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Our Ref 2019/D001

Mr Seamus Keenan
Department for Infrastructure Roads
County Hall
Drumragh Avenue
Omagh
BT79 7AF

DATE 8th December 2022

Dear Mr Keenan

Public Local Inquiry into the A5 Western Transport Corridor Road Scheme

Thank you for your letter of 5th December 2022.

The Commission is satisfied that provision of the requested elevations is required by Article 67(6)(a) of the Roads (Northern Ireland) Order 1993. That Article states that the environmental information must include at least a description of the project (comprising information on the site, design and size of the project). In the Commission's view, the site is adequately described and depicted in the environmental statement – it is an 85 kilometre long strip from New Buildings to south of Aughnacloy. The size of a project must mean something different to its site, otherwise that extra word would not have been used. Size is usually taken to mean overall dimensions and magnitude and necessarily includes height as well as length and width. The word “design” is defined in the Oxford English Dictionary as a plan or drawing produced to show the look and function or workings of something before it is built or made. The drawings so far submitted do not show how the proposed road structure would look as a three-dimensional object in the landscape.

The Commission acknowledges that the omission from the environmental statement of drawings showing the vertical alignment of the proposed road was not noticed at the inquiry in 2020 and no one objected to it. In his interim report, the Commissioner based his assessment of the scheme's landscape and visual effects on the written commentary in the 2016 environmental statement and the photomontages taken from selected viewpoints.

Chapter 5 of the 2022 addendum to the environmental statement sets out in tabular form numerous changes to the vertical alignment of the road without specifying the previously intended and newly proposed heights. Appendix 8-2 makes the assertion that none of these changes would substantially alter the visual effect of the road. This new material has alerted the Commission to the absence of elevations and long sections. It is impossible to verify the visual effects of the scheme without access to such drawings.



The Commission appreciates that the Department had no advance notice that the Commission intended to raise the elevations issue at the mid-inquiry meeting. It seemed more important to work out first the implications for the inquiry timetable of the Department's new public consultation launched on 7th November 2022. The absence of elevations affects only one topic, landscape and visual effects. It would not, by itself, have led to the postponement of the re-opening of the inquiry but only to the deferral of the session dealing with that topic.

The Commission is pleased that the Department intends to comply with its request for long sections and to proceed with a new publication and consultation exercise as soon as practically possible. I confirm that drawings as described in your letter and illustrated by your attachments would meet that request. Thank you for your co-operation in this matter.

To assist the Commission in making new arrangements for the resumed inquiry, it would be helpful if you could let us have the following information when you know it for sure:-

- a realistic date by which the Department will have passed to the Commission all responses to its November 2022 consultation, including any late responses which are accepted in accordance with the concession made by Mr McLaughlin KC at the mid-inquiry meeting;
- the date on which the public consultation on the new drawings will be launched;
- the date on which the new public consultation will end; and
- a realistic date by which the Department will have passed to the Commission any responses to the consultation on the new drawings.

The Commission has taken note of your comments on the three other matters recorded in my letter of 21st November. In the interest of openness, a copy of this correspondence will be placed on the Commission's website.

Yours sincerely,

RUBY McLAREN
Inquiry Administrator
