

EXPLANATORY MEMORANDUM TO

The Trunk Road T10 (Cornamuck Realignment) Order (Northern Ireland) Order 2016

S.R. 2016 No. 103

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 the Roads (Northern Ireland) Order 1993 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Order provides that 870 metres of new road shall become trunk road and be part of the Cookstown-Omagh-Enniskillen-Aghalane-Land Frontier Trunk Road T10.

3. Background

- 3.1. The A32 forms part of the trunk route network and is the main connecting road between Omagh and Enniskillen. It provides an important link for businesses, commuters, local residents and tourism. Much of the route is below current design standard and traffic volumes on the rural section of the route are around 6,000 vehicles per day. The recent relocation of acute hospital services from Omagh to the new South West Acute Hospital and the need for a high quality road to accommodate blue light services and the local community has highlighted the need for improvements to the route. In this regard DHSS&PS made a £5m contribution to TransportNI to assist the delivery of carriageway improvements in recognition of the heightened importance of the road.
- 3.2. In light of the traffic volumes currently using the A32, the improved section of carriageway is being brought to current 7.3m wide (with 1m hard strips) single carriageway standard and right turn pockets are being introduced to further enhance road safety. There is no requirement to stop-up any private accesses although the Direction Order does include for stopping up of what will become de-trunked sections of the old A32 carriageway. A short section of the C6812 Longhill Road is to be stopped up and the Department will seek to abandon the redundant portion of carriageway (approximately 100m long) after completion of the project.

4. Consultation

- 4.1. Owing to the relatively small scale nature and compactness of the works, public consultation was confined to comprehensive one-to-one meetings with individual landowners to ensure specific concerns or comments were considered during the scheme assessment and development process.

- 4.2. Prior to publication of the Environmental Statement and draft Statutory Orders the Department carried out a letter drop to all affected landowners and residents in the wider area.
- 4.3. The Department published a draft Environmental Statement and draft Orders (Vesting Orders, and Direction Order) in August 2015 for consultation.
- 4.4. The consultation period for receipt of comment on the Environmental Statement and receipt of objections to the Direction Order and Vesting Orders ended 16th October 2015. The documents were made available for inspection at 4 deposit locations and on the Department's webpage.
- 4.5. No letters of objection were received by the end of the consultation period. Four responses were received from statutory and service authorities, 3 of which were acknowledgements/requests for liaison prior to scheme delivery and the fourth from NIEA Natural Environment Division commenting on the protection and management of wildlife and ecology. These matters have been addressed through provision of further information to NIEA and an undertaking to provide mammal fences. The Department is satisfied that nothing was raised in this correspondence that required the project to be subject to examination through a public inquiry.
- 4.6. Having regard to the Environmental Statement (ES) and the Stage 1 Appropriate Assessment process undertaken and presented in the Screening Report within the Environmental Statement, the Department is satisfied that the likely significant environmental effects of the proposed scheme have been assessed and have been sufficient to inform judgements to be reached with regard to the scheme. Accordingly, the Department (as the Competent Authority) is content that the construction and operation of the A32 Cornamuck Realignment would not by itself or in combination with other known plans or projects, adversely affect the integrity of the Tonnagh Beg Bog SAC or the Cranny Bogs SAC. The Minister accepts the Department's conclusions.
- 4.7. It is planned to publish the Notice of Intention to Proceed with the scheme and Notice of Making of the Direction Order in March 2016. At the same time, the Department will be releasing the Departmental Decision Statement. At a later date, when funding has been confirmed, the Vesting Order will be made.

5. Equality Impact

- 5.1. The A32 Cornamuck realignment scheme forms part of the A32 Dromore-Irvinestown-Enniskillen single carriageway improvements identified in the Investment Delivery Plan. A relevant section 75 Equality of Opportunity Screening Analysis was carried out for this scheme. This determined that an Equality Impact Assessment was not required (IDP), a daughter document of the Regional Strategic Transport Network Transport Plan (RSTN TP) which was the subject of a full EQIA.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment was not considered necessary.

7. Financial Implications

7.1. The Executive is currently giving priority to other strategic road improvements and the delivery of the A32 Cornamuck Realignment will be dependent on finance becoming available. Given the relatively low cost of this scheme the publication of the Notice of Intention to Proceed and the making of the Direction Order would place the project in good position for reasonably quick delivery should funding become available..

8. Section 24 of the Northern Ireland Act 1998

8.1. The scheme requires the vesting of land & property from private individuals, therefore, limiting their ability to enjoy/use their land or property. This engages Article 8, Right to respect for family life and Protocol 1, Article 1, Right to property. Articles 3, 110, 111, 112 & 113 of the Roads (Northern Ireland) Order 1993 provide the powers for the Department to acquire land or property through the vesting process. The road scheme will benefit society as a whole and is in the public interest to use the Department's powers to compulsorily purchase property/land for this scheme. Affected property owners will receive compensation in accordance with a series of Acts of Parliament, case law and established practice.

9. EU Implications

9.1. Not applicable

10. Parity or Replicatory Measure

10.1. None

11. Additional Information

11.1. Not applicable

March 2016