EXPLANATORY MEMORANDUM TO

The Trunk Road T3 [Western Transport Corridor – Sion Mills (North) to Ballygawley (West)] Order (Northern Ireland) 2024

SR 2024 No. 178

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure 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), (3) and (5) and paragraph 5 of Schedule 8 to the Roads (Northern Irelan) Order 1993 and is subject to the negative resolution procedure.

2. Purpose

2.1. This Order provides that 55.75 kilometres of new road (including 7 new junctions) shall become trunk road and be part of the Belfast-Ballygawley-Londonderry-Land Frontier Trunk Road T3. 0.35 kilometres of new road (including 1 new roundabout) shall become trunk road and be part of the Cookstown-Omagh-Enniskillen-Aghalane-Land Frontier Trunk Road T10 and 1.36 kilometres of new road shall become trunk road and be part of the Aughnacloy-Ballygawley-Enniskillen-Belcoo-Land Frontier T6. In addition, the Order also provides for the stopping-up of certain roads.

2.2. The general effect of the decision to proceed with part of the overall A5 Western Transport Corridor (A5WTC) scheme will be to construct approximately 55 kilometres of new trunk road, from north of Sion Mills, bypassing Sion Mills, Newtownstewart and Omagh, before terminating at the A4 near Ballygawley, including the westward extension of the existing A4 dual carriageway. The Department will continue to progress the remainder of the overall scheme, from New Buildings to north of Sion Mills and from Ballygawley to the border south of Aughnacloy, and a decision on whether to proceed with those parts will be taken in the future, subject to completion of the governing statutory procedures.

2.3. The proposed length of road to be constructed in the section which has been authorised is a high standard dual carriageway and will have no private accesses, no central reserve crossovers, and a limited number of junctions. The local roads will not be connected to the dual carriageway but will be taken over or under the new road, or stopped-up.

3. Background

3.1. The Trunk Road Network is a network of strategic roads in Northern Ireland which, because of their significance in Transportation delivery, will be given priority in the allocation of maintenance and development funding.

3.2. This first section of the A5WTC scheme anticipated to be constructed between north of Sion Mills and south of Omagh, is approximately 32 kms in length with works expected to start in 2025. The next section is

anticipated to commence one year later in 2026, from south of Omagh to west of Ballygawley, approximately 23 kms in length.

4. Consultation

4.1. While public consultation goes back many years since inception of the scheme in 2007, more recently, the Department updated the Environmental Statement originally published in 2016 with an Environmental Statement Addendum and supplementary information published for consultation in March 2019. The Department reappointed the Planning Appeals Commission (PAC) to hold a third Public Inquiry, which was held during the period February to March 2020. In September 2020, the Department received an Interim Report from the PAC on its findings from the Inquiry. This effectively adjourned the Public Inquiry 2020, pending the Department carrying out further work, as contained within recommendations outlined in this Interim Report. The Department subsequently carried out three further public consultations with new Environmental Statement Addendums and supplementary information in March 2022, November 2022, and January 2023. The PAC reconvened the Public Inquiry and held public sessions in May and June 2023, before issuing its Final Report to the Department on 31 October 2023.

4.2. Having considered the PAC's final advisory Reports from the Public Inquiries held in 2016, 2020 and 2023, all representations made, all advice received from public authorities, all environmental information, the results of transboundary consultations, policy considerations and all other information and materials relating to the scheme, and having eliminated the risks of adverse effects of the scheme upon Special Areas of Conservation and Special Protection Areas, following appropriate assessments of those risks, the Department has decided to proceed at this time with that part of the A5WTC from the north of Sion Mills to west of Ballygawley, including the proposed westward extension of the existing A4 dual carriageway.

4.3. The Department concurs with the conclusion of the PAC that this part of the A5WTC would have large beneficial effects on road safety, journey times and economic competitiveness, and significant beneficial effects on the balancing of regional infrastructure provision. The Department also concurs with the PAC that, for this part of the A5WTC, the substantial benefits offered by the proposed off-line dual carriageway outweigh the adverse environmental effects and also justify any interferences with the human rights of individuals who may be affected by the scheme.

4.4. With respect to the remaining parts of the A5WTC, which do not form part of this decision, the Department will continue to progress those portions of the scheme in accordance with the existing draft statutory orders and will reach a decision on whether to proceed with those parts of the scheme at a later time.

5. Equality Impact

5.1. A Section 75 Equality of Opportunity Screening Analysis was carried out for the A5WTC in 2009 and 2016. These determined that a full Equality Impact Assessment was not required. A further screening has now been

carried out in light of the Minister's decision on a part authorisation and it has again been determined that a full Equality Impact Assessment is not required. It is considered the benefits of this scheme positively impacts all Section 75 equality groups equally, as the road, when constructed will be available for use by all sections of the community without distinction..

6. Regulatory Impact

6.1. A Regulatory Impact Assessment was not considered necessary

7. Financial Implications

7.1. TThe A5WTC overall scheme estimate is being revised, taking account of the changes to the delivery strategy following consideration of the most recent recommendations of the PAC, in particular the authorisation of only part of the scheme at this time.

7.2. The current main works construction programme on the north of Sion Mills to south of Omagh section is anticipated to commence in 2025, with the south of Omagh to west of Ballygawley section, in 2026, subject in each case to the agreement of contract terms with the contractors, with the remainder of the scheme assumed that it will be advanced as soon as possible, subject to the satisfactory completion of all statutory procedures, environmental assessment, and any further consultations that may be necessary

7.3. This change in delivery strategy has reduced the peak expenditure for the whole scheme from around £540 million to around £350 million per annum. Taking account of the recently confirmed €600 million contribution from the Irish Government, affordability pressures would therefore be expected to ease.

7.4. For the part of the scheme being authorised, the emerging budget requirement is around £1.2Bn..

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has completed a number of reports setting out its assessment of whether the authorisation of the A5WTC and making of vesting orders would be compatible with the human rights of individuals affected by the new road. It has also received objections from many individuals which raised human rights concerns. The Department's assessment reports have been made available to the public and considered during each of the 2016, 2020 and 2023 public inquiries. At each stage, the Department has recognised the potential for its decision to give rise to interferences with human rights but has concluded that no violation would occur on the basis that the interferences were necessary and proportionate to the attainment of the legitimate and significant public interest objectives pursued.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. None

11. Additional Information

11.1. Not applicable.