EXPLANATORY MEMORANDUM TO

The Trunk Road T3 (Western Transport Corridor) Order (Northern Ireland) 2012

S.R. 2012 No. 303

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Regional Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Articles 14(1), 68(1) and (3) of and paragraph 5 of Schedule 8 to the Roads (Northern Ireland) Order 1993 and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of the order is to allow for the construction of a new high standard, off line dual carriageway between a junction just north of New Buildings and a new roundabout at the junction of the A5 Western Transport Corridor (A5WTC) and the A4, west of Ballygawley. Also included is the widening of 1.36km of existing single carriageway to high standard dual carriageway between the proposed A5WTC/A4 roundabout and the roundabout at the termination of the A4 dual carriageway.

3. Background

3.1. The A5 Western Transport Corridor is one of 5 key Transport Corridors as identified in the Regional Development Strategy and other policy documents. It runs from the border at Aughnacloy to Londonderry where it links to the A6 North Western Key Transport Corridor. It is also intersected at Ballygawley by the Southern Western Transport Corridor which runs from Belfast through Enniskillen to the border at Belcoo.

3.2. Road safety is a key issue on the A5 and dual carriageways are inherently safer than single carriageways. Apart from being substandard over a lot of its length, the existing A5 single carriageway accommodates 1368 junctions/accesses and this factor, along with the lack of overtaking opportunities, contributes to the accident potential.

3.3. Following the 14 February 2012 announcement by the Executive, confirming £500 million of investment in road infrastructure, the stretches to proceed at this time are as follows: Section 1: New Buildings – north of Strabane and Section 3: South of Omagh – Ballygawley, including widening to a high standard dual carriageway, of the A4 between the proposed A5WTC/A4 roundabout and the roundabout at the termination of the A4 dual carriageway.

4. Consultation

4.1. Public Consultation events were held in April/May 2008 at 4 locations along the route (Ballygawley, Omagh, Strabane, Londonderry) to explain the process, update the public on progress and to allow the public an

opportunity to make comments on the proposals. In November 2008 the study area was refined to a Preferred Corridor and a Stage 1 Scheme Assessment Report (Preliminary Options Report) was produced in accordance with the Design Manual for Roads and Bridges. In February 2009 a further Public Consultation exercise was held in relation to the Preferred Corridor and a number of route options that had been developed within it. In July 2009 the Preferred Route for the scheme was announced and a Stage 2 Scheme Assessment Report (Preferred Options Report) was published. This was followed by a Public Exhibition of the Preferred Route at the same locations. The objective of this particular event was to advise interested parties of the detail of the Preferred Route that would be the subject of more detailed design as well as the basis for its selection. Following receipt of additional information in relation to the Preferred Route, a number of alternatives to the Preferred Route were considered and several adopted. The combination of the Preferred Route and the adopted alternatives became the 'Proposed Scheme'.

4.2. The Environmental Statement, Notice of Intention to Make a Direction Order and Stopping-up of Private Accesses Order and Notice of Intention to Make a Vesting Order were published in November 2010 and public exhibitions were also held the same month at 4 locations along the route.

4.3. 2532 letters of objection, 30 letters of support and 15 letters of comment were received. Due to the number and nature of the objections, it was decided to hold concurrent Public Inquiries to consider the proposals. The Inquiries commenced on 9 May 2011 and lasted for some 8 weeks. The Inspectors reported their findings to the Department in March 2012.

4.4. The Inspectors were in broad agreement that the scheme should proceed subject to a number of key recommendations, including the postponement of the Ballygawley to Aughnacloy section of the scheme. The Minister, after having been briefed by senior Roads Service and Departmental officials on this specific issue and the value/cost of preliminary design work on the Aughnacloy to Ballygawley stretch, directed that the Direction Order should be made from New Buildings to Ballygawley, excluding the section between Ballygawley and Augnacloy.

5. Equality Impact

5.1. An equality impact assessment for the wider Strategic Road Improvement Programme was considered and 'screened out' as unnecessary.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment was not considered necessary.

7. Financial Implications

7.1. Funding for the scheme has been secured as detailed in the DRD ministerial announcement of 14 February 2012.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has carried out a Human Rights Act Screening Analysis and issues have been identified in relation to people's right to respect for private and family life as well as people's right to property. While

recognising such impacts, it is, however, felt that the greater public good associated with the project outweighs the disbenefits.

9. EU Implications

9.1. Not applicable

10. Parity or Replicatory Measure

10.1. None

11. Additional Information

11.1. Not applicable