we would have to find additional capacity within the area, so we are trying to strike a compromise between the

footprint within the flood plain and the areas available to offset that impact. So we consider where the road is to be is the optimum position.

THE INSPECTOR: Mr Galway, does that go any way towards clarifying the point for you?

MR GALWAY: No.

THE INSPECTOR: Is there anything else you would like clarified for you, bearing in mind you have an objection, so that will be a very precise request can be made by yourself, but is there anything else you feel you want to raise at this stage?

MR GALWAY: Not at the moment.

MR DONAGHY: I represent the Galway and the McMillin family. A couple of points of clarification. We had a meeting a few weeks ago and at the meeting it was mentioned about the mainline realignment and I said it was 3.7, four metres south, but at the meeting the Department said: No, the mainline is actually moving four metres north. I just want to clarify, are we talking about what is In the Departmental statement as 3.7 metres south is correct or what I was told at the meeting, four metres north? There is a bit of confusion from the Department.

THE INSPECTOR: Would somebody like to deal with that.

MR MACLEAN: We have a drawing which will hopefully explain the movement in the mainline. Thomas is quite correct that when he was met by AECOM staff and the Department they pointed out that the mainline alignment had moved north. The rebuttal states it is south but it is actually north. It is a typographical error in the rebuttal. I think based on the objection it makes the situation better as far as that particular client is concerned, but maybe if I show the

drawing it might explain it better. If you want to show it now, Thomas, we can?

MR DONAGHY: We can deal with it later. It is surprising that the Department with so many representatives have in their statements 3.7 metres south, and then go to a meeting after the pre-inquiry meeting and I was told it is four metres north. It is fundamental where the actual mainline is, so where the bridge is going to be.

THE INSPECTOR: What is the relevance to what you are raising?

MR DONAGHY: Well, it is the impact on the surrounding lands. Further than that we have the Department who are saying they don't have to carry out a further assessment environmentally, so they are able to swing 10 metres or whatever way they want over a Trunk Order Made in 2011 and is now law.

THE INSPECTOR: Would you like to clarify?

MR MACLEAN: I would say the impact of the Department's response to the objection which states it is basically taking the terminology that Thomas has used in his objection and transcribed that to be four metres south, as I say, we can talk about it in more detail, but ultimately the assessment undertaken is based on the position of the scheme. It is not that it has changed subsequent to that assessment.

THE INSPECTOR: It appears there is some clarity for you there today --

MR DONAGHY: No, it is not, Inspector, because it is in the Environmental Statement that it says 3.7 metres south, that is where the objection came from. So Aecom and I am in the dark.

MR MACLEAN: Maybe we have misinterpreted what the objection is then, but we can certainly review it. We have prepared a plan which shows the shift in the mainline. So my understanding of what you are asking was in relation to the Mr McMillin family farm and the position of the merge and diverge slips onto the westbound carriageway and the potential impact on the farm sheds. I looked at that specific location but it might be that you are looking at something different?

MR DONAGHY: No, it is in respect to the farm viability to do with the retaining structure mentioned at the 2007 Inquiry. As I say, we are being told that the road is moving 3.7 metres south. That is a fair impact in relation to that provision. Now Aecom and I am told two weeks before the Inquiry that the road is moving north. That is going to impact on other things. I would like a drawing, you know the objection was in from March, why was it not provided the clarification?

MR MACLEAN: We have a drawing we can show which is based on my understanding of what the objection is, and hopefully we will clarify the movement in the mainline in relation to the McMillin family farm.

MR DONAGHY: Moving on. The next point is in relation to the proposed scheme, there is 15,600 cubic metres of flood plain being affected by the proposal. In your presentation, Michael, you had said that the B1 option proposed by the Inspector in 2007 and again in 2012, that that option was 9,700 cubic metres, which is significantly less. And if I am correct in reading your submission you had said that the DMRB stresses that the shortest, least impact was to do with the planning policy statement FLV1, that that option should be proceeded with. But

you have actually proceeded with a scheme that is actually impacting more on the flood plain than what was proposed by the Inspector, am I correct in saying that?

MR MACLEAN: You are correct that the impact on the flood plain of the developed option is greater than what was presented at the 2012 Inquiry. The Department at the 2012 were proposing an alternative scheme which had been developed to a high level of detail. The option that was east of Bellshill Road at that time wasn't promoted by the Department, wasn't developed to the same extent as the central option. As well as the alignment proposed by the Inspector there were consultations held regarding the route east of Bellshill Road. Hopefully you can see it here in relation to its junction with the Bellshill Road at this location here, also the impact on development sites and the properties on the Bellshill North.

You can see also that there have been changes to the junction arrangement adjacent to the McMillin family farm and Mr Galway's land here. Later on we will discuss the background behind these. Effectively what that means is the alignment north of the A6 has had to move over slightly and up in this area because the full area is flood plain. Any movement we make on this will have an impact on the flood plain. Additionally we have had to provide an access into the retained lands here. We have also had to develop the SUDS pond arrangement.

Now that we have moved the junction over here we had hoped previously to gain access -- the previous scheme we had the grade separated junction which was through lands here in the middle and the compact connector was in this position. Now moving the compact connector over here means we cannot provide access to the SUDS pond so we have had to extend that through here. So all of these details are developed in the detailed design, and unfortunately

they add to the impact on the flood plain, but it is part of the consultation process that goes on when developing a scheme that is suitable for the planning application.

MR DONAGHY: I have issues with that but I will bring them up later. Looking at the two maps there, Michael, can you explain for everybody else here, the difference between this map here where the flood plain is highlighted in blue and the previous slide, the flood plain is highlighted in purple. You can see there is a significant difference in the amount of area highlighted as flood plain. Can you explain the reason behind those differences?

MR MACLEAN: Certainly what we need to do is develop a model that models the Q100 flood plain that we are given by Rivers Agency, so the model that we produce is based on the topographical model we have for the study area. So ultimately we are given a 2D drawing of the flood plain from Rivers Agency. We put that into a 3D model and try to recreate the baseline conditions. So what we are seeing here in blue is the Rivers Agency Q100 flood plain and what we are seeing in purple is the model Q100 flood plain. In this case this has the scheme in place. So this is the impact of the scheme on the flood plain. So hopefully what you are seeing in there area here is that it has not extended beyond the existing Q100, but there would have been another drawing without the scheme in place with purple and blue shading which would show the 'do nothing' scenario before the scheme was in place. So that is the difference between blue and purple.

MR DONAGHY: Moving on to the drawing after that where the blue area is significantly more, can we pull up the next line? This area here where the blue, especially on the eastern side of the Moyola River is significantly greater.

MR MACLEAN: This blue hatching here is the flood plain, the full

extent of the flood plain. What we are showing in purple on this drawing is a potential additional area to be added as compensation. It is not the modelled flood plain. We are trying to show in this particular drawing the earthworks associated with the flood plain compensation. Effectively this area east of the Bellshill north south link road is the flood plain, so it is shown hatched in blue.

What we are showing in green here is the reprofiled area of land, and what we are trying to show is in this scenario we have two steps, so an 18 level and an 18.5 level. This purple area is effectively the existing ground level which is currently within the flood plain, but depending on what happens with this land after the scheme is completed there is a potential to bring this purple area into the flood plain by reprofiling it consistently rather than having a step profile that we are showing on this drawing. It is just showing an area of land, not the full extent of the flood plain. It is just showing an area we can potentially reprofile.

MR DONAGHY: Is that not already in the flood plain?

MR MACLEAN: It is, but it is not showing the extent of the flood plain. It is showing an area of land that could be reprofiled as well this adjacent area to give us one continuous area of additional compensatory flood plain.

MR DONAGHY: Aecom and I am still confused between this drawing and the previous one. When you do this scheme suddenly the blue hatched area looks inordinately larger in area.

MR MACLEAN: Unfortunately we are using purple for showing two different things. In this drawing here this is the flood plain, which is shown in key here, this is the Rivers Agency Q100 flood plain which is shown in blue hatching. What we are showing in the green hatching in this area here is a version

of the compensatory flood plain that we have developed that shows an area of land at the 18 metre contour level, another area of land at the 18.5 contour level, and another area of the land which is brought into the flood plain.

That Q100, the flood level is 19.7 metres, so this whole area is within the flood plain at Q100. What we are trying to show in this drawing is we could potentially reprofile all of this without showing what would be effectively three steps in the ground if it was to be returned to agriculture. We have another drawing where it shows a different scenario where effectively it provides the same compensatory volume but with a different profile. My view on this is it would be more difficult to return this to agriculture with different steps levels within it, whereas if you brought this area it could be profiled consistently down towards the river and provide the same compensatory volume.

MR DONAGHY: I understand that part. The difficulty is the shaded blue area on that map which you are saying is the Q100, on the previous map it had a purple area which you said is the Q100 supplied by Rivers Agency. The two don't marry.

MR MACLEAN: They are saying two different things. This is showing the Q100 flood plain as given to us by Rivers Agency.

MR DONAGHY: What is the previous one then?

MR MACLEAN: Hopefully we can go back to that. This says Rivers Agency.

MR DONAGHY: The purple Q100, road services?

MR MACLEAN: Yes.

MR DONAGHY: So that is the flood plain as exists?

MR MACLEAN: Yes.

MR DONAGHY: But the blue on the next drawing.

MR MCKAY: We are back in 2010.

MR MACLEAN: We need to model it. We are given the flood plain by Rivers Agency and we have a topographical model that we need to simulate that flood plain. What this drawing is trying to show is that the flood plain extends in the blue hatching given to us by Rivers Agency. We have taken our three dimensional topographical model and tried to recreate that. What we are showing with this purple, again this is the scheme in place, it is not the right drawing to be discussing this, but the purple is our attempt to recreate that Q100 flood plain.

What this drawing is actually showing, it has the scheme in place and it shows that the flood plain modelled, which is purple, is within the extent of Rivers Agency's Q100 flood plain. So our conclusion from this drawing is that we have not made the situation any worse.

MR DONAGHY: That is fair enough. On that scheme there shown on that drawing you have not made the flood plain any worse. If you move onto the next drawing.

MR MACLEAN: It is showing something completely different.

MR DONAGHY: It is showing your proposal. The flood plain now shown in blue as the model is significantly worse. That is what it is showing.

MR MACLEAN: We have to bring areas that are not currently in the flood plain into the flood plain, that is the whole point of compensatory flood plain. You cannot bring areas that are currently flood plain into a flood plain. You

have to identify areas that are outside, which is the point that I was making, that the more impact that you have on the flood plain the more land you have to try and find from elsewhere that is not currently in the flood plain, but the Moyola River flood plain is so extensive in this area that you have very limited opportunity to find land that is not currently within the flood plain. So our works in here are to bring this area into the plain.

MR DONAGHY: We will discuss it further later.

THE INSPECTOR: That was helpful. Has anybody else any comments or points for further clarification? Well, it seems that particular point has been completed, and in light of that is anyone wishing to make any supporters comments at this stage?

MR GALWAY: What I want to know is is the Rivers Agency here or not?

MR MACLEAN: We don't have representation from Rivers Agency here today. It is only if you felt they were required we could try and arrange that and see what the possibility was. We would try and discuss what the impacts of the scheme are on the flood plain, but they were a consultee. It would be up to yourself if you wanted to come along and we could try and arrange that.

THE INSPECTOR: Mr Galway?

MR GALWAY: Could we get a map of the area without roads on it, without all this line of roads and all, just the bare survey map and put it up?

MR MACLEAN: We could provide that.

THE INSPECTOR: That appears to be available.

MR GALWAY: Then get it up for after lunchtime.

THE INSPECTOR: Very well, Mr Galway. In light of that then I think that completes so far, and we don't seem to have any supporting comments at this stage. I think the clarification points have been exhausted. We will resume after lunch with the objections commencing at 2 o'clock. Is there anything else anybody else wishes to raise at this point?

Very well. Thank you very much for that.

(The Lunch Recess)

THE INSPECTOR: Good afternoon, we are now going to resume the afternoon session of the Public Inquiry. At the outset here I just want to go back to a point Mr Galway had raised earlier in terms of Rivers Agency's attendance here today. Having considered what he mentioned and the response by the Department it is our view there is no need, the Rivers Agency have been well consulted in this process to date and there doesn't seem to be anything further other than the material we have before us which would be very useful, but we take on board everything that was mentioned today.

MR O'REILLY: Inspector, thank you. I spoke to Mr Donaghy a moment ago indicating that I would be asking you permission to call one further witness in relation to the flood plain capacity and the difference between 9,600 and 15,600, and we do have a witness who has been in constant contact with the Rivers Agency and can explain the distinction between figures that appear back in 2012 and the figures that now appear. He would be very brief on the matter.

THE INSPECTOR: If he is present and it is appropriate and

useful I don't see any problem.

MR O'REILLY: His name is Philip Heyburn.

MR PHILLIP HEYBURN

Examination by Mr O'Reilly

Q. Mr Heyburn, by whom are you employed?

A. I am an employee of Aecom. I am part of the design team and I lead the training aspect of the design input into the design process.

Q. Have you been present this morning during the course of all the evidence?

A. I have, yes.

Q. Have you heard Mr Donaghy, in particular, pointing out the different capacity for levels required to compensate for the proposed junction being located within the flood plain?

A. I have, yes.

Q. How far can you go back in time in terms of the various schemes and the various inquiries that have been held?

A. I have been involved in the scheme from its inception.

Q. And can you then briefly indicate the reason for the substantial difference in the two figures of the 9,000 odd and the 15,000 cubic metres?

A. Yes, I can. The scheme as it has evolved over the years has been cognisant of drainage obviously because of the difficulties in the area, but one of the things following the original Inquiry into the A6, and what's the second

Inquiry and the second call to relook at Castledawson junction, came around and what we did at that stage was to look at that flood plain, and at that stage, as we have already heard, the route into the flood plain was assessed and we did an in-depth investigation at that stage and ruled out the flood plain as a viable option, again, as we heard this morning, because there was an alternative route. But during that process we did a course assessment into the potential impact that we would have on the flood plain of the scheme at that stage, and that is where the 9,000 cubic metres figure came from. As we know, at that stage we were not proposing to go into the flood plain and all of the information that we had at our fingertips at that stage was based on course assessment work, because we weren't going there we didn't need to go into the finer detail.

Having gone through that process, and the Inspector then recommended an alternative proposal, and the need to go into the flood plain meant that as a design organization we had to then carry out in-depth investigations into the potential impact that we would subsequently have on the flood plain. During all this time we were in contact with Rivers Agency finding out what they would recommend we did. At that stage the flood risk assessment was requested by Rivers Agency.

Part of that process was to go and do a further much more detailed assessment and survey of the river, so we have carried out a detailed assessment of the river bed levels and the flood plain levels north and south of the existing A6. So we have a detailed survey model that we have based all of our modelling information on. All that information is contained in the flood risk assessment report which you have.

Having done all of that, and essentially now we know in a much more accurate way the profile and the behaviour of a flood in this area than the Rivers Agency model currently shows, their model, and they have a responsibility for modelling the whole of Northern Ireland and they do that on an appropriate level of detail, but our model is much more detailed than theirs is in this area. It is using software that they have accepted is appropriate in the circumstances, and at all stages we have been in constant contact with them to make sure that they are content that our modelling and our accuracy levels are appropriate. They have looked at the information we have given them, and again they have accepted that and they have accepted the outputs from the model information.

This drawing here up on the screen at the moment is Rivers Agency's assessment of the flood risk at the junction area. This is one that I had gone into Rivers Agency website last night and pulled up. This drawing shows in dark blue that area which is at risk of flooding, 1 in 10 year frequency, which is in technical terms a 10% annual flooding event risk. The slightly lighter blue is 1 in 100 year, and then there is a very, very faint blue in there that you can see in places, which is 1 in 1,000. That just represents the depth of the flooding expected in this area and the frequency of flooding expected in this area. At the moment that is the extent of the area that is expected to flood on a regular basis.

This drawing shows then our flood model. As you can see there is more blue showing but it is because we have a much more accurate topographic model of the area and the nature of the model. Ours is much more up-to-date than Rivers Agency because of the information we have shown. But this information has gone to Rivers Agency and they have accepted its accuracy and they have come

back to confirm that all of the work that we have done is in accordance with the procedures that they would be following and that they require to be followed and they have accepted our findings, and everything that is within the flood risk assessment report has been given their approval.

Q. Is that how you get the figure in excess of 15,000?

A. It is based on our much more accurate model that we have used, and that is where the 15,000 comes from.

EXAMINATION BY MR DONAGHY

Q. Am I correct in saying, though, that the 9,700 was for the B1 option presented at the 2007 as an option to go east of Bellshill Terrace, which the Inspector recommended then going forward, that was the 9,700, that was the empirical data that you had at that stage?

A. It was an option that was considered at that stage, correct.

Q. So the 9,700 figure comes from that option?

A. Yes.

Q. Whereas 15,600 comes from the proposed option?

A. Yes.

Q. The one that you submitted for planning option and then prepared the flood risk assessment in January 2014, i.e., after the Department had chosen the proposed option, not the recommended option, would that be correct?

A. Yes.

MR DONAGHY: Thank you.

MR O'REILLY: I have no further questions for Mr Heyburn.

THE INSPECTOR: Does that conclude that point then?

MR DONAGHY: Yes.

MR O'REILLY: There is a second point. Obviously whether the alignment is so many metres north or south, obviously the different locations of the information can't be reconciled, I wonder if you would hear Mr MacLean again briefly on what needs to transpire?

THE INSPECTOR: Very well, although this is repetitive, but if you want to mention it briefly.

MR O'REILLY: It is slightly different.

MR MACLEAN: In terms of Thomas' comment about the shift in the centre line to be the movement of the Dual Carriageway relative to what we were proposing back in 2007, whereas the references within the Environmental Statement are in relation to the existing A6. So I have prepared a drawing that hopefully will clarify.

MR DONAGHY: The plot thickens.

MR MACLEAN: This plan is quickly prepared to try and explain the two scenarios. What we have in blue here is what we had proposed in 2007. If you can remember in 2007 we had the overbridge at the Annaghmore Road and we head left, that is the Bellshill Road. The current proposal is to come east of Bellshill Road with the compact connectors. The blue line here is the centre line of the blue scheme and the red line is the centre line of the current proposal. So what I was saying this morning was the relative distance between the centre line of what we proposed in 2007 and what we are proposing now is five metres north --

MR DONAGHY: Five metres?

MR MACLEAN: Five metres north of what it was in 2007 at its maximum point. It varies over this length, as you can see. It depends where you are referring to. If you are referring to the McMillin farm it will be slightly less, but at the maximum point it is 5.06. What the Environmental Statement is saying is the centre line of the existing A6 is at a point 3.7 metres north. So what we have effectively gone is 3.7 metres south of the centre line, whereas in 2007 we were substantially more than that. So that's where maybe the confusion is coming from. We have moved the alignment in this current proposal five metres north, whereas they are both south of the centre line of the existing, which is what the Environmental Statement refers to.

MR DONAGHY: I will read the Environmental Statement Notice of Intention to make a Vesting Order, dated September 2015. It says:

"Mainline Dual Carriageway realignment. Some changes are required to the geometry of the A6 Toome to Castledawson Dual Carriageway to accommodate the north south overbridge. The central reserve nearside verges would have to locally widen to maintain the required forward visibility for users of the compact connectorings and to provide space for bridge columns and street furniture, i.e., safety barrier and lighting columns. The mainline will be moved slightly further south with a maximum shift of the centre line of 3.7 metres, but still following the existing Castledawson Bypass with on-line widening to the south."

My reading of that is that the proposed centre line for the A6 Dual Carriageway is moving 3.7 metres south, whereas you are now telling us it is actually moving 5.05 metres north.

MR MACLEAN: I am not telling you that, Thomas. What I am

saying is the current scheme moves 3.7 metres south from the centre line of the existing.

MR DONAGHY: That is not what it says in the departmental statement.

MR MACLEAN: That is what it says.

MR DONAGHY: No, it doesn't. The main line, we are talking about main line realignment of the A6 Dual Carriageway. It says the main line will be moved slightly further south with a maximum shift of the centre line of 3.7 metres. This same calculation was done back in 2012, Jim, if you can recall, where we discussed about the retaining wall for the McMillin farms where we were worried about that. And the position hasn't changed, according to the documents that have been issued by the Department. It is only when we come to this Inquiry now suddenly there is a map showing it is moving five metres north. I was at a meeting two weeks ago out on-site and it is one of the points to be raised about the consultation in the process.

MR MACLEAN: Where that Departmental Statement is referring to is the existing Castledawson bypass. It is referring to the centre line of the road and the fact that the centre line of the Dual Carriageway is 3.7 metres south of the existing A6. It is not referring to the edge of the carriageway. As you can see here we have the compact connector, we have merge and diverge staplers which push the road out further. That is purely referring to the centre line of the road, and it is correct to say it is moving 3.7 metres south of the existing Castledawson Bypass, whereas in the previous scheme back in 2007 it was considerably further south from that position.

MR DONAGHY: Michael, in regard to the objections for the scheme, the 3.7 metres was mentioned in the objections to the scheme to the Department and the Department responded, the Rebuttal Statement. It also mentions the main line moving 3.7 metres south.

MR MACLEAN: Yes, that's correct, and they are both correct.

MR DONAGHY: I disagree. To me they are very misleading that the road is moving 3.7 metres south whenever we are trying to address issues to do with the McMillin farm, and the retaining wall structure was required. Surely the Department should be saying we are moving the road five metres north which will alleviate the problem here. To me it is a little bit smoke and mirrors.

MR MACLEAN: No, because the Environmental Statement is obliged to refer to the baseline scenario and to assess the impacts of the scheme on the existing situation. It is not referring to a scheme that we had promoted back in 2007 and which was rejected by the Inspectors. We are required to do an assessment on the baseline. Hopefully what we can do through this drawing is to demonstrate that by moving the junction further to the east we have been able to move the alignment five metres north to where it was back in 2007 when we prepared a draft vesting, which we identified had an impact on your client's farm. What we hopefully show further along here, it is a minimal difference, there is a slight change in the extent of the earthworks in relation to the farm, so where it was extending out to this point in 2007 it is slightly better with the current alignment. However --

MR DONAGHY: Five metres better?

MR MACLEAN: Five metres at the centre line. Once you come to

the McMillin family farm it is less than that. The earthworks are based on the topography adjacent, so the interface is not going to be consistent where we are preparing a proposed alignment against an existing interface, so it is not 5.7 metres.

MR DONAGHY: Can you not understand the frustration that we have here as objectors? There was an objection to the planning application where we pointed out the 3.7 metres south. It wasn't picked up on. Far better than that, there has not been any consultation with the landlords, and this is obviously where the problem has arisen here. It wasn't until two weeks ago when Mr Turley and Philip and Andrew came out and met where I first learned the centre line of the road is actually moving north. That is not good enough in regards to consultation with landowners that are going to be affected by the scheme. It highlights the same problem we had in 2007, and the Inspector recommended about consultation with landowners. That hasn't happened here. It is clear here the Department are sitting in their little ivory tower making decisions, designing a road and not having any cognisance for the landowners. This once again highlights that issue.

THE INSPECTOR: Thank you very much Mr Donaghy.

Mr O'Reilly, any further points to raise?

MR O'REILLY: No.

THE INSPECTOR: Thank you. That has been duly noted, Mr Donaghy. In terms of the objections will we move on then to your first named objector.

MR DONAGHY: Yes. The Department, are you content you have covered your points Mr O'Reilly?

MR O'REILLY: Yes.

MR DONAGHY: Okay. The first objector is the McMillin family.

MCMILLIN FAMILY

MR DONAGHY: The McMillin family have appeared at the previous inquiries in 2007 --

THE INSPECTOR: Mr Donaghy, I have to stress that I am a new kid on the block here --

MR DONAGHY: I was just going to introduce them to you.

The McMillin family appeared at both previous inquiries. We have three sections of the family. We have Andrew McMillin who owns land to the north side of the proposed Dual Carriageway near the town, and the plan is CN05. We have George McMillin who owns land to the north and the south side of the Dual Carriageway, and who would run mainly the family farm at present. Beside them and his mother is the daughter Suzanne McMillin and her partner Neil Anderson. Those are the three. George's mother lives at 39 Bellshill Road. Suzanne and Neil live at 41 Bellshill Road, and they will have the major impact in regard to residential amenity issues in regard to the objection. There may be some repetition talking about different owners of land but they are all McMillins.

THE INSPECTOR: We would like you to keep it distinct.

MR DONAGHY: I will try my best.

THE INSPECTOR: Just for clarity.

MR DONAGHY: I will try the best that I can recall. This Vesting Order published in 2015 falls on the back of the planning application which was objected to by the McMillins in the round. The main objection, I would surmise, is

really the impact on the farm. The southern link between Bellshill Road South and Annaghmore Road is at an alignment that will have the most major impact on a farm, if you wanted to draw a line through a farm, especially a dairy farm. It is cutting the grazing platform right in two and leaving misshapen fields that won't be able to be used for their existing use.

The north south link that we are talking about going over the bridge, the Dual Carriageway, again we would object to that alignment and the exuberant fashion of the junction arrangement there for the roundabout which will have a major impact on the two residences and the farm.

The original option suggested by the Inspector, the B1 option of what was presented in 2007 was asked to be followed in 2007, it wasn't followed in 2012 and is neither followed in regard to this planning application or the Notice of Intention to Vest. The road alignment has been moved further to the east away from the alignment, which would have been on the alignment of the existing Bellshill Road South alignment running northwards through the Galway farm buildings. As such that is the major objections as regards to the southern lands. Do you want to come back on those issues and move forward?

THE INSPECTOR: I would prefer they are dealt with as we go along.

MR MACLEAN: We had the option of B1. I don't know if it helps the Inspector to see that so you can compare it?

THE INSPECTOR: That would be useful.

MR MACLEAN: Back at the last Inquiry we had considered the option east of Bellshill Road and the flood plain had been discussed, but

particularly in relation to the south link road again.

(Power cut)

MR MACLEAN: We had looked at the option east of Bellshill Road and we had a southern link road which had an impact on your client's land at that time. So we developed that and showed at the 2012 Inquiry the option B1 which realigns the southern link road to follow the water course south of the A6. Again this wasn't the scheme that was promoted by the Department at that time. It was developed as we were developing the central alignment option, which was ultimately proposed as the Department's preferred scheme.

So subsequent to the Inspector's recommendation we had our consultations with Rivers Agency, as was discussed, and we also had discussions with the TransportNI's Omagh office in relation to the connection to the local road network, more specifically the connections to Bellshill Road south of the A6 Annaghmore Road, and ultimately down on to Aughrim Road.

As this scheme layout was presented to them there was considerable concern expressed by them about the potential to add traffic on to the Bellshill Road south of the A6 and for that to continue down to its junction with Aughrim Road. The two roads link with Aughrim Road at crossroads, and the geometry of the Bellshill Road is of a poorer standard than it is at the bottom of Annaghmore Road.

We have photographs to show you the views from each junction. This is a photograph from the Annaghmore Road junction looking east along Aughrim Road. That's another photograph looking west along the Aughrim Road. This is slightly further out, but essentially that is the visibility splay. The Bellshill

Road, this is the view east along the Aughrim Road. This is what was of particular concern to the TransportNI's Omagh office, the vertical profile of the Aughrim Road in the vicinity of the junction, and the design speed for this road would have a requirement for a stopping distance of around 160 metres. With this arrangement it is in the order of about 85 metres with quite a significant blind summit in the road here. We also have a hill within the visibility splay and a low wall here which impacts on the visibility of the junction as well.

So there was a potential for a scheme, if we flick back to B1, for this layout and traffic using the junction to come down onto the Bellshill Road and ultimately continue down towards the poorer standard junction, they felt that the link across the Annaghmore Road did serve a purpose for a small number of residential properties along here, but it was unlikely that the traffic ultimately heading towards Aughrim Road would double back on that connector and then come down the better standard Annaghmore Road. So that is what led to a review of the geometry in this area and ultimately the introduction of the roundabout and the cross connection which was more akin to the alignment of the link road prior to this development.

MR DONAGHY: So really this here major impact has been introduced to impact against these landowners that are going to be impacted with the bridge over anyway, it is all going to be lumped onto these landowners to sort out a problem Roads Service have down at the end of the Bellshill Road; is that correct?

MR MACLEAN: The reason we have designed this arrangement is to try and bring traffic across from the junction, ultimately it is the compact grade

separated junction that we are constructing, but also to encourage traffic to go across onto the Annaghmore Road and use the Aughrim Road Annaghmore Road junction, the standard of which is more akin to what we are providing in this scheme with a stopping sight distance of just over 80 metres. We feel as well that it is considerably less than desirable minimum. There is an opportunity that the Annaghmore Road -- we can talk about traffic figures -- but ultimately traffic using the Annaghmore Road South is a busier road than the Bellshill Road is South, so ultimately Annaghmore Road is the heavier movement anyway, so we are bringing traffic from this junction around and down onto the route which has the heaviest traffic as well as the higher standard of junction.

MR DONAGHY: Has any other options other than this option been investigated by the Department to do a connection between Bellshill Road South and Annaghmore Road South rather than the planning application and the B1 option?

MR MACLEAN: We have this option at B1. We had the option prior to that which was cutting across here. Back in 2007 we also had options that didn't have a cross connection at all. We also had one that had a connection down between the Bellshill Road and Annaghmore Road further south down towards Aughrim Road. As well as trying to take traffic from the junction and take traffic that might be coming down towards the bottom of Annaghmore Road Bellshill Road ultimately onto Aughrim Road to use the crossroads, we have to try and serve properties up in this area which are impacted by the closure of its junction with the A6. So we felt that the option that came across was best compromised. We have to work within the topography of the land that is available as well, and then the

impact on the flood plain which continues to extend down this area. So yes, we had looked at the option that was in B1, the option prior to developing B1 and this option here plus the options prior to 2007.

MR DONAGHY: Was there an option just slightly further south from the end of your works on Bellshill Road South before -- if you come at a direct angle straight across with an option somewhere here, was that ever looked at? (Pointing).

MR MACLEAN: What we are trying to do with the arrangement that we have is to take the traffic from the junction and effectively bring it across to Annaghmore Road trying to minimise the number of turning movements. If traffic is coming from the junction and then travelling down the Bellshill Road without making it the main movement in the direction of Annaghmore traffic, our view of traffic would be tempted to stay on the Bellshill Road South. That was a view shared by the Omagh office as well.

What we have tried to do in this arrangement is bring the route across minimising the number of movements that have to be made incorporating that into the junction, as well as incorporating the compact connector.

MR DONAGHY: You are bound to accept, though, that the arrangement you have designed there is very congested. You have a four arm roundabout over a bridge to accommodate how many traffic counts, 1,100?

MR MACLEAN: Yes.

MR DONAGHY: So 1,100 vehicles per day traffic count, a four arm roundabout. I am just thinking roundabouts, I know at Toome there was a lorry full of sheep fell over on the roundabout and another at Derry Airport fell

over, all designed to the DRMB, but you're designing things that are going to cause accidents.

MR MACLEAN: These are ultimately the number of movements that have to be accommodated on the route. We need to re-establish a link down to the Galway farm and adjacent properties.

MR DONAGHY: That link was there on option B1, Michael. You come straight down the alignment that exists, so you have introduced a new junction there that didn't need introduced. Likewise, you have a new one going up to the McMillin farm and another junction going to Bellshill Road South, so you have three junctions there whereas before you had only one going across the Annaghmore Road. You could do the alignment further south where I suggested, and have that on a slope coming round and give a priority junction coming out onto the Bellshill Road at that location without having the impact on all those built properties.

MR MACLEAN: In this area there are a number of properties around this junction. We have to introduce the junction anyway as part of the option east of Bellshill Road. Once you come down to the bottom section of Annaghmore Road and you start having quite a number of properties in this area as well, so what we were trying to do is keep the road as far to the north as possible to accommodate the residential properties in this area, find a location where we could connect them before we started to get into the more dense development down at the bottom of Annaghmore Road, work with the topography that we have and trying to avoid the flood plain associated with Castle Hill Drain and down south of the A6, as well as re-establish the links to the various farm properties and provide the

connection into the Dual Carriageway. So, yes, we have investigated a number of options.

MR DONAGHY: This is the model flood plain, by the way, in January 2014 before you designed -- after you designed the road. So the flood plain, you would accept, wasn't known to come up that far other than the new assessment that has been carried out. At the time you submitted this planning application for this road that flood plain wasn't there.

MR MACLEAN: No, the flood plain --

MR DONAGHY: Do I understand correctly?

MR MACLEAN: -- I explained that for the purposes of today Philip explained he went into the Rivers Agency flood map and downloaded the current model. We undertook an assessment of the flood plain. That is what is included in our Environmental assessment of the scheme and in our flood risk assessment of the scheme. The impacts on the flood plain as identified have been reported, it is consistently 15,600 cubic metres. That is the impact of the scheme, but the south link that we have here has no further impact on the flood plain. We try to avoid the flood plains associated with the Coppies Burn and Castle Hill Drain down at the south that was identified here.

MR DONAGHY: But you have only assessed the developed options, is the point that I was making.

MR MACLEAN: We have only assessed the impact of the developed option on the flood plain, yes.

MR DONAGHY: To go back to the 3.7 metres south, at the date of writing everything I thought the Dual Carriageway was moving 3.7 metres south.

So excuse me if I have erred and we are now being told it is going to move five metres north.

Can the Department then give me a commitment that with this new alignment of five metres north of the centre line of the Dual Carriageway, five metres north, that that will alleviate the pressure on the McMillin farm buildings, that there won't be a need for a retaining structure and that the land that they had scheduled for vesting at the back of the farm buildings is no longer required?

MR MACLEAN: I will maybe put that plan back up that we had for comparison between the two options. Even though the centre line of the road has moved, if we can zoom into this area here, this is the link down to the access lane that comes in towards the farm buildings in this area here, unfortunately they are not on this plan, but --

MR DONAGHY: Yes, they are. They are very very faint. That is one of the problems with the Department's drawings.

MR MACLEAN: I think what we had identified back in 2007 was that the blue earthwork here had an impact on some of the farm buildings. Back in 2007 the Department did make a commitment to reduce the vesting in some areas which would potentially have introduced the need for a retaining wall on the Dual Carriageway. We can see here that in the vicinity of the farm buildings there is very little difference between the blue and the red, whereas in this position here there is maybe about three or so metres difference between the two.

The vesting for the retaining wall and the earthworks ultimately associated with the Dual Carriageway are included in the Vesting Order for the main line which was published in 2007 and remains in draft. So over in the vicinity

of the McMillin family farm we have not extended the vesting in this area. The Department can speak about the ground investigations that have been on-going and the development of the scheme with the contractor, but certainly as it stands at the moment there still remains three options, one is to introduce a retaining wall over the full height of the cut that was required. One would be a reduced height retaining wall with an element of earthworks and one here with the full earthworks.

As I said, the Department did make a commitment to introduce a retaining wall because they have curtailed the vesting within the earthworks. They are not in a position at the moment to make that commitment as the development of the scheme is on-going, it is in relation to the design of the main line. Ultimately it will be dependent on the ground conditions in the area and the detailed design that comes out of that.

MR HITCHENOR: Phase 1 works to the A6 scheme, once we get the results of that there could be more detailed design work done looking at the retaining wall, you know, what we require. Once we have those results back we can look and see where we will be going with that.

MR DONAGHY: But the Department in 2007 already had given a commitment to build a retaining wall.

MR HITCHENOR: Yes.

MR DONAGHY: You are confirming that?

MR HITCHENOR: Yes.

MR DONAGHY: Now, with regard to the ground investigation works, you are saying they are only starting to carry out the ground investigation works with regards to this proposed scheme here. How can the Department justify

the land take boundaries whenever they have not carried out ground investigation works, the extent of the slopes or whatever, how can you justify in regards to the McMillins contention to make a Vesting Order those areas of land without that investigation?

MR MACLEAN: Ground investigations are undertaken during the development of the scheme, but the detailed design requires a detailed ground investigation that the contractor would undertake during the development of the structures and the detailed design. So what we had back in 2007 was a ground investigation of, at that time the Department's preferred main line, it would have taken samples within the verges of the proposed Dual Carriageway and applications along the route, but once the detailed design is developed and once the structural form of each of the structures is identified the contractor would then go out. We have sufficient information to know that ground conditions in this area are going to be less than favourable. That is why the Department at the moment can't be committed to the nature of the retaining wall or the extent of it because it would be very dependent on detailed ground investigation undertaken at the time the contractor goes in to find that out.

MR DONAGHY: Actually in relation to the meeting that we had on-site, and I think I used some colourful language that day in regards maybe the colour of the sky, so whenever I questioned the Department about the actual vesting line behind Suzanne and Neil's property, the garage, there is actually a kink in the vesting line of a metre or two. I said: Why is there that step in the land take, it is actually taking more out of the farmland trying to avoid the corner of the garage building? And I was informed, and Andrew, you can correct me if I am

wrong, that you have not carried out any ground investigations and, therefore, you were not sure about the slopes, the side slopes for the road. This is something that has gone through statutory approval through the planning process, and we don't have the detail or the assessment required to determine the land take. Far better than that, I went back after the meeting Andrew, and looked at the alignment. The alignment actually moves away from the corner, so there is even less reason in regard to the side slope.

MR HITCHENOR: Yes, at the design stage we had a route (inaudible) slope there and we don't have the information for the area so we work in that scenario for the land take. Should that be the case we can take that up once the GI is completed and once further detailed design is done.

MR DONAGHY: Inspector, you can understand the difficulty that a landowner who is under threat of compulsory purchase of his lands, how the feeling is that the Department don't give any cognisance to the area actually required for the building of the road whenever they have not even carried out a proper assessment to determine that area. That is the difficulty that I have.

If you go through some of the road schemes already through statutory approval and public inquiries, and they are all over the north, and go round and look at the land, it is now sitting at the side of the road. They must be maintained by the Department, by the way, that is surplus to the requirement because designers are sitting in their ivory towers on a computer and say we will draw that line there without having the proper, proper assessment carried out. No answer from the Department. Thank you.

We will move to the north side of the Dual Carriageway. The Meadows as

we call them, it is three strips of land where the Bellshill Road North will tie into this new north south connector road. At present there is an at-grade link between the two pieces of land, it is behind Mr Chada's house, a laneway at the side of Mr Chada's house that comes down to Bellshill Road North. That gives a connection.

This is the laneway here and we can get access to these Meadows straight across at the present moment. Whenever this junction arrangement comes this will block us from being able to get into the retained lands. So I am asking what is the Department's proposals in regards to that?

MR MACLEAN: The current scheme in the vicinity of the laneway here, the laneway would continue onto the existing Bellshill Road, and at the moment the Department have included within the vesting an area of land adjacent to the Old Bellshill Road and the realigned link road. There is then a connection between the Old Bellshill Road onto the new link road here.

I understand from the discussions that you had was in relation to potentially an underpass in this area. I will let the Department comment on the provisional underpasses, but we have discussed the flood plain in this area and the flood levels associated with the Moyola River and to provide -- there is effectively a drawing we could put up -- effectively between the grounds and the proposed road level there is 1.3 metres of a level difference at this point, and to allow for drainage and the road pavement construction we tend to have an exclusion zone between the finished road level and the top bedding of any underpass in the order of about 1.2 metres. A cattle underpass would generally have a clearance of 2.3 metres, and a construction depth in the order of about half a metre to 0.7.

So based on that and the flood level of 19.7 metres, effectively 1.2 metres of the 2.3 underpass would be under the flood level. There is also the issue of the proximity of the access road to the retained properties on the Bellshill Road and the link road. So we effectively have to get down 2.2 metres over a length of about 20 metres. So if it was feasible we would require a very steep access down into an underpass to get underneath the carriageway here.

So the proposal at the moment is that that laneway would be maintained and there would be a crossing into the retained land across here. At the moment we have tried to collect the accesses into a shared access lane down at this point, but that is for discussion, we understand the best way for movement of cattle or access into retained land, we can discuss the location of gates or accesses.

MR DONAGHY : You are saying that you have to drop two metres within 20 metres to be able to achieve that, would it be vice versa that you are going to have to go up two metres to get across that road over the 20 metres?

MR MACLEAN : There is 1.2 metre level difference between the existing grounds and the finished road, so there is 1.2 of a metre. So over this 20 metres you have to go up just over a metre. We have included this area within the vesting. There is an earthwork profile which is based on an earthworks slope. This potentially could be regraded within the vested land.

MR DONAGHY : Just on the levels, Michael, I am looking at the existing proposed site level that you have for the planning application which has been approved. The site level, the existing is 20.15 metres and the proposed is 21.91, so to me that is a difference of 1.75, not the 1.2 metres that you suggest. There is half a metre there.

MR MACLEAN: What I was saying is the position that I would put the underpass, that is the position that I had there. If you are quote quoting a different position --

MR DONAGHY: No, it is the exact same position, half way between that laneway and the road to the Bellshill Road. I can give you the drawing number if you want?

MR MACLEAN: You can understand the ground levels vary and the road levels vary, so depending on the exact point taken it is quite possible that you have half a metre in difference between the two points.

MR DONAGHY: No, we are going to the same point, it is half a metre. The road is going to be 1.75 metres higher than the existing ground level, so from the Bellshill Road as it exists to get up to that level to cross over to the meadows you have to go up 1.75 metres, and you are saying there is a difficulty dropping down two metres over the same distance. We are talking about 25 centimetres of a difference up or down for the provision.

MR MACLEAN: I think I have discussed what the level difference is. I have also discussed that it is underneath the flood level for the Moyola River.

MR DONAGHY: Just on the flood level, you are putting culverts in beside this to alleviate the flooding coming across. If you are putting an underpass surely that will help the flood waters Q100 hundred coming through and flooding in, you're alleviating any more affect on the flood plain. It is the same technique that you are using further on in relation to the scheme, you are putting a tunnel through. It may actually act as one of your culverts. There is an idea.

MR HITCHENOR: We would not provide an underpass in such a

minor road such as that. Under a Dual Carriageway bypass, yes, but we wouldn't generally provide an underpass.

MR DONAGHY: I have been in inquiries where they wouldn't even give underpasses for Dual Carriageways but afterwards you have. On side roads, at the moment I am discussing about an underpass that had not been allowed at Public Inquiry on a side road, so I am well aware of the underpass scenario.

The next is to do with the residential amenity on the two houses, the street lighting, the height of the embankments. And another failing from the Department in that in the planning application there was a clarification on amenity issues issued for the Environmental Statement, and the two properties that are most highly affected by the scheme are not even mentioned. To me it is a glaring, glaring oversight by the Department -- maybe on purpose, I wouldn't dare suggest it -- but to me it is not befitting the Department to do something like that.

MR COUGHLIN: The original Environmental Statement prepared in relation to this scheme did consider amenity on the various properties in the vicinity of the scheme in terms of air quality, noise visual impact, for example. It is correct to say that DOE planning came back to us and sought clarification specifically in relation to two areas, and in response to that we prepared a summary report and subsequently lodged that with DOE planning.

MR DONAGHY: And in that clarification you didn't mention the properties that are most affected by the scheme?

MR COUGHLIN: We responded to the clarification that was required by DOE planning.

MR DONAGHY: Have you the letter that requested the

clarification in regard to those properties specifically?

MR COUGHLIN: Not to hand, but I can furnish you with one.

MR DONAGHY: With the addresses of the properties in question.

MR COUGHLIN: Of areas of interest, yes.

MR DONAGHY: And is the two properties we are talking about, Gareth, are they included in that area because I am just looking, number 45 is included, yet number 41, Neil and Suzanne, is not included?

MR COUGHLIN: What I would say is there is no additional new information in that report that you have in front of you, all of that information is already in the Environmental Statement and was simply teased out for clarification for DOE planning.

MR DONAGHY: Fair enough. Again, to me, it is a glaring oversight.

MR COUGHLIN: Sorry, they are in the Environmental Statement. There is no additional new information. It was simply teased out at the request of DOE planning.

MR DONAGHY: Fair enough. In regard to the noise and light pollution, is there any specific measures that the two properties would fall under in regards to alleviation of those, or is it just we will plant a few trees and in 15 or 20 years time we might not see those things any longer?

MR COUGHLIN: A noise assessment was conducted. There is proposals for low noise surfacing on main line. There are no proposals for low noise surfacing on any of the adjacent side roads, and that is in accordance with Noise Insulation Regulations. We have an obligation to go through and confirm

whether properties are eligible and, if so, our first point of call is the use of a low noise surface, and that has been applied in this instance.

In terms of the overall amenity value there has been a landscape and visual assessment undertaken and mitigation proposals for planting, indicative proposals are included in the ES.

MR DONAGHY: In regards to low noise surface on the Dual Carriageway what you are saying is on the side roads, local roads there is no such provision, what provision is there also then in regards to anti-skid surface in relation to the connector loops to the Dual Carriageway, the roundabout junction arrangement and also the T-junction arrangements for Bellshill Road South, surely that would have major noise impact?

MR MACLEAN: At the moment the schemes will be subject to road safety audits as the design develops, and quite often the requirement for anti-skid surfacing, as you say, is raised during the road safety audit. No such requirement has been identified at this stage, so we have not included for anti-skid surfacing or any other type of surfacing within the side road network within the current proposals.

MR DONAGHY: That moves us on to the way the scheme has been progressed in regards to the Trunk Road Order, and this has been developed through planning application as a local road. On all the other connector loops to the Dual Carriageway, the A6 Castledawson to Toome and Toome to Randalstown, those connector loops are part of the trunk road order, are we saying that those will not be part of the Trunk Road Order and that there is no requirement to include them in the Trunk Road Order? Also the stopping up of some of the side roads that

have not been through Public Inquiry, will those be taken to a Public Inquiry and investigated in regard to the Stopping Up Order, because it is normal procedure through the Roads Order that that's progressed?

MR HITCHENOR: With regards to this scheme, the actual Roads Order didn't have any provision for local roads when the Roads Order was written, the Department had crown immunity, that has since been removed. Therefore, for local roads there is no provision in the Roads Orders for applying the processes so we have to go through the planning, hence why we are going through the Planning Order to achieve this.

MR DONAGHY: But through the Planning Order you don't have the right to stop up?

MR HITCHENOR: No, not through the Roads Order.

MR DONAGHY: That has to be done through the Roads Order and there is normally a public Inquiry in relation to the stopping-up procedures, which is normally held with each Inquiry. The connector loops in regard to getting on and off the trunk road system is going to be done under the Roads Order, and that is part of the trunking. In the Direction Order for the A6 Castledawson to Toome these connector loops are not part of that, therefore, is there a new Direction Order Trunk Road Order required in regard to this scheme? It is one of the queries that has been raised at the planning stages, the objections, and also at the Public Inquiry stage and to date it still has not been answered satisfactorily. What happens?

MR HITCHENOR: We wouldn't need to do anything regarding a stopping-up, with regards another Inquiry.

THE INSPECTOR: Could you repeat that then?

MR HITCHENOR: In terms of stopping-up we wouldn't need another Inquiry, as far as I am aware.

MR DONAGHY: Why would that be the case, the Stopping Up Order doesn't just affect the people who have had land vested? The Stopping-Up Order would be any residents or whoever whose access and normal usage out onto the trunk road network has been interrupted, so why would the Department at this juncture get into a quandary and say: We just advertise it. Why would they and every other public inquiry have included the stopping-up as part of the process for the roads and abandonment and everything else? It is normally dealt with as a separate Inquiry, I must add.

MR MACLEAN: The original stopping-up of the access was included within the 2007 Direction Order, and the Direction Order was made subsequent with amendments following the Inspector's comments. So the stopping-up associated with Annaghmore Road were removed in the knowledge that once the scheme, the Castledawson junction scheme, was finalised that amendments would have to be made to the Direction Order. So we are right in that the Department recognise that the stopping-up will have to be addressed but they are not in a position at the moment to identify what that is until the junction arrangement is finalised.

MR DONAGHY: We are at a Public Inquiry and all we are investigating is the Notice of Intention to make a Vesting Order because you have taken this through the planning process, which I have already said I don't agree with, but if you had taken it through the Roads Order as part of the trunk road network and this junction arrangement being required for that trunk road, you

would have eliminated all that. You would have had your Inquiry and objections and it would have been dealt with. You decided not to do that. You have taken a Direction Order forward in 2011 that doesn't have the stopping-up of the roads that you are now planning to stop up with this arrangement which was designed in 2013, long after the Direction Order was made. So to say that the amendments that were envisaged in 2011 were included, that is misleading and wouldn't be correct.

MR MACLEAN: I didn't say that the amendments that were required were included in the 2007 Direction Order. I said that the stopping-up required for the Annaghmore Road was removed because the Inspector in the 2007 Inquiry had said that the overbridge at Annaghmore was to be removed and not to be considered. So from that the Department have removed the stopping-up associated with Annaghmore Road, but on the understanding that once the scheme is finalised the stopping-ups will have to be addressed against the current Direction Order.

MR DONAGHY: I wait for the Department to clarify in their own time, because from listening to you I don't think you know yourselves.

MR HITCHENOR: We will --

MR DONAGHY: I don't think you have the answer on what way to approach this.

MR HITCHENOR: We will clarify that.

MR DONAGHY: Moving on. The east bound connector for Belfast from Bellshill Road North, would an alternative to that connector, which impinges significantly on to the flood plain which you then have to alleviate, would an alternative to that be to keep the Bellshill Road North as exists at present, that

connection under the Dual Carriageway and do away with the connector loop coming out over the north south link?

MR MACLEAN: Well, through the various inquiries that we have had we have had a number of concerns raised about the potential for any of the options that were considered to add any additional traffic onto the existing road network. So from the scheme that was proposed, or from the layout discussed back in 2012, the junction was wholly within the flood plain, it was removing the left-in left-out movement at the end of Bellshill Road and creating effectively a cul-de-sac at that point. That is what was recommended by the Inspector at that point.

We recognised that by stopping-up the junctions at Annaghmore Road we are adding the additional traffic movements into this. Equally we would be adding traffic onto the Bellshill Road that comes off to go to Annaghmore Road, so taking the comments made back in 2012 we have tried to keep the junction to the east of the existing development at Castledawson and not introduce additional traffic onto the Bellshill Road North of the A6.

MR DONAGHY: But my understanding was there was no increase in the traffic flows around Castledawson.

MR MACLEAN: I think I can let Russell talk. I am talking about the traffic that would have been coming off the Annaghmore Road.

MR DONAGHY: Just even vehicles per day that would be hitting that east bound Dual Carriageway.

MR BISSLAND: To clarify that, traffic turning movements currently occurring at the Annaghmore junction they would transfer across onto the Bellshill Road, it is as simple as that. I can go through the detailed numbers if you

wish. The numbers earlier on, those vehicles were transferred across onto the Bellshill Road.

MR DONAGHY: Just on the vehicles per day that would be transferred over from Annaghmore Road to Bellshill Road South, if you kept that as the connector loop on and done away with that north connector that's in the flood plain, so if it is 20 vehicles per day that keep that road access but it alleviates so much area in the flood plain, I think that is a balance that may have to be struck, and it could be useful to the Inspectors.

MR MACLEAN: All I can say is that through the inquiries a lot of representation about the potential for adding additional traffic onto the existing roads around Castledawson, this is an attempt to bring traffic that would have turned onto Annaghmore Road outside the existing development boundary and around the link road that we are providing and along the north link road, avoiding existing properties ultimately on Hillview and Bellshill Road north of the A6.

MR DONAGHY: But have you a traffic number of how many extra we are talking about, is it 20, 30, is it 50 vehicles per day?

MR BISSLAND: If you think back to my evidence at the start, I had a figure 4, and that was indicating that in 2013 we had an a.m. peak hour flow of 136 vehicles on the Annaghmore Road and those vehicles would transfer across onto Bellshill Road.

MR DONAGHY: So the 136 vehicles coming down Annaghmore Road, and some of them turn and head up towards Castledawson Roundabout, some straight across the Annaghmore Road staggered, and some turn towards Belfast?

MR BISSLAND: Yes.

MR DONAGHY: In my suggestion we can not break that figure down, we don't know how many make the left turn?

MR BISSLAND: I can provide that information if you wish?

MR DONAGHY: Those left turn at Annaghmore onto the existing A6 that are going to keep doing that journey onto the connector route, that is what you would be adding to the Bellshill Road?

MR BISSLAND: Yes.

MR DONAGHY: If anybody is going south to Annaghmore they are going to go over the bridge.

MR BISSLAND: Anyone currently on the Annaghmore Road is travelling across the stagger and they would move to the new north south link.

MR DONAGHY: Yes, and the ones heading to Castledawson Roundabout would go over the bridge and go down the other connector?

MR BISSLAND: Yes.

MR DONAGHY: So it is that figure that turns left at Annaghmore Road that will transfer over, and if there is 136 vehicles using the Annaghmore Road per day I wouldn't expect it to be a very large number that would be coming down Bellshill Road, and it would save the impact on the flood plain. That is the point that I am trying to get through?

MR O'REILLY: I wonder is Mr Donaghy suggesting 136 per day?

MR BISSLAND: 136 is the 2013 a.m. peak hour flow.

MR O'REILLY: Peak hour flow, not one day.

MR BISSLAND: That is one hour peak flow.

MR DONAGHY: So whatever the figure is, but there is 1,100 vehicles use Annaghmore Road per day?

MR BISSLAND: Yes.

MR DONAGHY: So 136 per hour is the maximum?

MR BISSLAND: Of course, when traffic is coming down on the Annaghmore Road it is transferring across onto the Bellshill Road it turns left. There is already the Bellshill Road traffic as well.

MR DONAGHY: Yes, but that is not a redistribution, they are continuing to do that.

MR BISSLAND: Yes.

MR DONAGHY: But it is the redistribution, what you are saying at the point the Inspector said not to redistribute.

MR BISSLAND: We will not be redistributing across with Castledawson, we will be distributing between the Annaghmore Road junction and Bellshill Road junction.

MR DONAGHY: Okay. So you will provide that?

MR BISSLAND: Yes, I can provide that information.

THE INSPECTOR: Any information being provided will you make sure the Inquiry has access to it as well?

MR BISSLAND: Of course.

MR DONAGHY: The north link between Annaghmore Road North and Bellshill Road North, and again this has been included this last number of times at the 2012 Inquiry, this involves the lands of Andrew and Suzanne. You can

see at the minute it is going to run through all of their land, but our suggestion was to move the north south link out of that CN05 zoning and move it up to more near Chichester Avenue.

THE INSPECTOR: Excuse me, could you highlight that for me, please?

MR DONAGHY: This here connects into develop this land could still go forward over time. There is absolutely no need for all of this because it is all owned by the McMillins.

MR MACLEAN: I think this option was discussed at the previous Inquiry. The Inspector had considered it and when we showed options we had looked at along the old railway line where the health centre is, the Inspector at that time recommended that the north link road is in the area that was shown, so ultimately that is what we have developed. To go back, we had looked at an alignment along the railway line and there has been some development along there since the railway was closed, not least the health centre itself.

When we had looked at the north link road within this development area, within the development area plan, there was a requirement to provide connection to Annaghmore Road and Bellshill Road associated with that, so effectively the Department were trying to take that requirement and connect both roads with the north link road within that area zoned for development.

MR DONAGHY: But Meadow Field place is wide enough geometry wise as it comes out to Annaghmore Road, and it is an adopted road. TransportNI has adopted the road.

MR HITCHENOR: I understand it is.

MR DONAGHY: Thank you for the clarification. So it is only from the end of the Meadow Field Place where it would have to take a slight kink northwards onto the railway line, which would then improve the Bellshill Road North alignment where that improvement would have to be carried out, and you wouldn't need all of this land, which is zoned development land at quite a considerable cost to the Department. It would be shorter, more economic and serve the same purpose.

MR MACLEAN: As I say we had looked at that option plan to the 2012 Inquiry and we showed the layouts that would be required at that time and they were discussed at length. The recommendation was to have the north link road in this location, and that is what we have tried to develop.

MR DONAGHY: We will get back to the consultation, Michael. There hasn't been any consultation to try to move the thing forward. It is more suitable for people, less intrusive on the lands. We have looked at it and that is what we have drawn.

MR MACLEAN: I don't think that is the case. It was discussed, we had the opportunity to discuss the alternative options we had presented and looked at, and in the Department's view at that time this was the preferred option. As well as the alignment of the road the people that will ultimately be using the link road, there is the additional housing on the Bellshill Road that would be affected by these extra 136 vehicles in the peak hour. So what we are trying to do is bring these additional vehicles along in this area, ultimately the majority of them on the south side of Annaghmore Road so we have kept the alignment south of the additional properties and the health centre developed up there. It is not to say we

ignored it, and we showed it back in 2012 that we had considered it based on an assessment --

MR DONAGHY: Well, the 2012 assessment was to take it through the same alignment on the Annaghmore side of the link, but you then ran down through the green area down into the centre land, so it is not on the same alignment. So you were given the opportunity when that was rejected in 2012: Well, maybe we will look at this on the fresh through the railway line.

MR MACLEAN: The option is there. You can see we have not just gone with what we had back in 2012. We have taken the opportunity to review the geometry of this to try to bring it to a higher standard to provide a connection to maintain lands so that the housing that can potentially be developed in there could be accommodated by that link road. We felt that the link road that we had back in 2012 was of a standard that would prohibit that so we have gone for a higher standard which still requires departures from standard, but which is a higher standard, so we have revisited it, we have not just taken what we did before.

MR DONAGHY: Are you saying that for this northern link road there is departures from standard are required for that?

MR MACLEAN: There are departures from standards throughout the scheme. Departures are allowed under the Design Manual for Roads and Bridges in order to reduce the environmental impact of the scheme. So we have developed the departures associated with all the elements of the scheme and presented them to the Department. It is not a reduction in safety departures, it is an acceptable mechanism to reduce the impact of the scheme while retaining safety standards.

MR DONAGHY: Could you advise us of what those departures are?

MR O'REILLY: Inspector, Mr Donaghy is representing certain clients, not the entirety of Castledawson. If he would kindly stick to his brief and represent the McMillins now, that would be very helpful.

MR DONAGHY: The McMillins will still retain land, Mr O'Reilly, thereafter and any departure from standard may have an impact on any future planning application for development that they have. So I think it is incumbent on the Department if there is departure from the standards required for this proposal that they should provide them to my clients.

MR O'REILLY: I acknowledge in so far as this particular link road is concerned, yes, whatever departures there are, but not for the whole scheme.

MR DONAGHY: You are alluding to further departures that may have an impact somewhere else on the scheme that we are not aware of?

MR O'REILLY: It is nothing to do with you, Mr Donaghy.

THE INSPECTOR: Mr Donaghy, we do have a timetable and a schedule and obviously everybody wants to be heard, and we are trying to progress efficiently. I understand that things seem lead on to other matters and appear to require clarification, but we have to try and keep on-line as well within reason.

MR DONAGHY: I apologise for maybe taking longer than I should but, as you can imagine, I am finding out things on the hop here that I don't think anybody in the public, or even yourselves, may be aware of.

We will move on. I think actually that probably wraps up in regard to the issues affecting the McMillins. The only other thing I would ask is could

I request that the inspectors come out and view the different locations associated with the different McMillin landholdings?

THE INSPECTOR: Yes, just liaise with the programme officer and we will accommodate that.

MR DONAGHY: Thank you very much.

THE INSPECTOR: Next in the schedule for making their representation is Mr Thomas Hueston. If you would like to come forward.

MR THOMAS HUESTON

MR HUESTON: If you are happy enough can I read out the report to clarify? To start with, I am currently a planning and traffic consultant but I am also a resident, so I have submitted the report through my practice but it is representing myself and my family at the same time.

THE INSPECTOR: Very well.

MR HUESTON: Some of the things that I am covering here have already been discussed, so we may be repeating ourselves. Basically this statement is presented on behalf of Thomas and Ellie Hueston as an objection to the proposed alternative junction proposals that form part of the wider A6 dualling scheme. It is not an objection in principle to the scheme but specifically relates to the details of this alternative junction proposal and, in particular, the proposed link road joining Bellshill and Annaghmore Roads.

It is this northern link that I am specifically relating to.

The quoted reasons for objection are broadly similar to those conveyed in writing to the Department previously. However, some additional

concerns have arisen following closer reviews of the case history.

Reasons for objection. Need:

A review of the scheme history shows the proposed Bellshill Annaghmore link is an accommodation to placate objections to the original scheme design considered in 2007. It has to be said that when all the alternatives are considered it is clear that Option 1, as tabled, then represents the safest, most cost effective and efficient proposal. In effect, that proposal is by far the optimum arrangement and should be pursued in the interests of good practice and value for money for the public purse. Progress to date may mean that that option has been permanently shelved and the Department is committed to alternative schemes, but that does not mean sense should not prevail.

Alignment.

The latest alignment as of September 2015 is a result of previous preferred alignments being considered and rejected at Inquiry. The net result of these rejections and subsequent realignments is merely to move the problem on to someone else. In this case all residentials, including 15 Bellshill, which is where I live, have been brought closer to the new road. This is not how a scheme should evolve as parties who had no initial interest in the original scheme are now being penalised to accommodate previous objectors.

To avoid this 'design on the run' scenario all options should be considered against one another and the safest and most cost effective solution selected, even if that means reverting to a previously discarded option.

At previous Inquiry an option linking Bellshill and Annaghmore through Castle Oak was dismissed on the basis of being undesirable and unsafe in a

residential area.

When you consider that the area now being proposed for the link road from Bellshill Road to Annaghmore Road is specifically zoned for residential use in the Magherafelt Area Plan, it is clear that exactly the same unacceptable safety and amenity issues will develop on this line, albeit at some time in the future.

We would therefore argue that the scheme design has taken no account of this whatsoever and is merely a case of taking the easy option in the short-term to avoid dealing with the issues. The Department will contend that the link road through the zoned lands is actually a benefit as it saves a developer completing it in the future, but this not the case. Under the Area Plan zoning requirements there is no obligation, expectation, nor need for a link road between Bellshill and Annaghmore.

By virtue of the road design, the Department has dictated all future development without having once considered development concepts, in effect delegating responsibility for safety and good planning. The current line has been arrived as a result of creeping away from objections.

If it is to be seriously reviewed then it should therefore be considered as being through residential areas and the same criteria applied as was deemed crucial to alternatives in the 2012 Inquiry. This will result in a reasonable comparison and a decision will be determined on the basis of sound engineering reasons rather than to appease objections.

As a result of the junction proposals on the A6, Bellshill Road will now become the key distributor for Castledawson traffic to and from the A6. The link road may facilitate the Annaghmore traffic but it is inevitable that the majority

of Castledawson traffic to and from the east of the province will use Bellshill. This will result in increased traffic, particularly within the village on the New Row section where current road width and parking patterns are already resulting in congestion, conflicts and safety issues at school times. Any significant additional traffic could mean this simply cannot function.

All these road capacity and safety issues become even more significant when it is considered that TransportNI have already deemed Bellshill Road unsuitable for inclusion on the winter maintenance schedule for road classification reasons.

The design of the Bellshill Road/Link Road junction appears to be over engineered as it includes the provision of a right turn lane without any apparent justification other than being a key site requirement for residential development in the Area Plan. Despite the additional traffic on Bellshill, given the local geography, the predominant movement into the new junction will be left turns with a minimal incidence of right turners. Queues will not develop so a right turn lane would represent over design.

I think I will stop there and give it over to yourselves.

THE INSPECTOR: Will the Department be in a position to respond to the issues being raised within this presentation?

MR MACLEAN: Probably the only point of clarification from the Department's point of view is that we are promoting the north link road, not as a convenience but as a requirement of the Inspector's recommendations from previous inquiries, so where we had alternative options, and we have discussed the redistribution of traffic through the closure of Annaghmore Road or Bellshill Road

associated with each of the options, that there will be a redistribution of traffic, and through the options that were presented in 2007, the option in 2012, and currently this option, it will add traffic on to existing roads within Castledawson. So there is a requirement to address that, and it was particularly in 2007 a very strong objection.

I do take your point in relation to residential properties, but I just wanted to clarify that it is not just a convenience to the Department, it is through a requirement of the Inspector's report from 2012.

MR HUESTON: Can I just emphasise that in my opinion the land referred to earlier by Mr Donaghy, CN05 housing zone, it is reasonable to expect that will become residential areas, that is what it is zoned for. So precisely the same safety and amenity issues will arise once it becomes residential, as it was earlier deemed unacceptable with Castle Oak and the like. It is the same issue albeit it is a different timing. That is all it is about. I don't think the Department has considered that realistically what is currently open land, it will be development land in the future. What we are doing is putting this link road, relief road, through residential land and it is going to involve noise. There was particular conclusions drawn earlier to the safety for children, those same issues are going to apply when this CN05 area is developed. I don't think the Department has taken that on board.

THE INSPECTOR: Do you want to respond to that briefly?

MR COUGHLIN: In terms of noise and air quality and overall amenity those are assessed. We are presented here with a scheme that we have to assess from an environmental perspective. That takes on board both the impacts on the physical environment and also the human environment as well, and from an

environmental perspective we sympathise that bringing schemes closer to individuals can have a negative impact, but they are assessed. I would concur with your view, but it is inevitable with strategic or road schemes of various size.

MR HUESTON: I will accept the Department's comments, except in the earlier deliberations back in 2012 this mixture, this traffic and the impact for residential use was deemed unacceptable in the Castle Oak area, and now it is the same principle here, albeit the timing. There is no residential units there at the minute, but there will be, so I think the Department has not future proofed it.

THE INSPECTOR: We will deal with the issues that you have under road capacity and design and ask for some responses if appropriate.

MR MACLEAN: I can comment on the right turn pocket on the Bellshill Road at this location here. I mentioned before that there are departures from standard associated with each element that the north link road and the north south link road, particularly in relation to some existing properties on the Bellshill Road and existing accesses and the availability of land to provide adequate stopping side distance around this corner.

So we do anticipate right turns, there will be right turn movements made on the existing layout that will have to be accommodated along the north link road. We agree it will be a left turn at the moment, but there is a reduction in visibility at this point. There are numerous accesses at this location opposite the proposed junction. So it is not solely to accommodate future development, it is to address a safety concern associated with the proximity of existing properties and existing accesses at that junction location.

MR HUESTON: Can I possibly disagree with that to an extent?

For me the introduction of a right turn lane merely complicates access for those dwellings on the opposite side of the road. You are creating situations where people are waiting and having to turn across two lanes rather than one lane. If you view an overall map of Castledawson you will see that generally anyone going to Annaghmore Road from the village will not come down Bellshill Road, turn right back on themselves and go back across, that won't happen. They will use the Annaghmore Road itself from the village. Predominantly, the amount of traffic coming down that road to turn right is minimal. So the need for right turn lane for me is nil.

I am not sure whether the Department is running any predictive programmes on the junction to determine does it actually create queues, is there a safety issue with it? I don't know if they ran any of those junction assessment programmes. That is the kind of thing that I would expect to see, otherwise it is over designing a junction to facilitate future development. Land should not be vested from private individuals to accommodate that. If it is warranted for the scheme fair enough, but not if it is over design, and for me I am not sure, I certainly have not seen any evidence to see that is needed.

MR MACLEAN: Certainly the traffic is estimated and projected so we do have these figures, but the point that I make is we feel it is required as part of the scheme and we have taken it through the development of the design, we have taken it through audit. It is our view that although in capacity terms it might not be required it will be required because there is a potential for right turn traffic. There is a reduction in the stopping sight distance at that point and we have tried to mitigate for that risk by providing a right turn pocket. Yes, the majority of traffic

may go down Annaghmore Road from the main street but there will be right turns, and it is our view that it would mitigate that risk by providing a right turn pocket.

Regarding the north link road, we had said the geometry of it had been improved. It is not a farm access, it is through Greenland and it will be providing access for vehicles between Annaghmore Road and Bellshill Road, and it is stated in the evidence that we have gone for an 85 pkph but we anticipate it will be a 30 miles an hour speed limit. The departures that we mentioned earlier take cognisance of the fact that it will be a 30-mile an hour speed limit so we have designed it to that standard. The standard of road that we have provided has the geometry consistent with 30-miles an hour speed limit, or 50 kilometers per hour.

MR HUESTON: Can you confirm then what the limited forward sight distance is at that junction, is it below the 30-mile per hour standard?

MR MACLEAN: I can confirm that it is a departure, as I mentioned, based on 85 kilometres per hour but the speed limit will be 30, so we are putting in mitigation that we propose a 30-mile per hour speed limit. So the desirable minimum stopping sight distance would be much less than it would be for 85 K Ph, it would be 70 metres as opposed to 60 metres.

MR HUESTON: I don't think we will agree on this, but can I ask that the Department can provide the Inquiry with some evidence as to that, the capacity issues there and whether it really does need a right turn lane? As far as I can see the Department is over designing that junction. It is vesting private land that doesn't need vesting. That in turn then is dictating how private development proceeds in the future, and that should not be the Department's remit.

THE INSPECTOR: Very well. The Department will provide the

necessary response and provide it to Mr Hueston and to the Inquiry itself. Would the Department like to answer on the amenity issue?

MR COUGHLIN: I think in the Department's written response to Mr Hueston's original letter we did set out that there would be inevitably impacts on residential amenity, and in this regard there are within the landscaping mitigation proposals indicative proposals for screen planting to the rear and side of the affected property and those would be developed further as the detailed design progresses but, yes, we would accept that there would be some loss of residential amenity in this area.

MR HUESTON: Can I say that those measures are fair enough up to a point but they only address the traffic generated by the scheme, they don't address conceptual issues that the scheme opens up.

MR COUGHLIN: As you will, no doubt, be aware for any developer coming along to develop those lands within the housing area they will have to come forward with not only housing proposals but also amenity or landscaping proposals as part of their overall plan. We are proposing mitigation or screening in this area within the vested footprint of the lands required. The lands that would be available for development, again it would be up to the developer to put forward recommendations there for wider amenity related issues.

MR HUESTON: I accept those are basically statements of fact, any planning application will be expected to deal with those things. What my concern is here is that by virtue of the over design of the junction the Department is facilitating development, yet they are not taking steps and not in a position to take steps to protect my amenity. They are not controlling it. I don't think we will agree

on this.

MR COUGHLIN: We have given an indication or a commitment to provide amenity, planting, screening within the lands that are required as part of the scheme. Those lands beyond that are outside the control of the Department.

MR HUESTON: The rest of my submission I have gone into some detail about some experiences that I am having regarding the Department's handling of the planning applications. I know this is not the forum for that.

THE INSPECTOR: Unless it is relevant to the issues that we can consider, honestly, it will be looked at but unless you feel it is something connected to today's hearing I prefer us to keep within the parameters of what we can consider. I mean, we could be as sympathetic as we would like to be but we can't do much about it.

MR HUESTON: Basically I can summarise it. I have it in my written evidence anyway for consideration, but basically the current situation at 15, which is the cottage, I own that portion of ground to the south. That land is zoned and key for opening up backland developments, so by virtue of this over design of the scheme the Department is removing all control of the key land that I currently have, or any control I have. They have no need to do that and they are taking that away and putting that in the public realm.

I believe that that is fundamentally flawed and it shouldn't be facilitated. It shouldn't happen. Basically that junction should be designed to an appropriate standard and that would largely address most of what I am concerned about.

Mr Donaghy earlier was alluding to other alternatives on the north

side, I also believe that the likes of Chichester Avenue can be easily upgraded at a fraction of the cost of this scheme. It is less disruption and from the public purse I think it represents value for money. So to introduce a local distributor road along the back of quiet residential properties against that backdrop is a total disregard for the householders and not the best use of the public purse. That is basically it

THE INSPECTOR: Thank you very much. Have the Department anything you wish to say in response to anything raised there?

MR MACLEAN: Other than a comment about Chichester Avenue, again that was discussed at length in 2007 and the potential to add additional traffic onto an existing road with the consequential impacts around the school, so back in 2007 there was a lot of discussion about the potential for disruption around the school and the redistribution of traffic along that route which led to the introduction of the north link route.

MR HUESTON: I understand that is the case, but the Department by raising the profile of the Bellshill Road are attracting a lot of additional traffic past the New Row school which has a frontage onto both the Bellshill Road and Chichester Avenue, so on the one hand the Department has been forced through Public Inquiry in the past to ignore the Chichester Avenue option, but at the same time are now happy to funnel additional traffic past the new row school and other frontage. So we are reinventing the wheel and we are just transferring what has already been deemed an unacceptable issue somewhere else. We are just moving the problem.

THE INSPECTOR: Thank you very much, Mr Hueston, for that submission. We are running slightly behind at the moment and in light of that

I think we will take a break for 15 minutes and come back at quarter past four.

(Short Recess)

THE INSPECTOR: We will resume the rest of the afternoon's presentations, and now we have Tracey Overend.

MS TRACEY OVEREND

MS OVEREND: My name is Tracey. I am a resident in Castle Oak, and my address is 12 Castle Crescent, Castledawson. I am here to discuss the link road between the Annaghmore Road and Bellshill Road.

Just to give you a wee outline. I have been in this house for 10 years now. One of the main reasons I purchased this house was due to the location in the Castle Oak development. It is at the end of a cul-de-sac, a corner site. There is no through traffic either at the front of the house or at the back of the house, and we have complete privacy to the front and the rear of the dwelling. We looked at other properties but none were suitable because of what we wanted in a back garden.

Obviously I would just like a wee bit of clarification with regards to the link road. I had sent in a letter of objection, and the key points for my objection was the reduction in the peace and quiet, the safety of the area, the total loss of privacy and security. Also the increase in the traffic volume, the increase in the headlight glare, and there is going to be, I understand, a footpath and also the lighting from that, which gives to reduced and ineffective living conditions as well. I know from the start of this afternoon that you have covered some of these points, but it will do no harm to revisit some of those, if that's okay?

First of all the first point, I had said that I would lose all privacy and security. The proposed road is only going to be approximately less than 30 feet from my back door. Having said that, the response that I got was saying that it was going to be 30 feet from the rear boundary hedge. You had suggested that mature planting on the wide strip would provide a substantial visual screen between the garden and the north link road, and I wondered if you could just clarify that, as between now and February 2012 I have not actually been consulted by anybody. I understand there have been some site visits but I haven't been present on that and I would actually like to be present from now on.

Maybe you could clarify then with regard to that wide strip, what kind of planting, you are saying mature planting, but obviously that is not going to be planted as mature planting so that is going to take years to establish.

MR COUGHLIN: I think we had discussed some of these issues at the previous 2012 Inquiry. The planting that is proposed to the rear of your property is a combination of native woodland planting. Some of that could be whoops or semi mature planting. At the moment as part of the landscape visual assessment we prepare an indicative planting outline for the scheme that would be developed further as the detailed design develops in terms of the exact planting mix and the height of the species as they are planted.

I think from what I recall at the last Inquiry the Inspector had recommended that we engage in dialogue with yourself once the scheme is going to proceed and the contractors are on board and the detailed design is being developed to agree with yourself the nature of the proposed planting in that area.

I can say, and I suppose this is more for the Inspector's benefit and

yourself, that the indicative planting plan is included in figure 11.5 in the Environmental Statement. It is shown in sheet one for the northern link. That will give you an indication.

Your other issue there about headlight glare, again there would be no direct headlight glare. If you can see the light on the road, the road is passing parallel to your rear boundary, it is not like you are going to experience direct headlight glare into the property. There would be increased lighting to the rear of the property because the north link would be lit along its entire length. And your query that you had in relation to distance is correct. You mentioned 30 feet, it is 30 feet or nine metres from your rear boundary, not from the rear of the property itself.

MS OVEREND: You just mentioned there would be -- okay if there is not the direct glare from traffic that there is going to be increased lighting, and in one of the responses that I had they had mentioned with regard that there would be cut-off lighting through the lighting strategy, is that still something that is going to happen?

MR COUGHLIN: Yes, as part of the detailed design a lot of modern street lighting is full cut-off lanterns or directional lighting that doesn't back light areas, so it would light the road but avoid as much as possible back lighting areas that do not need to be lit.

MS OVEREND: The other point is regarding traffic volume. I know this has been covered before as well. However, in one of our previous responses, that was actually in a letter back in August 2011, it did quote that the assessment indicates that 12 Castle Crescent will experience a major increase in the

noise level in the long-term. That is something I wanted to clarify with regard to my house and double glazing, compensation, you know, what is the update on that?

MR COUGHLIN: The noise assessment was updated as part of the environmental assessment for the current proposal. We have extracted the figures for noise for the various properties in the vicinity of the scheme are reported in the Environmental Statement for all properties, and in your case we have extracted the relevant noise levels. And, yes, you would experience a major increase in noise levels in the short-term from around about 46.9 db, which you would have in the year of opening which is 2018, the assumed year of opening. Then they would go up to about 56.1 decibels, so that would be looked upon as a major increase in the short-term. When we look at mitigation in regards to noise we look at whether properties are eligible. We have to follow guidelines as to a property's eligibility and they have to meet certain criteria, one of which is you have to experience noise level in excess of 68 db and experience a 1 db or greater increase with the scheme. Now, those noise levels I have just quoted would indicate that you are well below the levels requiring mitigation.

MS OVEREND: I am looking at part of the information, the level of typical common sounds on the scale, it is there at 55 decibels where it says communication starts becoming difficult. Obviously this is going to be at the rear of my back garden where a lot of social activities take place. It is used for peace and quiet as it is, like relaxation, so obviously the noise, okay, I may not meet the criteria for the mitigation, but look at the social impact of that as well. I am not sure if any of you have been round the back of my garden, but I have a greenhouse there as well, I just kind of think that the noise level is not going to be ideal

whenever it come to the social side of things.

MR COUGHLIN: We have to consider noise levels at the facade of the property. Granted, I think we have already alluded to you, you would be experiencing increase in noise levels which has a consequent perceived decrease in amenity for you. There is no hiding that fact. That is a given, I am afraid.

MS OVEREND: With regards to that then as well, obviously I don't want the value of the house to decrease. I know there is a lot of members here maybe losing land and what not, but also due to the noise level and also in the report with regard to my objection it was confirmed that approximately a 1% decrease house price per decibel level, so I have been told that there is going to be an increase in the noise, so where do I stand with regard to that and house value?

MR HITCHENOR: That would be an issue for Land and Property Service who could look at a Part 2 claim for compensation for devaluation.

MR COUGHLIN: By way of clarification on that, I think in the letter of response that came from the Department, that process of Part 2 is set out under response 5, if you have your response. The response that came back from the Department is broken down into various sections and if you look at sections 5A through to 5D.

MS OVEREND: Thank you. One of the other points I want to clarify as well, I am hopefully going to be consulted with regard to the planting and potentially boundary treatment, hedging and any planting commitments. Because there is going to be a footpath as well I am aware of the security, because obviously there will be many people walking up and down past as well, and I wonder about the security into the rear of my property because of something else that has been

devised or built that we don't want there, is there anything that you can clarify there with regard to a wall, fencing?

MR COUGHLIN: At the moment your property boundary is not being directly affected, so the intention at the moment under the current proposals would be to increase the buffer planting between the rear of your property and the edge of the road where side line distance permits.

MS OVEREND: I want to check is there any traffic calming measures with regard to the link road. You mentioned there was going to be a 30-mile an hour speed limit. The other concern is that I was under the impression there would be low noise road surfacing, have I picked it up wrong earlier that that is not going to be used in the link road?

MR MACLEAN: We have discussed having low noise surfacing on the main line, and the benefits of that are included in the assessment for the main line. We have not included for any benefits from the low noise surfacing on the side roads and, similarly, we have not included for any traffic calming measures on the side road network. During the detailed design we had mentioned previously about anti-skid surfacing, there will be a stage of development of the design, there will be further safety audits of the design as it develops. So it is not to say that certain measures won't be introduced, but as the scheme stands at the moment there is no provision for traffic calming or low noise surfacing on the side roads.

MS OVEREND: Is that something that could be considered, as you are well aware when you come into a town or village there is 30 miles an hour and hardly anybody stops. I myself have been on the speed awareness course and those rooms are full of people young and old, and it is not just young boy racers.

People should be able to set an example, so that is where I am not happy, even at 30-mile an hour it will not be stuck to unless there are some traffic calming measures.

The low noise road surfacing, I understand it is going to be part of the main road, but the area that the main roads are passing there may not always be dwellings on each side, so these link roads seem to have an impact on development and you would think that would be something that would be better put in those areas for the likes of the noise and to keep the residents happy.

MR HITCHENOR: As Michael said it is something that could be looked at. So it is a case of as the scheme evolves.

MR COUGHLIN: One more point I just add to that. The benefits of low noise surfacing are really only appreciated at higher speeds. Normally anything above 50 kilometres per hour is where the benefits of low noise surfacing take effect. The benefits at lower speeds is not really realised. The main reason for that is that at lower speeds the dominant noise source is engine noise as opposed to road tyre interaction. At higher speeds your dominant noise source is between the road and the tyre dominating over engine noise. So it wouldn't be the norm to put low noise surfacing in areas likely to experience speeds below 50 kilometres per hour.

MS OVEREND: Thank you for clarifying that. I wasn't really aware of that. But I still want to highlight the point again that cars coming back and forward, no matter who is driving, I am more concerned about that because if it is supposed to be at a lower speed the car engines, my bedroom is at the rear of my house so I am going to be lying listening to people revving their engines up,

speeding up and down, so I do want to be kept consulted about that in case there are any other mitigation issues that I need to be consulted with.

The last thing I want to put forward is obviously there has been discussions with regards to the link road between Annaghmore and Bellshill, but also you have mentioned on several occasions about the reasons for not going forward for the Chichester Avenue one, but I would prefer if it was moved further up, that way it seems a lot of people would be happier in that situation, but I know the consultations have already been and gone.

At this point in time can I be clarified that I will be kept informed and consulted with regard to this area. Where my house is, actually it is very close to the edge of the road and also this boundary, so if that is something that maybe somebody could do a site meeting with me or chat on a one to one so you can physically point out the area that is going to be affected, because it is kind of difficult looking at maps, and I need to know exactly what the impact is going to be.

MR HITCHENOR: Yes, that can be facilitated.

MR COUGHLIN: The Department in their response to you, their final comment was that they did confirm they would be in contact with you regarding the treatment of that area as well. So they have made that commitment. It was a recommendation from the previous Inquiry and they will adhere to that.

MS OVEREND: Thank you.

THE INSPECTOR: Thank you. Does that complete everything for you today?

MS OVEREND: Yes.

THE INSPECTOR: Thank you. Moving on next then the next person is Drew McKee.

MR DREW MCKEE .

MR MCKEE: I live at 25 Bellshill Road. Basically I had no information whatsoever what way the road was going to be constructed, laid out or anything. I in turn contacted Coleraine and asked them to send somebody out to give me a bit more detail and maps and what way things were. Pat Turley and Ronnie Faloon came out with more detailed maps and went through it. I wasn't happy with the amount of ground that they were going to vest from our garden. I appreciate whenever you look at it there it is not a very big amount of ground compared to my neighbours where they are losing fields and a lot of ground, but we don't have a lot of ground so it is a big thing to me.

The outcome of the whole thing was Pat was to come back and mark it out on the ground and show me exactly where the whole thing was going to be, which he did in turn. It confirmed what I thought from the first meeting that I had with them that they don't need to vest that ground, or the majority of that ground. At the top end of the site where the entrance is into our site, yes, the road will come in on me there, but at the bottom part of the site it will not.

Now Ronnie's reason to take all that ground was to put a footpath up by that there. When you see the road and the curve, the footpath was going by the line of the road and there would be little or no property to vest of the property.

I put a letter of objection in and eventually I got a response back on it where one of the points was answered that there was a reduction on the vesting

but there was no indication what the reduction would be. Basically I want to find out can the footpath not go with the line of the road, number one, and, two, if it did how much less would they be taking on the vesting?

MR MACLEAN: I think what Ronnie had said is that the Department would look to reduce the extent of the vesting. At the stage that we are at the scheme would need to be put through a detailed design, particularly in relation to the access to your property and the sightline required from your property's access. So once that's developed and the drainage requirements around the earthworks slope, you can see we have introduced that earthworks slope because of the relative change in level between the link road and the existing road which would have to be drained, but potentially landscaped within the vested footprint as well.

So once the visibility splays is in and the drainage is in you could identify what land could be returned, but at this point in time the footprint is vested as to accommodate the breaking up of the existing road and to accommodate installation of drainage and the provision of an access and appropriate site lines from the access.

MR MCKEE: Basically you are saying you would vest the same amount of ground?

MR MACLEAN: The Department have included that area in the vesting but I think once the scheme was developed, once the access and visibility splays have been finalised we would be able to be in a better position to identify what land could be returned, if any.

MR MCKEE: Okay.

MR MACLEAN: Certainly the Department's view, as you quite rightly say, in this area here would be less critical than the area here adjacent to the access and the requirement for the visibility splay coming through here. Through here what we would want to do is potentially regrade this so that we are not left with the earthworks slope here so that that could be softened out, drainage installed to ensure that there wasn't a run-off from the roads back into the private properties. Once that was installed, what the commitment has been in the response was to then consider what area could be returned to you.

MR MCKEE: There was one thing that come out of the meeting that I had with Ronnie and Pat was actually the height of the road. Now they disagreed between them. Ronnie said the road would be a metre higher than it is now. That sort of confirms earlier what Thomas, you were talking the road would be higher than it is. At the point of our gate what difference is going to be in the height of the road there? My road would come out and rising to come out of the gate?

MR MACLEAN: If I have that information I will give it to you. Opposite your property at the centre line of the road the existing level is 20.37 and the proposed level is 22.07, so that is a rise in the road level of 1.71 metres based on the existing design.

MR MCKEE: Basically the road is going to be 1.7 metres higher than what it is now, so there is going to be an incline.

MR MACLEAN: Yes, because of the angle that we are coming in the road is sloping away from the property and draining down towards this end down here. Because of the geometric standards we are required to provide a cross

fall across the road. That has resulted in this side of the road being lifted up, but also remain above the flood plain with the access road and tie back into the top of the Bellshill Road, an increase of the level of about 1.71 metres opposite your property.

MR MCKEE: Then the water is going to run into the driveway.

MR MACLEAN: Well, the road itself, the cross fall is away from the property so the run-off that is coming from the road will run from here down to the drains in there, and it is carried over this section and collected by gullies on the east side of the road, but the run-off that comes on the soft verge from the back of the footway down here would be sloping from that 1.7 level down to the ground level, so the run-off from the back of the verge down here would be in this direction, and it is this we would have to collect with a cut-off drain over the stretch and take that back into the road drainage. So once that was installed we would be able to identify what land could be returned to you.

MR MCKEE: You wouldn't be able to tell me now or until the actual road is under construction?

MR MACLEAN: As it stands at the moment if we were to put drains along here it would be at the bottom of this earthworks slope, but there is an option because the land is vested to regrade this so it is more in keeping with the landscaped area and then the drain would be ultimately at this boundary here. It is that level of detail that we would develop before we can identify where the drain goes and who has responsibility for that drain once it is in place.

MR MCKEE: With regards to the footpath is there a possibility that the footpath could follow the line of the road rather than come up to the front

of the house?

MR MACLEAN: Yes, I would have thought that would be the case. We mentioned about the safety audits, we would have to agree where the pedestrian footway goes in relation to the crossing is, but we would be looking for it to be adjacent to the road, and then once you come further up it is on both sides of the road east and west. We would certainly look at the detailed design.

MR MCKEE: One of my other questions was the noise level. We did go into great detail on how the noise level was calculated. At the time of it I still wasn't any wiser, a yes or no would be more appropriate. In my thinking there has to be a fairly high chance of the noise level rising at the junction in front of the house with people stopping and turning in, and then the distant traffic that is going to be on the road compared to what it is now.

MR MACLEAN: I can't promise you a yes or no answer.

MR COUGHLIN: In the year of opening 2018 it would be 61.1 decibels and with the scheme it would increase to 62.5, so it is about a 1.4-decibel increase. That is a small increase and just about perceptible, but sorry, it is again well below the 68 db threshold for eligibility or consideration under the Noise Insulation Regulations.

MR MCKEE: That is all I have. Thank you.

THE INSPECTOR: Does that complete your presentation?

MR MCKEE: Yes, thank you.

THE INSPECTOR: Thank you very much.

GARY GALWAY AND THE GALWAY FAMILY

MR DONAGHY: The next objector is Mr Gary Galway and the Galway family. They own land south of the Dual Carriageway.

The first point I would make is in relation to the amount of land. I can say categorically that through the proposed scheme Mr Galway and his family are the biggest landowners in relation to the amount of area that's being taken. Obviously as farmers this is their livelihood. They are losing the farmyard to the north, the whole complex of buildings is to be taken for the embankment. Over and above that all of their lands to the north of the Dual Carriageway is being vested for this road scheme. They will not own any land to the north of the main line due to the Department's design for this junction arrangement.

The design of the proposed junction arrangement south of the main line is introducing a complex roundabout junction arrangement to connect onto the main line and cutting up through even more land to give the connection back down to their home house, which is in the south side. In actual fact in the design of that road to connect onto their existing road, we would cross that road and move to land even further south of that road. Why? I have no idea. How the engineering is behind that, it is just abysmal.

The biggest problem here is the Department and consultants choice of the alignment for the Inspector's recommendation in 2007, further developed in 2012 for the alignment of the north south connector of the Bellshill Road.

As stated earlier the natural alignment north south on the existing south Bellshill Road junction as it crosses over and over the top of the complex of farm buildings is more in keeping, so the original B1 option, the Department's design has pushed the whole design to the east which has gobbled up excessive

amounts of land, created extensive impact on the flood plain over and above what they are allowed to do under FLB1, yet the planners still passed that, maybe not knowing all the facts. But to me the engineered solution here is wrong and it is fundamentally -- we talk about human rights, and I know the inspectors have mentioned we should not raise them in regards to this Public Inquiry, but the Department have raised them in relation to their Departmental Statement in relation to this Inquiry. They have considered the human rights of the people affected here and have deemed that they are not impacted, their human rights reasons not impacted. I beg to differ.

The design that has not been consulted on with the landowners and is having a major impact on their landholding has been brought forward through statutory approval process, which I have already said earlier that I disagree with. It should have been taken under the Roads Order and a proper Public Inquiry held, not just in relation to the NIMVO.

I don't know if the Department want to make a response to that or not?

MR HITCHENOR: In terms of the way we advance through planning permission, as I already said, under the Roads Order we couldn't take minor roads through under the Roads Order because we had crown immunity and no provision for it. When the crown immunity was withdrawn the option was with minor roads to go through the planning system, and that is what we have done and that is how we have proceeded.

MR COUGHLIN: Could I add to that? It is still the Department of the Environment, it is their discretion within DOE Planning to convene a Public

Inquiry into a planning application if they deem it appropriate. When this application was submitted they deemed it not to be what is called an Article 31. Under the planning legislation Article 31 is a major application, so it is at the discretion of DOE Planning as to how they categorise the application and how they deal with it in terms of whether they deem it to be a major application or whether they deem to want to call a public Inquiry. That is a matter for them. In this case they did not deem it to be a major application and they did not deem it necessary to convene a Public Inquiry.

MR DONAGHY: I have listened to you, Mr Coughlin, and I can understand the factual basis of you saying that for the Article 31. However, this application has been progressed on that this is just a little local road scheme. This is not a little local road scheme. This is connecting to a strategic road network. We have mentioned earlier in the Department's Statement about the Regional Transport Strategy, the crucialness of this here that this must be taken forward and progressed along with that scheme, that the planning has to be in place for them to implement that.

You have gone through a tender process to select a contractor for the overall scheme and this is the last piece of the jigsaw and you have taken it forward under a planning application and we have not dealt with the Stopping-Up Orders and all the other things we mentioned earlier. To me it is the chicken and eggs. Not only that, the consultation since the last Inquiry has been pitiful. You have not come out to meet the landowners. You have designed a scheme that has an utterly devastating impact, especially on this landowner's landholding. You are wiping out his farmyard and landholding to the north. The place you would locate a southern

farmyard on the elevated land has been wiped out with the roundabout. To move to any other location in the south you are into the flood plain.

You more or less without consultation or doing a thorough investigation or assessment have wiped out this man's farm business. What cognisance has the Department put on that. And you talk about a major application, an Article 31. You, the Department, have already said that this is a major requirement for this road scheme.

THE INSPECTOR: Any replies?

MR O'REILLY: There are two different statutory processes here. I am not certain, but I would expect that the Planning Service upon receipt of this planning application would have served neighbourhood notifications and that Mr Galway and the other affected landowners would have received that notification which would have informed them of their right to object to the planning application, and many of them did so. If, as Mr Donaghy says, Planning Service refused to have sufficient regard for the importance of the planning application but granted planning permission, it was within the powers of all the dissatisfied affected landowners to seek judicial review of that Planning Service decision, normally within three months, but exceptionally in longer cases.

So far as I am aware, nobody, nobody has challenged the planning decision when they had every opportunity to do so. The planning application was slightly unusual in that TransportNI submitted an Environmental Statement with it setting out the full extent of what was sought, what was going to be affected, including land use, and the fact that farm buildings would be demolished and substantial areas of land would be taken, and from the planning application the

affected landowners would have known that that was the case.

So I have already instigated or mentioned at the outset that it is unfortunately landowners who do suffer from schemes that inevitably have to go into the countryside and property would be affected, but to decry the Planning Service and thereby the TransportNI is quite inappropriate.

MR DONAGHY: I tend to disagree. This is a two stage process and the NIMVO came very quickly after the planning approval, so we were told we would have a fair hearing in regard to our objections. The assessment in regards to that ES that was presented to the planners, the alternatives that were suggested to be looked at were the original ones from 2007 and 2012 and were presented to the planners. No other option was presented to the planners in regards to this alignment here. It was just: This is our planning application, decide it.

THE INSPECTOR: Mr Donaghy, you are straying into the process of planning. Previous hearings and things that --

MR DONAGHY: I understand.

THE INSPECTOR: -- and our considerations are restricted, as you have already set out at the outset, and there is a reason for that because we have no scope to deal with this. Unless it is relevant to the issue before us, which we want to hear, could you keep it on-line with the submission?

MR DONAGHY: The reason I mention it is the excessive amount of land that has been included within the NIMVO because of the planning application that was submitted. So that is the link and the process.

THE INSPECTOR: We have no control over the previous planning. We can not amend it. We have no scope with that.

MR DONAGHY: No, but you can take the point that if there had been an alternative proposal of alignment for the north south link that would have reduced down the amount of land required to be vested for the north south link and, therefore, would not have had such a great impact on the landowner and also not such a great impact on the flood plain, therefore reducing down the amount of land required for flood plain.

THE INSPECTOR: I understand where you are going from. However, your issues are with the previous process and any flaws or inconsistencies or matters you are not happy with, there's scope to have those challenged and dealt with. We are very tied here. I can understand frustrations, but we need to keep on-line.

MR DONAGHY: Okay, point taken. Obviously the junction arrangements south, if the preferred B1 option the Inspector had recommended in 2012 had been taken forward to planning there wouldn't be then the requirement for this connector south. I know we had a meeting a couple of weeks ago with Andrew and Pat Turley and an option was presented eliminating that connector, pushing us further out using the existing planning application but, again, you go round the houses for a short cut and it is not really suitable for noise and the like.

MR HITCHENOR: We had a meeting a couple of weeks ago on-site with Mr Galway and Mr Donaghy and we examined the option to drop that link out using the existing access subject to agreement of a couple of residents that live along there. Can we go back to that last plan? The highlighted green I think down in Mr Galway's farm, if we were to drop that out then we wouldn't be removing a hedge along the existing road and the existing road could, subject to

approval of the residents along there, could be used to access the farm via the Bellshill Road.

THE INSPECTOR: Was that fruitful?

MR DONAGHY: No. I am saying that the connector that was proposed was setting us out in a circuitous route back to round to the existing roadway and it wasn't of any benefit by doing that, rather than a direct link out. You were to look at the levels of coming straight out onto the Annaghmore/Bellshill Road South connector loop.

MR MACLEAN: We did look at removing this link directly into the roundabout and looked at an option to connect into the south link road. At this position we also looked at an option to locate it over here. This one down here is particularly challenging given the differences in level, so we couldn't get an appropriate standard of geometry, plus it was extremely close to the roundabout.

The other option we looked at was equally difficult in vertical geometry. It also had to swing out because we needed to provide a 50 metre radius on the approach to the link road and swing out into the tree enclosure, and there is a residential property here. We were required to provide a staggered distance of 50 metres between junctions, so we have access to the McMillin farm that would be offset by 50 metres which is adjacent to this property here. The main impact from that was the vertical geometry which is substandard and also it came out and swung into the tree enclosure before coming down.

We also looked at an option to try and come along and down and provide access through here, but you can see there are residential properties here which would be impacted. Then it was concluded that what we have is the best

option, the alternative option would be to come down and come round this way, which you pointed out yourself would be certainly a longer route. It didn't have the restriction that we have on the track. It would be suitable for farm vehicles but certainly longer than what we had proposed in the scheme.

MR DONAGHY : I think by showing me how you get around there, Michael, you have helped highlight how difficult and complex the junction arrangement that has been designed is there with all these different junctions and so much close proximity and so many residential properties in close proximity. You are trying to tread the eye of a needle here to take the connector loop. Surely it would make much more sense to take the location of where you would take that connector across from Bellshill Road South to Annaghmore Road South further south, as was suggested at the 2007 and 2012 Inquiries?

The residential amenity, you can see the cottage here below the red plot opposite the mound, that belongs to the Galways, number 40. It was included in the amenity. The plots are coming that close and it is really just blighting the property. There is absolutely no residential amenity left at that property at all. You are going to have embankments all around.

MR COUGHLIN : As I think I mentioned in some of the earlier submissions, it is inevitable with schemes of this nature that there will be a loss of residential amenity in the proximity to scheme alignments. That is part and parcel of road development.

MR DONAGHY : Again we raised the point earlier in regard to other objectors, the land levels for this particular proposal through Mr Galway's land has never been carried out, though I have noticed in the flood risk assessment

that a desk study had been carried out for topographical surveys and Land Services carried out the rivers topographical survey, but the actual land where you are going to build the embankments was never checked for topographical on the ground, nor was it tested in regards to load bearing capacity in regard to design for the embankment, so how can you be confident in relation to the amount of land required for the embankments?

MR COUGHLIN: Regarding the topographical survey and Road Services, TransportNI at the time, secured a topographical survey and a specialist company to undertake that, which is validated by ground markers. So the topographical survey was undertaken, validated and checked and that is what is used to undertake the design.

The earthworks that we discussed previously, ground investigation is undertaken during the development of the scheme appropriate to the level of design being undertaken at that time. So we have ground investigation in the area that gives us the confidence, as we have shown here, that we can show 1:3 engineering slopes. In some areas where we have identified ground conditions are particularly poor we have vested additional ground at the top of the embankments and a 1:3 and a strip of land at the bottom to provide earthworks drainage.

MR DONAGHY: My final point in relation to the connector, I suppose what you call the westbound connector to the Dual Carriageway, is in the B1 option. That connector loop, because the north south link's spine was on-line with the southern Bellshill Road, that connector came forward to the eastern side, would that therefore not -- if that was the bridge alignment and the connector was to the east side of the bridge would that not alleviate the problem that you have in

relation to Mr McMillin's in regard to the taper that would be required on that side of the junction? It would move the on-slip to the Dual Carriageway further away from Mr McMillin, therefore reducing down the amount of land, but it wouldn't take any more land in regards to vesting.

MR MACLEAN: So is your comment that they would come on the east side?

MR DONAGHY: Yes, but the overbridge would be on-line with the white line there.

MR MACLEAN: Well, Mr Galway's land wholly extends into this area here which is on the opposite side of the existing Bellshill Road South junction. At the last Inquiry when we discussed option B1 there was some discussion about the land lost to the compact connector on this side. In the development of this option we have introduced the roundabout here for a number of reasons, to collect four junctions together, but also to try and facilitate that sharp change in direction of the south link road.

The other thing we have to take cognisance of is the proximity of the access to the McMillin family farm from the roundabout. Again, we have departure from standard because of the proximity of this access. The alternative for that access was to come round, and it would have to be offset 50 metres from this access which would be around about here. So we have applied for departure to have the access within the vested land at this point. That fixed the proximity of the roundabout at this location and allowed us to provide the connection down here.

So the land within the envelope was sufficient to accommodate the compact connectors, so rather than taking additional land on the east side we have

provided it on the west side. That has facilitated this access in here. We wouldn't be able to get this access at this angle and compact connector on the one half of the roundabout other than making the roundabout larger.

MR DONAGHY: Again, it is because of the deviation away from the Inspector's recommended B1 option and moving it further east that has created these problems. If you kept it on-line you wouldn't need that deviation, you wouldn't need the departure from standard for the McMillins to go into their existing access because it is already existing.

MR MACLEAN: We mentioned this morning that we had consultations with TransportNI, the Omagh office. Concerns were expressed that we were going to add traffic onto the Bellshill Road. The question was that we take the traffic to Annaghmore Road, so in order to facilitate that we have to introduce a roundabout. If the roundabout is here it is considerably closer to properties than at this location.

MR DONAGHY: You don't need to utilize a roundabout.

MR MACLEAN: We do need a roundabout in order to facilitate the change in direction in order to get from the overbridge over to Annaghmore Road --

MR DONAGHY: The north south link, there is no roundabout.

MR MACLEAN: It doesn't have a compact connector at the end of it.

MR DONAGHY: It does on the northern side.

MR MACLEAN: But it is straight on the northern side.

MR DONAGHY: The north south Annaghmore Bellshill Road

connector road go through the CN05 lines, that doesn't have a roundabout either end.

MR MACLEAN: It is to standard, we are not providing a change in direction, we have two priority junctions. It is effectively going straight across from the Bellshill Road to Annaghmore Road. What we are trying to do is bring traffic from this junction in one continuous movement to Annaghmore Road using this junction. The alternative is to curve the link road right. We cannot do that. We can't divide the connection to the compact connector. We can't get the change in direction that would be required to thread the road through the properties.

THE INSPECTOR: Mr Donaghy, we did go through this earlier as well, the Department's proposal to redirect the traffic across that side. So we have had that.

MR DONAGHY: I can understand what the Department are trying to achieve by their design. What I am saying is it is not the perfect design.

THE INSPECTOR: No, you have already said that very well.
Thank you.

MR GALWAY: Inspector, I said earlier in the day that I want to ask Mr Robb the question, what did you say to the planning people about this road, was it to go through the flood plain or not, or through our yard, which did you say? There is a difference in the two.

THE INSPECTOR: Firstly, normally you wouldn't be asking direct questions to the Inquiry itself, that wouldn't be the normal format. I am not quite sure how this should be dealt with at this particular juncture. Mr Donaghy, is there any way to deal with it?

MR DONAGHY: I would suggest there was a Departmental Statement issued in response to the Inspector's report and to me it quite clearly said it was to go through the flood plain. The flood plain, the definition of the flood plain -- I can't believe I am doing the Department's work here -- is defined and it goes right from the Bellshill Road up where McMillin Meadows are, back round Hillview Terrace and then drops below the farm buildings.

To answer Gary's question, in the Departmental Statement and Inspector's report it says the connector loop should go to the east of Hillview Terrace Bell's Terrace through the flood plain. I think the Department have followed that they go through the flood plain where it come back in. I don't know.

MR MACLEAN: The only thing I would maybe add, in the development of the scheme because the scheme is in the flood plain, it is in a designated flood plain, the scheme needs to include compensatory flood plain, and that land needs to be brought into the Q100 flood plain and needs to provide connectivity with the Moyola River. So as well as fitting the footprint of the road and its embankments we need an appropriate location for the compensatory flood plain, so the scheme as a whole is the road, its embankment and compensatory flood plain which is within the designated flood plain.

THE INSPECTOR: I am grateful for your assistance in that matter, Mr Donaghy.

In terms of the Inspector's giving clarification in previous report, recommendations and whether the department has followed, that is really not our concern today, I am afraid. As much as we would like to be able to help we don't have the facility to do that.

MR DONAGHY: Can I ask just one further question for clarification, it is actually to do with an earlier objection? Out on to Annaghmore Road North through the CN05 lands, is there a right turn lane provision available at that junction, the same as I think Mr Hueston had talked about in regard to the Bellshill Road side?

MR MACLEAN: You are asking is there a right turn pocket?

MR DONAGHY: On the Annaghmore Road the same as there is on the Bellshill Road, and if not why not, why make two different standards?

MR MACLEAN: We mentioned in response to Mr Hueston that the geometry on the Bellshill Road at the point where we connect back in has departures from standard, has reduced stopping site distance. The geometry on the Annaghmore Road at the junction is of a higher standard. We don't have the same issue of the stopping sight distance as we come round the curve in order to get behind the properties that we have here. We don't necessarily have it here. So we are able to provide stopping sight distances because Annaghmore Road is straight at this location and not straight at this location.

MR DONAGHY: Would that strengthen the case for moving that north connector further north?

MR MACLEAN: As I say, we discussed that at previous inquiries. The concern was there are issues with introducing additional traffic onto Chichester Avenue.

MR DONAGHY: I think that concludes our submission. Thank you very much for taking the time to listen to everything we have had to say and for the Department's hospitality and all the frank answers that we may have got and

the ones we didn't. Thank you.

THE INSPECTOR: Mr Donaghy, obviously you are aware of making arrangement for the site visits, so that is in order at the moment, I believe?

MR DONAGHY: Yes, I have already talked to the programme officer in regard to that. Thank you very much.

MR HITCHENOR: Could I make a clarification this morning to do with the McMillin retaining wall? The Department Statement set out in regards to 2007 Inquiry, it was the actual commitment was given and I want to clarify it. It was:

"The Department confirms it will:

Continue dialogue with Mr McMillin to resolve practical issues of concern and other accommodation works including continued access to the northern side of the farm buildings for cattle, vehicles and agricultural machinery. The Department notes the inspector's comments that this could be achieved by constructing a retaining wall to reduce the area of land required for the additional carriageway south of the existing Castledawson bypass."

So just to clarify that one.

THE INSPECTOR: Thank you very much for that.

MR DONAGHY: That is not as a commitment?

MR HITCHENOR: No, it was given in the 2009 Departmental Statement --

MR DONAGHY: Not the Inspector's report?

MR HITCHENOR: That was a response to the Inspector's report.

THE INSPECTOR: Thank you very much for that. That

concludes the listings schedule for today. However, if there is anybody else present who wishes to make relevant representation please come forward if you require to do that? No, nobody else. Fair enough.

In light of that then that would conclude the Inquiry into the Annaghmore Road/Bellshill Road junction today. On the basis of that closure, I would like to thank you, all the participants who turned up today. The degree of input was helpful and useful and we will follow-up with site visits as requested.

I would also like to thank the staff from TransportNI and the sponsors and Departmental officials for their effort, and Mr O'Reilly, and in addition I thank the programme officer, Eamon, who did a great job. Also my thanks to Kay Hendrick for her very good notetaking, and my assistant Jim who has been very useful today.

As already outlined the site visits will be scheduled and once that is done I then set about the task of compiling a report and recommendations and then take it from there, and the Department will receive the report and they will make their response to that, and that will be publicly available to everyone. With that in mind thank you very much.

MR O'REILLY: Can I just say, the fact that Mr Hueston put in the objection and came with the submission today, we didn't get a copy of it until he arrived today. I would ask you for leave that if we would consider it appropriate to put in a written reply to that submission?

THE INSPECTOR: Yes, no problem.

(The Public Inquiry duly concluded at 5.30 pm)