

## **EXPLANATORY MEMORANDUM TO**

### **The Trunk Road T3 ( Western Transport Corridor ) Order (Northern Ireland) 2017**

**S.R. 2017 No. 226**

#### **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 Article 14(1) of 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 78.73 kilometres of new road (including 4 new roundabouts) which shall become trunk road and be part of the Belfast-Ballygawley-Londonderry-Land Frontier Trunk Road T3; 0.35 kilometres of new road to provide a new roundabout which 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 that shall become trunk road and be part of the Aughnacloy-Ballygawley-Enniskillen-Belcoo-Land Frontier Trunk Road T6.

#### **3. Background**

- 3.1. In November 2015 the Northern Ireland Executive and the Irish Government agreed through ‘A Fresh Start: The Stormont Agreement and Implementation Plan’ that construction of the first section of the A5WTC would commence in 2017 with a view to completion in 2019. The first section was identified as the route between New Buildings and north of Strabane.

#### **4. Consultation**

- 4.1. In April 2016 the Department appointed the Planning Appeals Commission (PAC) to hold a Public Inquiry into the Environmental Statement, Notice of Intention to Make a Direction Order and Notice of Intention to Make a Vesting Order prepared by the Department on the A5WTC together with opinions expressed in relation thereto. In addition the PAC was appointed to hold a Public Inquiry into the Notice of Intention to Make a Stopping-Up of Private Accesses Order and opinions expressed thereto. The PAC were given responsibility for administering these public inquiries (hereinafter referred to as the Public Inquiry<sup>1</sup>) and to provide a Report to the Department with recommendations.
- 4.2. The Public Inquiry commenced on 4 October 2016 and concluded on 14 December 2016. The Department received the PAC Report from the Public Inquiry on 25 May 2017.
- 4.3. Having considered the PAC Report from the Inquiry and all other representations made, the Department concurs with the conclusion of the

PAC that there are no issues which would weigh decisively against making all of the Orders referred to in 4.1 above. The Department also concurs with the PAC in that there is a compelling argument for the scheme to be delivered in the wider public interest and accordingly it has decided to make each of those Orders, but to do so in a phased fashion, in accordance with the timing for the implementation of each phase (as described in Section 7 of the Departmental Statement and as resources permit). In deciding to proceed with the scheme the Department has also decided to accept and to implement all but one of the PAC recommendations. The decision to proceed is also subject to the commitment of the Department to carry out the mitigation measures and the works summarised in Sections 4, 5 and 6 of the Departmental Statement.

- 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 Aughnacloy.

## **5. Equality Impact**

- 5.1. 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.

## **6. Regulatory Impact**

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

## **7. Financial Implications**

- 7.1. In its 2016-17 budget the Northern Ireland Executive identified a number of flagship projects, including the A5WTC, and agreed an indicative funding package of £229 million for the scheme up to financial year 2020/21..

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The scheme requires the vesting of land and property from private individuals, therefore, limiting their ability to enjoy/use their 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.

## **9. EU Implications**

- 9.1. Not applicable

## **10. Parity or Replicatory Measure**

- 10.1. None

## **11. Additional Information**

11.1. Not applicable