

## **7. INSPECTORS' CONSIDERATIONS**

### **7.1 Legislative Requirements**

During the Public Inquiry held at The Spires Conference and Exhibition Centre, Belfast, between Tuesday 10<sup>th</sup> and Thursday 12<sup>th</sup> November 2015, the following were considered;

- the Environmental Statement prepared by the Department for the proposal for the provision of a grade-separated junction at York Street to provide direct links between the Westlink and the M2 and M3 motorways together with opinions expressed in relation to it under the provision of Articles 67A and 130 of the Roads (Northern Ireland) Order 1993;
- the proposal to make The Trunk Roads T1, T3 and T7 (York Street Interchange) Order (Northern Ireland) 2015 under Articles 14(1), 15(1), 16(1) and (2) and 68 of the Roads (Northern Ireland) Order 1993;
- the proposal to make an order under article 113 of the Roads (Northern Ireland) Order 1993 and Schedule 6 to the Local Government Act (Northern Ireland) 1972 for the purpose of acquiring compulsorily the lands for the construction of a grade-separated junction at York Street to provide direct links between the Westlink and the M2 and M3 motorways.

Proceedings on the Environmental Statement, Direction Order and Vesting Order were taken concurrently in accordance with Article 133A of the Roads (Northern Ireland) Order 1993.

### **7.2 The Need For The Proposed York Street Interchange**

The City of Belfast is Northern Ireland's major transport hub and the main transport gateway to the rest of the United Kingdom and Europe. The Belfast Metropolitan Area (BMA) is typical of most large urban areas, comprising a set of radial road links that converge on a central hub, represented by the City Centre. The BMA occupies a strategic position on several Key Transport Corridors (KTCs) that collectively form part of the strategic road network managed by Transport NI; these include the:

- Eastern Seaboard KTC;
- North-Western KTC;
- Northern KTC; and
- South-Western KTC.

The strategic road network, along with the rail network, forms Northern Ireland's overall RSTN.

The KTCs within Northern Ireland provide connection to other major European cities through the Region's gateways. These gateways include Northern Ireland's airports and sea ports. The Eastern Seaboard KTC runs through Belfast and provides connections to the regional gateways of the Port of Belfast and George Best Belfast City Airport. Within the BMA it comprises the M1, Westlink and M2. The importance of the Eastern Seaboard KTC and its component roads is recognised by the European Commission in its designation of the corridor as part of the Priority 9, 13 and 26 axes within the Trans-European Transport Network.

The existing York Street junction is a node on the Eastern Seaboard KTC, located to the north of Belfast City Centre. At this node, strategic traffic movements along this corridor interact with strategic traffic movements to and from the M3 and local traffic movements into and out of Belfast City Centre. The conflict between

strategic and local traffic movements is presently controlled by a complex arrangement of traffic signals that includes four signalised junctions at York Street, York Link, Nelson Street and Great George's Street. The overall signalised "box" created by these four signalised junctions is known as the York Street Junction.

The capacity of the existing York Street junction is limited by both the magnitude of competing traffic flows and the various physical constraints at the location. These physical constraints include adjacent residential housing, commercial, retail and industrial properties, elevated rail infrastructure carried on the Dargan Bridge and the capacity of existing roads infrastructure including the Westlink, the M2 and the elevated M3 carried on the Lagan Bridge.

The lack of capacity at the junction causes undue congestion and thereby delays for freight, public transport and private vehicles. It is therefore considered a bottleneck on the strategic road network, in accordance with the definition established by Northern Ireland's Regional Transportation Strategy.

Improvements to the strategic road network have been established in Northern Ireland policy through the publication of the Regional Development Strategy (RDS) and the RTS. These strategies are implemented in local policy through the RSTNTP, the Belfast Metropolitan Transport Plan (BMTP) and the Investment Strategy for Northern Ireland (ISNI). These regional strategies, together with the local policy publications, were based on the Guidance on the Methodology for Multi-Modal Studies, an objective-led approach to seeking solutions to transport-related problems and were prepared in consultation with and informed by stakeholders.

### **7.3 Scheme-Specific Objectives**

The following scheme-specific objectives were identified by TNI and used in the development of the Proposed Scheme;

- to remove a bottleneck on the strategic road network;
- to deliver an affordable solution to reduce congestion on the strategic road network;
- to improve reliability of strategic journey times for the travelling public;
- to improve access to the regional gateways from the Eastern Seaboard Key Transport Corridor;
- to maintain access to existing properties, community facilities and commercial interests;
- to maintain access for pedestrians and cyclists and;
- to improve separation between strategic and local traffic.

### **7.4 Junction Improvement Options Considered by The Department**

TNI examined a range of strategies for the improvement of York Street junction.

In 2008, URS was commissioned to assist TNI in the development of the scheme to a point where a Preferred Option could be selected. This included completion of a number of scheme assessments in accordance with the procedures established by the DMRB. These procedures required the assessment of engineering, environmental, traffic and economic advantages and disadvantages associated with the scheme, at various stages in the development process.

In 2009, URS completed its Stage 1 scheme assessment to broadly identify the advantages and disadvantages associated with a range of preliminary junction options. The findings from the assessment were reported in the Preliminary Options Report of March 2009, identifying that the improvements would provide significant benefits to the region. This was endorsed by TNI and the report recommended shortlisting four of the six assessed preliminary options.

In October 2012, URS completed its Stage 2 scheme assessment to identify factors to be taken into account in the consideration of alternative interchange options and to identify environmental, engineering, economic and traffic advantages and disadvantages associated with these.

The findings from the assessment were reported in the Preferred Options Report dated October 2012, identifying that several options would present benefits to the region. As endorsed by TNI, the report recommended that Option C (a fully grade-separated interchange with links aligned in underpasses below existing ground level) should be selected as the Preferred Option for the scheme.

The Minister for Regional Development subsequently made the public announcement of the Preferred Option for the scheme on 6<sup>th</sup> December 2012.

Following the announcement of the Preferred Option for the scheme, the URS commission was extended to include the preliminary design of the Proposed Scheme, undertake the statutory EIA in accordance with the requirements of DMRB, and prepare draft Orders, specifically an ES, a Designation Order (DO) and an Order (VO).

This major road improvement scheme would be delivered by TNI in accordance with the statutory procedures of the Roads (Northern Ireland) Order 1993 [as amended]. It has been noted that these are distinct from planning approval procedures and require TNI to prepare and publish an ES and Draft Orders for consultation.

An exhibition of the Proposed Scheme (The Orders Exhibition) was held in the Ramada Encore Hotel, Talbot Street, Belfast on the 9<sup>th</sup> and 10<sup>th</sup> February 2015.

Representatives from TNI and URS were in attendance to explain the proposals and also to answer questions. Notification was given that copies of the ES were available for inspection during the exhibition and also during office hours at five specified locations in Belfast from 27<sup>th</sup> January 2015 to 10<sup>th</sup> March 2015. In addition, the ES could be viewed on the TNI website, on a free CD and furthermore a bound paper copy was offered by TNI for a fee of £185.

Notification was given that any written communications expressing support, objection, or comment should be sent to TNI Eastern Divisional Headquarters by 10<sup>th</sup> of March 2015.

It was understood at this stage that depending on the nature and number of responses, a Public Inquiry might be convened to determine if the scheme should proceed as planned or not.

## **7.5 Impact of The Proposed Scheme on Adjacent Residential Areas**

It was very apparent from the outset that objections could be anticipated from the residents of Little George's Street and surrounding areas, due to the proximity of the proposed Scheme and this proved to be the case.

Several issues were highlighted in the written submissions to TNI. In addition a number of residents and others representing those living in the area spoke at the Inquiry and their views, together with the TNI responses have been recorded elsewhere in this Report.

The most prominent contributors from this group who spoke at the Inquiry were:-

Mr Paul O'Neill - Ashton Community Trust (OBJ06).

Mr Mark Hackett (OBJ23).

Mrs Bernie Caughey (OBJ25).

Belfast City Council (COM12)

Mr Brendan Callan (IP62).

Mrs Brenda Murphy (IP66).

The contributions made by each person at the Inquiry can be found under their individual names and reference numbers which are shown immediately above.

A summary of the most significant concerns and views expressed by both the residents and/or their representatives is as follows:-

- Residents already had health issues due to the air pollution, noise and vibration caused by vehicles on the existing adjacent road. These problems would increase with the Scheme in place, as the new carriageways would be closer to their homes and at a higher elevation.
- Mitigation measures designed to address the adverse effects of road noise and safety concerns could increase the visual obstruction.
- The removal of the existing mature trees and shrubs from the bank behind the houses would lead to increased levels of air pollution and a loss of privacy.
- The very steep bank which would be created above the existing retaining walls behind the houses would only support the growth of low shrubs. These would not provide a level of visual screening to match that provided by the trees and other plants which are already there.
- Adults and children were concerned that a vehicle could accidentally leave the road and fall on them in their gardens.
- Adequate levels of light were required in homes.
- Noise, vibration and pollution from contractors plant and equipment would disrupt daily life during the construction of the new junction.
- A number of residents work at night and sleep during the day. Sleeping would be difficult for these individuals during the construction phase due to noise and vibration.
- Residents would not qualify for any mitigation measures such as double glazing to offset the adverse effects of the Scheme as the necessary criteria would not be met.
- With the Scheme in place, pedestrians would have to walk an additional 125 metres in order to reach the City Centre over the proposed York Street Bridge. The provision of steps from the Molyneux Street/Henry Street area onto the bridge to alleviate the problem could create difficulties for elderly people and might not be supported by the PSNI.
- The tapering enclosed space which would be created between the final section of York Street Bridge and Cityside Retail Park could attract those who behaved in an anti-social manner.
- The elevated nature of the York Street Bridge would put local residents at risk on those occasions during the year when traditional parades were passing by. The DOJ and the PSNI had to be involved in finding an acceptable solution.
- The area around the steps located to the north of North Queen Street Bridge attracted people behaving in an anti-social manner and this feature needed to be remodelled as part of the YSI Scheme.

- A group of houses exists in Thomas Street off an awkward one way system which has only one way in and out. Concerns were raised that:
  - access may be further restricted and traffic diversions created during the construction phase leading to increased disruption;
  - there would be noise, amenity disturbance and drainage issues during the construction phase;
  - the street is currently screened by planting and this will be lost and not replaced.
- The traumatic impact and enduring legacy of the McGurk's bar bombing on the families of those killed and on the general New Lodge community cannot be overstated. The enduring emotional and symbolic significance of this memorial site is of huge importance. Any process relating to the memorial site must be done with the direct involvement and agreement of the relatives of those who were killed.
- It was important for those residents who would be adversely affected by the proposed Scheme to be able to play an active role in the design process.
- More intensive and meaningful dialogue was required with all stakeholders including residents, elected representatives, civil engineers and the PSNI, in order to create shared design decision making.
- Compensatory projects should be undertaken using a co-design approach that clearly demonstrates that the area has been respected and treated in an equitable manner with the expenditure of such a significant amount of public funds.

It was noted that The Strategic Advisory Group has recommended the installation of decorative aluminium composite panels in order to improve the appearance of the parapets of North Queen Street Bridge and TNI had agreed to address the lighting issue under the bridge. In addition, Mr Spires offered to give sympathetic consideration to addressing the issues surrounding the steps at the Inquiry, even though the area in question was just outside the footprint of the Scheme.

From the above it is apparent that discussions involving other stakeholders has already led to some mitigation measures being identified and agreed which should assist in reducing a few of the negative impacts of the proposed road alterations. It is clear that this process should continue.

However, it is equally clear that beyond an understandable call for much greater dialogue between TNI, the local community and other stakeholders to discuss the outstanding issues, very few suggestions were made at the Inquiry as to exactly what might be done in practical terms to address the unresolved concerns. Perhaps this reflects the possibility that effective and acceptable mitigation measures may not be readily available or at best be extremely difficult to identify.

It is not an essential requirement for those leading a TNI sponsored Public Inquiry to identify additional mitigation measures. However, upon examination of Scheme drawings, the Inspectors concluded that it might be possible to move the alignment of both carriageways slightly further to the south in order to reduce the impact on the residential properties in Little George's Street.

It was recognised from the outset that such an adjustment to the plans could have a negative impact on the properties located on Great George's Street and also upon the development under way on the Apex Housing site on North Queen Street. Furthermore, it was realised that due to the many site constraints associated with the existing built infrastructure, the suggested modification could

lead to DMRB compliance and other difficulties elsewhere on the Scheme which might not be immediately apparent.

During the Inquiry, the Inspector asked Mr Spiers to arrange a preliminary technical assessment of this proposal from a 'how could this be made to work' perspective. This resulted in the production of 'The Westlink Realignment Assessment Summary' dated 20 November 2015.

The full Assessment Summary can be viewed on the TNI website and two options were very quickly identified and considered by URS as follows:

- Option 1 - Realignment of the centreline of the Westlink such that the nearside kerb line of the northbound carriageway would be approximately coincident with its existing position at North Queen Street Bridge.
- Option 2 - Realignment of the centreline of the Westlink by 1.5 metres south of its position in the Proposed Scheme (to reduce widening required on the south side of North Queen Street Bridge).

The TNI Westlink Realignment Assessment Summary concluded as follows:

'It is accepted that the Proposed Scheme will have an impact on residential properties to the rear of Little George's Street, although no land take is required. From this high level examination of alternative options for the alignment of the Westlink, it is apparent that any changes to lessen the impacts for residents of Little George's Street may result in more significant impacts for residents of both Great George's Street and those at the new Apex Housing development. (Former PSNI site).

The options presented in this paper are not exhaustive and have only been developed to a preliminary level. We consider that we may be able to fully develop a solution which moves the carriageway away from Little George's Street towards Great George's Street to such a degree that the impact on parties to the north and south of the Westlink is balanced.

TransportNI would comply with any recommendation made by the Inspector to further examine the issue to determine if an optimum solution can be arrived at.'

It is accepted and understood that it would have been impossible for URS to have reached a definitive conclusion as the result of the preliminary examination of such a significant change. For the same reason it would not be possible to recommend a specific design change for the Scheme as part of this Report.

However, it is encouraging that no insurmountable obstacles were identified and further work will indeed be recommended in the next section to determine if an optimum solution could be achieved.

## **7.6 Provision for Cyclists**

It was very clear from reading the earlier correspondence from Sustrans and a considerable number of other Objectors, that the original proposed provision for the cycling community was far from satisfactory. Indeed, Mr Clarke (Sustrans) spent some time reinforcing this point in his presentation at the Inquiry.

However, it is equally apparent that a combination of dialogue between TNI and Sustrans Representatives, a willingness to make changes and the introduction of current design standards has led to a situation where most of the original issues have been resolved.

It was claimed that an earlier adoption of the higher standards could have eliminated the need to 'retro-fit' the design changes. However, the constraints

imposed by the existing built infrastructure might still have limited the room for manoeuvre by the design team.

It is not clear whether the anticipated very considerable increase in the number of cycling journeys over the next ten years has been fully assessed by TNI within the context of the YSI Scheme. It was claimed that a rise in cycling use is foreseen within the DRD Bicycling Strategy, which was published in August 2015.

The major drivers of this change would appear to be:

- the construction of the new Ulster University complex;
- the construction and location of the new student residential accommodation;
- the future expansion of the Belfast bike hire scheme.

Continued dialogue between TNI and Sustrans is clearly highly desirable in order to seek acceptable solutions to the outstanding issues.

Whilst acknowledging concerns over 'project creep', TNI should re-examine their proposals for the roads at the extremities of the Scheme to ensure that as far as possible the anticipated cycling and other infrastructure developments outside the footprint of the Scheme are taken into account in the YSI project.

## **8. INSPECTORS' RECOMMENDATIONS**

### **8.1 General**

Having reviewed the evidence presented by the Department, the Consultants, Supporters, Objectors and others, both before, during and after the Inquiry and also having considered the detail contained in the Environmental Statements and other documentation, it is believed that the need to replace the existing York Street Junction Gyrotory System in Belfast has been demonstrated.

It is therefore recommended that:

- The ES prepared by the Department containing the proposals for the provision of a grade-separated junction at York Street to provide direct links between the Westlink and the M2 and M3 under the provision of Articles 67A and 130 of the Roads (Northern Ireland) Order 1993, should be used as a the basis for taking the scheme forward through both the detailed design and eventual construction stages.
- The proposal to make The Trunk Roads T1, T3 and T7 (York Street Interchange) Order (Northern Ireland) 2015 under Articles 14(1), 15(1), 16(1) and (2) and 68 of the Roads (Northern Ireland) Order 1993 should be implemented.
- The proposal to make an order under article 113 of the Roads (Northern Ireland) Order 1993 and Schedule 6 to the Local Government Act (Northern Ireland) 1972 for the purpose of acquiring compulsorily the lands for the construction of a grade-separated junction at York Street to provide direct links between the Westlink and the M2 and M3 motorways should be implemented.
- The general recommendations set out immediately above are to be considered in conjunction with the additional recommendations set out in 8.2 below.

### **8.2 Adjacent Residential Areas**

The most significant of the numerous issues and concerns were summarised in Section 7.5 (Inspectors' Considerations) above, and in the majority of cases they remained unresolved at the end of the public phase of the Inquiry.

Where specific recommendations have been identified, these are set out below and in all other instances each of the remaining issues should form the basis for further discussions with either individual residents, or resident groups. Other stakeholders may also need to be involved.

The specific recommendations are as follows:

- Since the Strategic Advisory Group has already identified some mitigation measures to reduce the negative impacts of the Scheme, it should continue to meet as and when required until the completion of the YSI project. An early agenda item should be the re-examination of the structure of the Group itself, with for example, the possible addition of a landscaping or architectural specialist to provide guidance and advice on the treatment of the bank behind the houses on Little George's Street and other aspects of the Scheme.
- It is considered important for the residents to have an active voice, both during the remainder of the design phase of the Scheme and throughout the construction process. It is recommended that TNI should arrange a meeting in the York Street area



with Mr O'Neill, Mr Hackett, Mrs Caughey, Mr Callan, Mrs Murphy and an appropriate representative from Belfast City Council.

The purpose of this meeting would be to;

- identify and agree an effective communications structure and procedure to keep the residents fully informed about the progress of the Scheme;
- create an effective mechanism to enable residents to make suggestions about the Scheme and to raise concerns as and when they might arise.
- In collaboration with all the relevant stakeholders, including the local residents, TNI to identify and implement appropriate existing infrastructure adjustments to help to address the anti-social behaviour issues associated with the steps adjacent to North Queen Street Bridge. This work to be carried out as an integral part of the YSI project.
- It is virtually certain that the memorial to those who were killed in the bombing of McGurk's Bar in 1971 will have to be relocated because of the need to widen North Queen Street Bridge. TNI to work closely with the families of those who perished in order to ensure that the recreation of this very significant memorial is carried out in accordance with their wishes and expectations.
- TNI to conduct a further examination of the possible realignment of the road away from Little George's Street, to determine if an optimum solution can be identified and implemented as part of the Scheme.  
It is considered extremely important that the residential communities on both sides of the road are both consulted and informed about any proposed changes to the design, with the final decision on the way forward remaining with TNI.  
It should be noted that the Inspectors support this potential modification in principle.

### **8.3 Community Liaison**

- It is recommended that a high level of communication and liaison is maintained throughout the future detailed design and eventual construction phases with all individuals and organisations who would be affected by the proposed Scheme.  
Where applicable, every effort should be made to reach agreement on appropriate and acceptable measures to mitigate the impact of the project.

### **8.4 Provision for Cyclists**

- Dialogue to continue between TNI and Sustrans in order to seek acceptable solutions to the outstanding issues.
- TNI to re-examine their proposals for the roads at the extremities of the Scheme to ensure that as far as possible the anticipated cycling and other infrastructure developments outside the footprint of the Scheme are taken into account within the YSI project.
- TNI to reassess the implications of both the new University and emerging DRD cycling strategies on the Scheme, as it is anticipated that this will transform the area around York Street beyond recognition
- TNI to investigate mitigation measures to provide a degree of protection to

cyclists and pedestrians from wind and rain on the York Street Bridge.

## 8.5 Summary of Recommendations Relating to Individuals and Organisations

Page	Ref. No.	Name/s	Recommendation/s
43	SU07	Seamus Leheny, Freight Transport Association	<ul style="list-style-type: none"> <li>• FTA to be fully involved in the formulation of the Traffic Management Plan to be implemented during the construction phase of the Scheme.</li> <li>• An appropriate information system to be established by TNI to advise FTA Operators of access, parking and other relevant arrangements to be applied during the construction phase.</li> </ul>
50	SU09	Bernard Clarke, Translink	<ul style="list-style-type: none"> <li>• TNI to work with Translink in order to develop suitable temporary traffic management arrangements and appropriate traffic and travel advice, both before and during the construction of the proposed Scheme.</li> </ul>
145	OBJ24	Garth Boyd/Karen Smith, Trouw Nutrition	<ul style="list-style-type: none"> <li>• TNI and the Contractor to have consultations with Trouw Nutrition in order to ensure that appropriate access the premises is provided at all times throughout the construction phase of the Scheme.</li> <li>• TNI to work with Trouw Nutrition in order to resolve the land ownership record issue.</li> <li>• As vibration of their weighbridge is a potential sensitivity issue for Trouw Nutrition, a Method Statement to be produced by the Contractors as part of the detailed design process defining the proposed method of working. Vibration monitoring equipment to be provided during the construction phase and remedial action taken to address any adverse vibration issues caused by the Contractor if required.</li> <li>• TNI to contact the DOE in order to advise them of the upcoming works and possible implications for their weighbridge facility.</li> </ul>
198	COM03	Richard Agus, Director, MRA Partnership	<ul style="list-style-type: none"> <li>• Discussion between Mr Agus, TNI and other interested parties to continue with the aim of clarifying and resolving the issues surrounding the loss of car park spaces and the need to create an access onto North Queen Street.</li> <li>• Discussions to continue between Mr Agus and TNI to clarify and resolve the issue of access to York Street being closed during phase 9 of the Scheme.</li> <li>• TNI to give further sympathetic consideration to providing temporary signage to Cityside Retail Park from both the Strategic Road Network and for pedestrians</li> </ul>

Page	Ref. No.	Name/s	Recommendation/s
			during the construction phase of the Scheme
215	COM11	John McCorry (North Belfast Partnership)	<ul style="list-style-type: none"> <li>• TNI to discuss with NBP the possibility their becoming members of the SAG. Should this not occur, then TNI to arrange for NBP to receive regular updates on the activities and recommendations made by the SAG.</li> <li>• TNI to investigate local input to the uptake and implementation of the project social clauses.</li> </ul>
224	COM12	Belfast City Council	<ul style="list-style-type: none"> <li>• TNI (and in due course, the Contractor) to liaise closely with BCC throughout the remainder of the design phase and throughout the construction stage, to ensure that issues are identified and addressed as quickly and efficiently as possible.</li> <li>• TNI to make every effort to find the means and the necessary resources to incorporate any proposed changes and improvements identified and supported by a majority within the Strategic Advisory Group into the Scheme.</li> <li>• TNI to investigate the possibility of upgrading the basic paving material and finishes to high quality public realm features that would link to the planned Phase 3 Streets Ahead initiative.</li> <li>• TNI to incorporate high quality landscaping as part of the Scheme through a comprehensive streetscaping programme.</li> <li>• TNI to continue to liaise with the Council regarding future analytical results of any made ground and hydrogeological groundwater monitoring.</li> <li>• TNI to generate a hydrogeological model in order to determine the likely impact of deep engineering structures on the surrounding water table.</li> </ul>