

DEPARTMENT FOR REGIONAL DEVELOPMENT - TRANSPORTNI

IN THE MATTER OF A PUBLIC INQUIRY INTO:

YORK STREET INTERCHANGE

PUBLIC INQUIRY

Before:

Mr J Robb (Inspector)

Mr Jack Cargo (Assistant Inspector)

Thursday, 12th November 2015

Taken at:

Assembly Buildings Conference Centre

Fisherwick Place

Belfast, BT1 6DW

Counsel to the Department: Mr Andrew McGuinness

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THE INSPECTOR: Okay, everyone, if we can move towards beginning, please. Brendan, would you like to come forward. Brendan, it has taken a little time to get to you. You were here yesterday and had something yesterday afternoon. However, you are here so we are very pleased to hear what you have to say.

MR CALLAN: I am one of the local residents of the estate in question. Firstly, before I start I would like to offer my sincere apologies to the Chair for the 10th and 11th when I stood up and I may have given the impression that I was undermining your authority. At no time was that meant, I do apologise.

THE INSPECTOR: That is perfectly alright. These can be quite emotional situations and that is absolutely no problem.

PRESENTATION BY BRENDAN CALLAN

MR CALLAN: My name is Brendan Callan, 6 Southwell Street, Belfast, BT15 1GB.

In our estate there has been quite a number of elderly residents that have lived through the troubles and have different health problems that have been caused by one thing and another over the years, whether it is heart, breathing, heart problems, nervous dispositions.

Over the years people have complained about the noise from motorway traffic and previous construction such as Yorkgate, Cityside Shopping Centre. Already many residents have conditions that in their homes they have to have oxygen fitted just to assist them in their breathing, just in their quality of life. I am currently dealing with relations where an uncle and an aunt, they have to have nebulizers because of air pollution, air quality, etc.

Basically health conditions face many of our residents in the proposed construction work. They will be susceptible to catching further ailments, bugs, chest infections, many serious that may lead to the loss of life. There is no doubt about it. I am just saying in general terms from different reports, the pollution of our environment due to dust, fumes, etc.

Not alone are elderly residents affected by this but the children are our future in our estates and, of course, I say me and people like me. Our daily routines will be greatly impacted during the construction which I believe is three to four years due to traffic congestion, anti-social behaviour. The list is endless, it is not exhaustive. I deal with a lot of this and I have three or four pages, there is thousands of reams of paper that we can all be experts, and that is not taking away from any person in front of me on the other side.

Causes and affects of air pollution, there are two main types of air pollution: fumes, vapors, gases smoke odours, dust and tri-particles, and we all know when our throats are dry and we start choking and need water, etc. They can be produced in a number of ways. The use of heavy construction machinery or the use of constructions processes, particularly those that use chemicals in such machinery. They all have to be certified and passed by different laws, I think 1978,

Article 40 and 41. They are already in place and I am not trying to tell anybody on the other side about the law. I am a graduate of law, except not in this law, in employment law.

With the air pollution it is producing harmful emissions, construction, building and demolition works, the use of vehicles during and after the said construction. Burning materials in the open spaces, such as tarmac. Dust and fumes from the above modes of transport.

Bernie is near the interchange there as it currently is, and where they have it resurfaced by tarmac or whatever, as everybody knows tar gives off horrible fumes. The dust and fumes from all the above modes of transport, exhaust fumes and dust from distribution and delivery vehicles, etc, or a combination of all.

Effects of air pollution on the environment and human health. Air pollution impacts seriously on the environment in a number of ways. The emissions of greenhouse gases contribute to climate change and ozone depletion, which we are all aware with spraying air freshners, etc. Substances cause damage to the ozone layer. Acidity of rain, stuff that is there it will be taken up when it dries up and comes back down in some way or another and causes damage to buildings and so forth.

Those who are exposed to poor air quality can face an increase in the risk of developing or exacerbating a range of debilitating illnesses, including lung and breathing problems and skin conditions. I was actually surprised when I seen it that the reference was made on Google to the word we all hated, the Big C, cancer. I was actually surprised, you know, organ damage. I do stress that I am not medically qualified, I am only going on what I picked up.

The other areas that we could have gone in with all guns blazing and said "Ulster says no", and I don't mean that in a political divide or anything, but we didn't. We said there would be no point. We felt we might as well go along with the motorway and see what we can get. I don't mean that in my back pocket or anything like that. I mean, how can we turn around and increase the quality of our life, better the quality of our life?

Those things like dust, fumes, odour, smoke, gas -- I don't mean to repeat myself. I am sure everybody will gather from my accent that I am from Dublin. I came up here and met my partner. I am not greatly affected, I am Number 6 Southwell, Henry Street. I am Number 6 beside Number 8. I am not greatly affected, I will say that, but I actually spoke to my aunt and uncle last night and my uncle turned around and said: "What are they trying to do to us?" I said: "What do you mean?" He said: "They would be better off building a moat around us and 40-foot walls." I said: "No, it is not like that." But I was thinking I have a 40-foot wall at the back of Henry Street which is the wall for the Cityside Shopping Centre.

I do believe after going around with Michael on the streets and doing measurements, we would have a fair height in front of Monaghan Street. Then all of a sudden to the back of George's Street, so we are 75% of way with the 40-foot walls around us. That is coming from an 86 year old who has to use nebulizers six or seven times a day. That is because of the quality of air that's there now. Now that's before, so what is it going to be like during and after?

I am not going to quote anything about the law, I have handed this paperwork over to the Stenographer, there is no point in me quoting it all. I don't

want somebody putting a rebuttal to me and I won't have a clue where I am going. There is air quality there. I think I have quoted the year, I could be corrected, 1978, and I think Belfast City Council the thing came up here about Article 8. I think was Anne Doherty.

MR MCGUINNESS: Mr Walsh.

MR CALLAN: I do apologise. Noise control, we all know the neighbours have parties and things like that, but that is life and you put up with it because it is only going to happen from eight or 10.00 o'clock at night. Then we get something about bottles and glasses smashing, nobody wants to stop someone having a good time, but I had cause for noise to call in Belfast Environment Health and it transpired that it was actually the Cityside Shopping Centre at the time. They had brought out recorders and were knocking on my door at 2.30 in the morning. It was actually some of the staff in Cityside Shopping Centre turning up the volume on music so, you know, it is not households, it is other things. Again I am only setting examples.

We hear noise. In the troubled times we have had helicopters go over predominantly Roman Catholic estates and, as we know, there is stealth modes on helicopters where you can have silent mode or loud, and it seems to keep us awake at times of trouble and so forth.

Air pollution, noise pollution, and obviously disruption with the forthcoming construction is going to have an impact on our day-to-day living, residents will say directly or indirectly. There is no argument about it, and we didn't turn around and say no. We want to raise our concerns. If we can turn around and make that as least noise, least pollution and least disruption.

I was actually surprised looking at plans and they are all very fine and people are experts in their fields and so on, but I was surprised at the different intersection. I am not really interested how a bridge looks, no disrespect or anything, whether you put tiles or anything on it, you still have to go over or under a bridge.

I don't want to be in the other scenario where there was a motorway done in Belfast recently and under the bridge it had 40-foot of water, and a friend nearly took a wrong turn and they would have been right into it. There was no barriers. It was after the heavy rains and for whatever reason the sewers were bunged up and they obviously weren't wide enough to take the water away.

Now, we have all authorities in our own educational field, education over the years. I just want a peaceful life like my colleagues in the estate -- or friends should I say. There was a lot of hassle over the years, 1969 onwards. We are out of it now. There was comments brought up the other day: Is there any way that we can put the parade down North Queen St. My jaw hit the ground the other day when I heard it, and I told the residents: Don't bother, because you have people willing to throw bottles from or against, so I said: Just go in and ignore it, and eventually it has settled down. I am there 13 years now and I think what is that hassle about.

I think the gentleman's name is Richard, the gentleman at the end, I received when I walked into the room an e-mail. I made a statement here yesterday, I am fully aware of the e-mail, just to clarify that. But the date of the e-mail is -- I will not call out names if you don't mind. The e-mail was addressed to me on 29th January 2015 at approximately 18 minutes past two. I could deny that.

That is not what I was getting at. I am a resident in the estate and I am entitled to know what changes are going to happen. It is not up to me to go to these displays. It is not up to me to get print-offs. I did go down to the Ramada in 2008 and 2009, I could be wrong on the date.

I was actually surprised that as soon as I mentioned I had a City and Guilds of London Engineering people walked away from me. I left a letter and when I didn't get a response from the letter then I posted the letter again. I still didn't. So that is 2008/2009 to the date of 2015. Foretold is forewarned. It gave me the impression of somebody trying to hide something; is there an ulterior motive?

I could go on talking and talking about this that and the other and about the pros and cons. Everybody is there to do a job and in the current climate measures have to be taken. We are all affected. Some other people, there were other proposals for other things, it seems to be plough through and get on with it. It is either put up or shut up. It is the wrong attitude.

I heard different things over the three days, not really of interest, whether there is 10 workers on a site or 20,000 workers on a site all controls are there between seven and seven p.m. in the evening. I believe somebody passed some comment that work will be going on during the day and through the night. And it has to be a minimum noise so they don't create a nuisance. I worked in hotels at night as a manager and I would sleep during the day. In our estate there is quite a few paramedics and nurses that work night-time, so if there is going to be work being carried on during the day and also at night, consideration has to be given to these people. They are putting in 60, 70 hours a week in shifts. They have

a right to sleep like everybody else.

I did pass a comment the other day, I will go back to it. I was looking round the room, I am an individual, I don't have a team behind me and none of the residents have. We did this all in good faith for the quality of our life. Everybody is expert in their fields and all the rest of it, and I hope nobody is being totally disingenuous in anything. What is the big secret? Show us the plans. Take on our concerns and what they are to give us a better life, quality of life even during it.

I know there is plans being changed, three years ago there was a lane or whatever, it doesn't concern me because I don't drive, but in that it impacts on 1 to 17, those houses. It looks like a layby or something that is being fitted. It wasn't on the plan three years ago, it has only come up recently. People noticed in the room here the other day we had an expert talking about the Right to Light. I like light and go on my holidays to Egypt and whatever, I like the sun. I need in my office alone a 50/50 ratio of light because my eyes are deteriorating.

In your home everyone wants light, magnolia I think is the favourite colour for many people. People noticed the screen shots that were used, there was two diagrams in the 50/50, I don't know the term, Waldram, I think. I looked at it and said: That is great and I am thinking do I now go -- one picture showed a window, the second window was an angled window like that. In these gardens are we going to put a tilt on our house to get a good light?

You will understand with the vegetation that is there, a lot of people can't even plant vegetables because there is not enough light and instead putting patio slabs over it and everything. I could talk endless. It is emotive to people.

Going back to King Arthur and all these times, what was he going to say next, are you going to put crocodiles in the moat so we cannot get in or out. I am just laughing in amusement.

I was actually surprised also, there is a group URS, SAG, a lady here is part of it. Plans have been there since 1968, if I am correct, or similar plans to this. Who put these schemes together? Who turns around and puts in the guidance for light? When you say SAG, I am not sure of the terms, Strategic Advisory Group, is it? Is there one resident among any of those groups that were set up? Everybody is looking at me, and I don't mean to be rude, but you are looking at me and saying: What does he mean. Maybe if they had some of the residents on half of these groups that you put together you might have been able to stop this Inquiry going ahead today and took the concerns on board before any of this happened.

THE INSPECTOR: Would this be an appropriate moment to get some feedback from TNI on some very interesting points that have been made?

RESPONSE BY THE DEPARTMENT

MR McGUINNESS: Yes, there are a number of issues sir, there is noise, there is air and construction. I think there is an issue raised in relation to

daylight. There is an issue in relation to consultation. I suspect those -- and I don't mean to do a disservice to Mr Callan -- I think those are the five issues.

In relation to consultation Mr Spiers will deal with this, but my understanding is there was at least one leaflet or letter drop in the area which would have provided information to residents. I take on board your point in that there were two meetings at the Ramada Hotel, and somebody made the point; could it not be somewhere else. I think as a matter of practice and for practicalities TNI booked a central location which hopefully will suit not just the residents but everyone else.

The point was that it was the Ramada Hotel in Talbot Street which I am told was the closest hotel they could get to the residents, so that is the issue in the consultation. I am sorry that there was an issue in relation to your letter. I gave you the e-mail this morning.

MR CALLAN: It is not just my letter. I was the person who typed the letter for quite a number of people.

MR McGUINNESS: I gave you the e-mail this morning and the purpose was in case you had not brought it with you. I know it was sent to you, I thought I would have given it to you.

MR CALLAN: You passed a comment that there was leafletting in the area. I can actually go to 40 people now on the estate and ask if they have received any leaflets, and they said no. I didn't, and I am meticulous with letters and I can tell you when I started in the Child Support Agency I still have e-mails from the year that I sent it. I am a hoarder.

MR MEGARRY: Can I say there have been two public

consultation events, one was in 2011 and one earlier this year in February. The approach that TNI have undertaken is to publicise as widely as we could, and they have done that in a range of ways. They place adverts in the major local newspapers. There is information on websites. There is individual correspondence sent to key stakeholders and other stakeholders. Beyond that we identified, as Roy has mentioned, there has been two separate leaflet drops. We are talking about the order of 30,000 leaflets. We identified associated BT the areas that encapsulated the York Street footprint and we had those delivered.

I would say that with particular focus on Little George's Street both in 2011 and 2015, I also had staff within my team hand deliver copies of the flyer to the houses, so I am saying we were trying to ensure that we weren't even just relying on the postal service, we hand delivered fliers. We have attempted to make real efforts to make any public event known that encapsulates the BT areas that we identified.

MR SPIERS: Mr Inspector, also in association with that we had scheme boards erected in Cityside Retail Park for a period of two weeks to make sure that it was also within the area, and those boards were up for two weeks indicating the consultation and where to contact us.

COMMENTS BY MR O'NEILL

MR O'NEILL: I think this is based on own experience, there is a difference between consultation and engagement. There is absolutely no doubt leaflets were sent out, events were held in the Ramada Hotel and so on, however,

the point that we are trying to make here is there needs to be a proper structured long-term engagement, not a couple of one off events. A lot of language in the leaflets, people don't fully understand it and it is technical and needs to be explained.

TransportNI aren't on their own in this. The University of Ulster can say the same thing, that they have consulted widely, they have, but they have not properly engaged in the way that the community would require the engagement.

I point your attention to the Girwood former Army Barracks where a community hub has been built there. Belfast City Council established a thing called the Community Forum and that is working for a number of years, and as a result of that -- there is plenty of problems about the Girwood process -- but there is an on-going process where problems can be identified and solutions found in advance. In other words, you can offset problems before they actually arise.

I found myself the other day having to explain again to TransportNI, after we had fully explained to them the situation at North Queen St. I take on board that they are going to take that on board and are going do something about that, but the point is we had to come back and they rebutted something which they knew fine well because we explained to them what it was we were looking for. That is the problem it, it is a ding dong, an adversarial thing here.

What we asked for, and I don't know if this Inquiry can do anything about it, but it is worth mentioning, we are not looking just consultation, we are looking engagement, structured engagement which gives people the opportunity to fully understand everything, put their opinions on board and feel at the end of it that they have been properly listened to, and that they are not just whingers and

complainers. That is a key point. There is a range of projects around our area, loads of consultation but very little engagement.

THE INSPECTOR: That is very clear. You are reinforcing a point I think which Brendan is making. I am happy that that point is given and I will take that on board.

PRESENTATION BY MR CALLAN CONTINUED

MR CALLAN: I will just finish up, I don't want to be taking any more of your valuable time up.

We know air pollution, noise pollution, construction that is going on, what the area is going to look like, the quality of life for the individuals. We can all put monitors for pollution down. I am not fully aware of how the guidance is, whether it should be 0.1 or 0.2, or whatever. If you actually close your eyes and think for a minute and take it away from the York St Interchange and put it into another area, I am not familiar with a lot of the areas in Belfast, take Stranmillis, for example, what type of opposition would you have to it?

You can take as many experts as you like, and we are just a group of individuals representing the community. Three people put my name over because I am referred to as being a big mouth at times, I don't think that. I will stick up for people's rights and am in unions. I am involved in Health and Safety. I am actually up on Monday for a Health and Safety award. People sit back and listen. If you think about it, if you take it out of our area and put it into another area would there be such a furore about it?

We are not going to just turn around and roll over. We tried to add our views, concerns about everything. If you take them on board well and good, it is beneficial to you and it is beneficial to us.

Thank you.

THE INSPECTOR: I think it would be appropriate for me to mention at this stage that Jack and I were looking at the general arrangement drawing a few weeks ago and the thought was growing in my mind that it might be possible, and I use the word "possible" very loosely, to move the alignment of the carriageway a little bit to the south so there would be the additional lane that is required and would not be impinging so much as planned on Little George's Street.

I asked them to have a look at this. I didn't expect an answer at the time, and you may not be in a position to give an answer now, just to get it into the public record, but I have asked for that to be examined and I am looking for a considered response to that. I don't know where that is going. I am not an engineer, but there is a lot of detail and when you do this sort of thing you can pick up one end of the stick, and there can be other consequence, we just have to wait and see. But just be aware that this is an appropriate time to mention it. We have asked for that. Any further points?

MR CALLAN: No?

MR McGUINNESS: Sir, do you wish us to deal with the specific points in relation to air and noise?

THE INSPECTOR: We have explored that I think fairly fully, and unless there is a specific additional issue.

MR MCGUINNESS: I think we have dealt with flooding.

MR CALLAN: Just to clarify, I am the last speaker for our side and we all thought about what we would do and what we would speak about. I mentioned different things there that have already been covered, I don't dispute that. It was actually to reiterate it. Obviously if we said something, it is just to make sure it is taken on board. It is to clarify what Brenda and Bernie said. There was other people here that I mentioned. So it was just to reiterate everything. It wasn't that I want you to answer everything. I am sure the Chair has heard it. I am not an expert. That man is there to do a job.

THE INSPECTOR: Very well. That is useful, genuinely useful. Thank you very much indeed.

MR CALLAN: Thank you.

THE INSPECTOR: We now come back to the Vector proposal. If the Vector group would like to come forward.

MR MCGUINNESS: Mr Megarry on the last day had indicated he would come back with a height for the wall outside Cityside Retail Park in response to a query about an objector, it might be useful to get that information now whilst Vector settle themselves.

THE INSPECTOR: That sounds appropriate.

DEPARTMENT'S RESPONSE RE WALL HEIGHT

MR MEGARRY: I think it came up in relation to Mr Hackett's evidence and I think Bernie's as well. It was literally with regard to the height of

the wall. Hopefully the animation will take us right in there.

There were two issues, the first is the additional length, this was the idea for people to come down Henry Street. This is Molyneaux Street. To turn left if you want to go to the city centre under the proposed scheme you have to link back. I think the question was how long of a distance that is. The distance is 125 metres. So that is from there to that point, 62.5.

The other point, and I think John, if you take this a little bit further into the animation. The point was with regard to how high the wall is at this point. Obviously this wall, as Brendan acknowledged, kind of wraps around the Molyneaux Street area. As I said, it is a bit like the thin end of the wedge, it just disappears as you turn that corner. That dimension is actually greater than the current pavement width. There are fire doors on Cityside. So that is wider, but the height of the wall at this point at the edge of Cityside, the wall is 2.7. If I was to extend that to there it is 2.7 height and disappears to nothing.

My point was just that we had indicated that further consultation to ensure that that space was a safe space, that could be undertaken with the local community and with local policing as well.

THE INSPECTOR: I am glad that you added that last point, because that is what I took from the discussions that we had at the time on this issue, that this was very much subject to discussion and engagement really with the local community at a very personal level, on a one to one level on the ground with people to discuss this issue, which is coming back to the point that you were making Mr O'Neill.

Over to you.

RESPONSE BY THE DEPARTMENT TO THE VECTOR PROPOSAL

MR McGUINNESS: Yes, sir, we have already a paper in relation to this, so I don't intend to deal with everything, but I will deal with specific issues with Mr Lynch.

Mr Lynch, my note was unclear yesterday, did you say you have eight years experience or four, how many years experience you have?

MR LYNCH: I was across the water for eight years and have been back in Northern Ireland now one year. So six years experience in the commercial world, one year as a design engineer working for the world's largest oil field services company. I was working in new product development in drilling tools, the cutting edge of technology.

MR McGUINNESS: Are you chartered as an engineer, you have an engineering background, are you from the professional chartered --

MR LYNCH: No, I have a Masters in Mechanical Engineering and am working towards chartership. However, my appropriate experience for this has been determined in the process and improvement. So that is working over the last four and a half years in large engineering firms working in complex build programmes.

MR McGUINNESS: Effectively what you are saying, I think yesterday you said you worked on nuclear submarines?

MR LYNCH: That is right.

MR McGUINNESS: Can I assume you worked as part of a large

group?

MR LYNCH: No, we were brought in as a consultancy firm.

MR McGUINNESS: In your consultancy firm you worked as a group?

MR LYNCH: Small teams, yes.

MR McGUINNESS: So in relation to the experience that you draw from the consultancy firm for those four years that is working as part of a team --

MR LYNCH: No, that is incorrect. You are making assumptions here. I have led the delivery as well as delivered that work in 15 different businesses, delivering between 200,000 and £500,000 worth of improvement, alongside identifying £300m worth of opportunity. So, I think you are making assumptions. I don't know if you have seen my CV --

MR McGUINNESS: No, all I am saying is my principal assumption is when any of these projects were being carried forward you weren't dealing with it on your own, you had a multi disciplinary team?

MR LYNCH: A team of process improvement. The key thing with process improvement is you facilitate the answers with the subject matter experts, so the kind of insight that I provide is the framework for determining the opportunity. The realisation of the opportunity is actually worked through with the team, and it is really important I am facilitator so what I am able to do is create clarity, but I would never say that I will get this done. I will facilitate this happening. So there is a subtle difference and it is important to understand the distinction.

MR McGUINNESS: I accept that. To be absolutely clear, you have no experience in traffic management?

MR LYNCH: I have experience in large civil engineering programmes in the planning of, but not for a traffic project.

MR McGUINNESS: So you have no experience in traffic management, is that yes or no?

MR LYNCH: In traffic management, no.

MR McGUINNESS: Have you ever designed a large scale road scheme?

MR LYNCH: Aside from this, no.

MR McGUINNESS: Have you any traffic engineering qualifications?

MR LYNCH: No.

MR McGUINNESS: Have you any environmental qualifications?

MR LYNCH: No.

MR McGUINNESS: Have you any road design qualifications?

MR LYNCH: No.

MR McGUINNESS: Have you any qualification or professional experience in the calculation of economics for the purposes of a large scale road scheme?

MR LYNCH: Not for road scheme.

MR McGUINNESS: And you are not professionally familiar with the road design standards and the detailed assessments and methodology required to design a road?

MR LYNCH: That is correct.

MR McGUINNESS: So you say you are a facilitator but you have no engineering experience, for example, you facilitate ideas but you cannot tell whether they will be designed to standard or not, is that right? You can facilitate the idea but you can't say whether the design in front of you is to a DMRB standard?

MR LYNCH: One more time?

MR McGUINNESS: You facilitate ideas, you can't yourself assess whether a design that is in front of you is a DMRB standard, whether it meets a road design standard, that's right, is it not -- I have to say I don't know if this is a group discussion, with the greatest respect to Mr Brolly. I am asking questions, I am not sure I am putting it out. Ordinarily when somebody is giving evidence they do so on their own?

THE INSPECTOR: Can I come in on this? I realise what you are attempting to do here and I think we have understood from the outset that this was a proposal which was coming from someone who was not a qualified road engineer. That has been perfectly clear, and I think also in the answer Paschal has just given it has also been equally clear, and I don't think we need to labour this point. I know what you are driving at but we have got the point that you are making.

MR McGUINNESS: Hopefully my questions will be yes or no. Of course, I am not going to stop him from giving his answers. The Inspector is right, so what this is is a proposal that you brought forward. I think you brought forward the proposal at the start of 2015, is that about right?

MR LYNCH: The idea came from coming back to Northern Ireland and being back one week I realised this is broken. So this is July 2014, and I had various failed engagements with the political system and met my local MLA and I said: This looks like a process problem, can you help put me in touch with the Department. He didn't do anything. So I went to the Minister and said: I think I have a process solution to this problem. He didn't do anything. I went to the Committee and said: I think this is a process problem. Just before that the Minister said: Let's bring him in and listen to his proposal.

So the opportunity was framed from July 2014. But what is the specific bit of the question, is it the design part, because I would suggest the design part is in the future, not now.

MR McGUINNESS: Sorry if I was not clear, but there was a physical proposal that was suggested and that came forward at the start of the year?

MR LYNCH: There was an opportunity.

MR McGUINNESS: Perhaps I will put it this way. What I want to suggest to you is that your proposal has changed on a number of occasions. Initially before you went to see to the Committee up at Stormont, and you met Mr Spiers the day before, at that stage you had no provision for non-motorised users, but overnight you decided I can get provision for non-motorised users.

MR BROLLY: I am wondering, Chair, how is any of this clarification of the Vector proposal?

THE INSPECTOR: I tend to agree with you. This is going round the houses, I think. I know where you are coming from, you are being a barrister again.

MR McGUINNESS: With the greatest of respect I am not going to ask difficult questions.

THE INSPECTOR: You are stretching out something which I think is clearly understood. Bear in mind what we are here to do, we are here to hear evidence and for us to make recommendations. This is not a fully worked up developed proposal with every roads engineering consideration in place. You will not be claiming it is, you have said you are not a roads engineer?

MR McGUINNESS: I will try and be quicker and not labour each point. Your proposals changed, initially you had no non-motorised users benefits. You then had a route from the city centre --

MR BROLLY: Can I say again, Mr Chairman, I don't know how this is clarification of the proposal. We know, for example, the DRD came through many proposals and instead of costing 50m it is now costing 165m over the course 10 years. We have not cross-examined about that because it is not clarification of the actual proposal.

THE INSPECTOR: I agree with you completely. Can we deal with the scheme as is, not the various iterations that took place over the years. This is what we want to consider.

MR McGUINNESS: I accept that sir, but what I say is you have evidence given to you from Mr Lynch. A period of nearly two hours was utilised by them, both critiquing the Department and considering a new proposal. Now, I want to establish, sir, and I think it is important that I am allowed to clarify, and I could have clarified it in one question had I not had all these interruptions, that the proposal has changed, and changed significantly.

I am going to suggest to Mr Lynch the reason the proposal has changed significantly is that every time a professional identifies a difficulty with the project he decides let's do something else, but the problem is that he doesn't have the professional expertise to anticipate the problems that are going to come forward. So that is that point in a nutshell, sir.

MR BROLLY: Mr Chair, this is just rhetoric. If he wants to ask questions about the proposals, I understand that is what the remit is. He is not asking questions about the proposal, it is rhetoric. Every idea has to be develop. I know the amount of time and money spent already in the DRD proposal.

MR McGUINNESS: I will move on.

MR BROLLY: That is obvious that any idea has to be developed.

MR McGUINNESS: I will deal with six points, six reasons this proposal doesn't work, is that acceptable?

THE INSPECTOR: Of course.

MR McGUINNESS: I think that is certainly within the remit of this clarification presentation. I am not sure anyone can say that is inappropriate.

THE INSPECTOR: What I said to you earlier on when we were planning the session today is that I didn't think it was useful to go through your entire response to the proposal. We have got that in writing. That information is already here, so if you put a highlighted summary of the key points that you want to make would be useful.

MR McGUINNESS: Of course, sir, the situation changed yesterday, as you will recall, with the reworked document of 73 pages that was presented to us. I think because of the changes, some of which has been easy to

identify and some which are not so clear, I think this process is important.

THE INSPECTOR: It is, and on the sort of rolling programme of changes I think we get to a point where we have to take the situation as it is. If this situation between you was to be resolved in some way and moved forward in a collaborative fashion, I have no doubt there would be 150 changes could be made were you to head towards a solution. Ian has just passed me a note saying you have an additional new presentation.

MR MCGUINNESS: Sir --

THE INSPECTOR: Just a moment. We really cannot take anything -- we don't --

MR BROLLY: No.

THE INSPECTOR: The point that we are going to make is we can not take additional new evidence. What we want to do is to consider what you have presented and consider what the Department are going to respond with in terms of their high level response and then draw a line under it and then consider it. Is that okay?

MR BROLLY: Just one point that arises Mr Chair. I mean, obviously the purpose of the Inquiry is not for Mr McGuinness to say: We say there are six reasons why the proposal won't work. It is about clarification of the Vector proposal. That is the remit of the Inquiry. Of course, he is perfectly entitled to ask questions, but thus far it has simply been rhetorical. I ask the Chair to ensure that the questions are, in fact, clarification.

THE INSPECTOR: I don't like the rhetorical question approach. I would much rather get straight to the issue rather than going round the houses.

MR McGUINNESS: With the greatest respect, sir, Mr Brolly was given an amount of latitude on the last day. I want to establish the factual basis before we move forward. This is not just a clarification, this is the Department's opportunity to respond to the proposal.

I do say, sir, that in so far as any ruling has been asked for by Mr Brolly that I limit my points merely to clarification, that is entirely Procedurally incorrect. This is our opportunity to address the proposal, and I am obliged professionally to address the proposal. If the Panel have a different view I would welcome discussion in relation to that, but I can be absolutely clear, this is clarification and this is rebuttal.

THE INSPECTOR: We want the response and I think we need to hear from the engineers, the technical people who have designed the scheme.

MR McGUINNESS: You may hear from them, sir. I am going to put the rebuttal and if you need to hear from the engineers then you will, sir. In relation to my style of putting the rebuttal, hopefully I will be given some latitude and Mr Brolly will not be able to direct how I ask my questions, rather that you and Mr Cargo will take that into account.

Let's look at your methodology in relation to this. You have told us yesterday that the cost for smoothing a corner is £500,000, that is when you are coming down from the M2 going down Nelson Street, is it, and turning right? The suggestion in your evidence yesterday was the cost was £500,000 -- this is not a group discussion I have to say. Is that not right, is that not the newer evidence?

MR LYNCH: The specifics of that corner in particular doesn't need to be dealt with until well after the trial. So that is a more expensive corner

but we don't need to fix that yet. The half a million is relating to -- it was a million or 5m that could be used to reduce the radius of corners as required working through a phased trial approach as required where the bottlenecks manifest themselves.

MR MCGUINNESS: With the greatest of respect, in your evidence yesterday it suggests that the cost of smoothing the corner is £500,000, is that right or wrong, yes or no, you are making this more difficult sir?

MR LYNCH: I don't think I said half a million in relation to that corner.

MR MCGUINNESS: I will find it in the document where you say that, if you just give me 30 seconds. Perhaps you could help me and direct me to the slide where you are looking at out of scope proposals. It may have been in your original. I am suggesting that your proposals say £500,000. You have no experience, that is a guesstimate, £500,000 if you said that?

MR LYNCH: You have not quantified what that £500,000 is in reference to.

MR MCGUINNESS: How did you come to it, you say you have not quantified it, how did you quantify it?

MR LYNCH: The 1 to 5m estimate?

MR MCGUINNESS: No, the £500,000.

MR LYNCH: I am still not sure --

MR MCGUINNESS: The 1 to £5m estimate, how did you quantify that?

THE INSPECTOR: Gentlemen, can I call a halt for a few

minutes and ask the two sides to come and have a word with us on this. I want to clarify the way we are going to move forward. Let's break for five minutes.

(Short Break)

THE INSPECTOR: Ladies and gentlemen, can I have your attention for a moment, please. We have had a discussion with the representatives of both sides here. What we have been saying to them is we have a very specific requirement here and that this is an information gathering exercise and we are asking for it to be handled in a slightly different way. In order to give the two sides an opportunity to consider this we are going to bring the coffee break forward.

MR McGUINNESS: I thought sir, we were going to try it your way, if we can put it that way, for 10 minutes and see how we get on.

THE INSPECTOR: Very well.

MR McGUINNESS: Hopefully I can put it this way, we will do it in a less combative style.

MR BROLLY: Yes, please, I really would appreciate that.

MR McGUINNESS: If I can make the point, and Mr Lynch has just said, he made the point that his scheme cost 1 to £5m where at page 67 in his slide he said it costs 1 to £10 million. I think that is a valid response, that is what he said 1 to £5m, his paperwork says it is 1 in £10 million. I can ask him which is it certainly for clarification, does he say it is 1 to £5m or 1 to £10 million.

Mr Lynch?

MR LYNCH: The cost of the scheme is proportionate to how much flow benefit you require and the other considerations that are part of the

scheme objectives. That would be developed as part of any design depending on what view of the criteria.

MR McGUINNESS: You seem to suggest in your slide that you are doing this for zero pounds, but I think you said yesterday that you have a patent and you will be looking for a percentage, so that is a cost to the scheme. What percentage are you looking for?

MR LYNCH: That is something to be determined whenever we have a contractual discussion, and I would really enjoy that discussion, but that is something not to be discussed today. I would relish having that conversation.

MR McGUINNESS: Let's look at methodology. You have said that you don't need a detailed model, is that right, because you use common sense? But can I suggest to you that this is the busiest junction in Northern Ireland and is it not common sense that you have to make the model and use proper professional judgment.

MR BROLLY: Is that really clarification of the Vector proposal?

MR McGUINNESS: This is a response. Sir, with the greatest of respect, I have to be allowed to make some points. I can't just say: Here is our case.

THE INSPECTOR: Yes, Andrew, I would rather you would make your points, because this backwards and forward across the room is a very extensive process. In summary you can make the case as you see it in response to the presentation that we had the other day from Vector.

MR McGUINNESS: Our response is that you need a network model because DMRB suggests where there is a likely transfer of at least 1,000

vehicles a day or a major bottleneck needs to be removed, that is DMRB 5.4.3. I am putting to Mr Lynch that to develop this proposal, for his proposal to be acceptable he would have needed to provide a network model under DMRB, is that a fair point, sir? What do you say about that Mr Lynch?

MR LYNCH: There is a couple of key points, so if we approach this in a kind of piecemeal sense, to do a trial you can do it one junction at a time. One junction at a time is a minor improvement scheme and has quite different criteria reference the implications. So if you take it piecemeal and you think you can make an improvement on one junction and prove you can do it on one junction without having to understand the impacts on the rest of the system, you will be able to do that. It is a minor scheme. It is a refocused area.

There is a good example on that. Yesterday from the process improvement methodology, understanding the bottleneck and the impact whenever you resolve that bottleneck on the subsequent bottlenecks, i.e, Dee Street, is actually going to have an impact. That effect is absent from your detailed computer model.

MR MCGUINNESS: Sir, with the greatest respect, this is why I am trying to do it in the way I was, I will make a point and Mr Lynch will make his points for four our five minutes and the point is lost. This is the affect of your ruling, but I am happy to continue. If you can maybe confine Mr Lynch responding to the points being made, not going on to Dee Street.

MR BROLLY: I think, Mr Chair, he asked him the question and he is giving him a concrete example of how this concept works and how you can trial that. That is what the question was, and that is all he is doing. He is going to

give an example with a starting point of one trial that doesn't even involve shutting off the York Street intersection. I am sure the members of the public are interested in hearing how that might work and what impact that might have.

THE INSPECTOR: We had a situation the other day where without interruptions you made your presentation all the way through. What I am looking for this morning is without interruption and without asking questions, because you didn't have questions in your presentation, what is your response in narrative form, without asking questions, because this just goes backwards and forward and we get bogged down in detail. We need a high level response.

MR MCGUINNESS: We will do the response in narrative form.

THE INSPECTOR: Please do.

MR MCGUINNESS: Our first point is Mr Lynch is saying we can do a trial, we will trial one route, two routes, three routes. The proposal that he put before the Inquiry yesterday is a proposal with six routes. Now, it is proper for us to assess what that proposal means and what assumptions he has used in relation to that proposal, to see whether it is effective or not. It is very easy to say I have an idea, let's go up North Queen St. Oh no, that doesn't work because there is non-motorised users, let's change. Let's turn right and go down over Bridge End and up Middlepath Street.

Effectively every time the Department say that is not going to work then he comes up with a new idea. Unless we test it there is no way of validly assessing the idea. What I will say, and perhaps I could get slide 65 put up and I will make a number of points in relation to that and Mr Lynch can come back and comment. Is that a more appropriate way of dealing with it?

THE INSPECTOR: We are not looking for a lot of exchange backwards and forward across the room. We have had a good presentation the other day as to what you were proposing in terms of a flexible approach which can move and be developed or go this way or that way. What was on the table the other day is what we are looking for, a definitive response in terms of a narrative rather than questioning backwards and forwards.

MR BROLLY: We had understood that they were going to tell us today why this proposal can't be trialled.

MR McGUINNESS: We will deal with the trial. What I will do, sir --

THE INSPECTOR: Andrew, I am not trying to be difficult here, I am simply trying to simplify a process so that we can get through it quickly. I am a great believer in getting to the issues.

MR McGUINNESS: Sir, I have six issues in relation to the proposal: Methodology, strategic objectives, traffic assessment, engineering, the proposed trial and severance. Perhaps I should outline the issues we have in relation to each of those issues one at a time and Mr Lynch can come back. Is that a preferable way?

ASSISTANT INSPECTOR: I don't think we are looking at this stage for Mr Lynch's response to your reply. What we are looking for is your response to what he has already given us. He has had the opportunity to explain in full what his proposal is and we are looking for your response. We are not looking to see what he thinks of your comments.

MR McGUINNESS: Okay. Let's try it this way and what I will

invite the engineers to do is after I have made my comments to join in. I do say, sir, that what is happening here is effectively I am being denied the right to expose the issues that we perceive in Mr Lynch's plan.

THE INSPECTOR: I do not like --

MR MCGUINNESS: -- I accept if you make a ruling you make a ruling.

THE INSPECTOR: I do not like the language which is implying that you have been denied the right. All I am suggesting, or we are suggesting is the proposal has been presented in a style which was informative and which told us what we needed to know. What we want is a clear response, similar to the document which we have already had from you, but in an abbreviated form giving us what you think about what is being proposed. Now, if you feel that is denying you the right I will be very uneasy with that. Very uneasy. I don't want anyone leaving this Inquiry saying Jim Robb denied them the right.

MR MCGUINNESS: Perhaps I will amend that comment, sir, and say that I am happy to go with you, let's see how we progress. I am just concerned, it is important that everyone gets a say, and we have listened carefully to all the residents, and that is entirely appropriate. I am not saying we should do anything other than that. I just want to ensure that the Department are listened to carefully. I know you have done that so far, sir.

THE INSPECTOR: That is always my purpose. Let's get at the issues more directly rather than taking them in a round about form. What you suggested a few moments ago sounds fine.

MR BROLLY: Can I make one point, Mr Chair? There is nothing

new, nothing new in the Vector proposal. Nothing new, and there have been three lengthy papers from the URS Global Consultancy firm, all of which are on-line, each one providing different critiques of the Vector proposal. So we respectfully agree with the Chair that the best way to proceed now, and this is what we understood we were here for, was to listen to a simple response.

MR MCGUINNESS: I think effectively, sir, we say that a number of journey time saving performances have been identified. I will spend five minutes on methodology. We say a number of journey time savings have been identified. It is not clear from the table if you look at route two where the volume is obtained from. But we say sir --

THE INSPECTOR: Might I interrupt, not for any criticism, I am aware we are at 11.15 and you are getting into the matters. Can we take a break for 15 minutes?

MR MCGUINNESS: Yes.

THE INSPECTOR: Let's come back at 25 to.

(Short Break)

THE INSPECTOR: Let's get the show back on the road.

MR MCGUINNESS: I had raised an issue of methodology. The only point I want to make, sir, is in the journey time savings table Mr Lynch appears to have multiplied the total number of vehicles in the junction by the -- for example, if we look at Number 2 we see there are 15,000 vehicles in the junction. He suggests that the time at peak will be 3.55 minutes, and he basically multiplies

those to get the time from minutes lost. We say you cannot do that because not all the vehicles go through the junction at the peak time, and some are going through the junction at off peak. So that is an inappropriate methodology. We say that in relation to methodology.

I will move on to strategic objectives. We say that the policy that we have does not permit and provide. It is one of sustainable development. TNI are looking at the entirety of the network and are identifying needs that have to be improved. We say York St Interchange has been identified as a key issue in policy documents to include BMAP. We say that our present scheme is entirely compliant with policy, but critically what we say is Mr Lynch's scheme doesn't meet the policy objective.

He indicates in his submission that his scheme is neutral in relation to integration. We say it is clearly not neutral. The reason we say that is we draw comfort and strength from BMTP, and I refer you for your own notes, but you will be aware that BMTP suggests that strategic and local traffic should not be mixed. So the network should be defined such as conflicts between strategic and non strategic traffic, I.e, a short distance, local traffic are minimised. We say it is a clear principle that you don't mix strategic and non strategic traffic.

What Mr Lynch's proposal does, in effect, is he takes strategic traffic down Dock Street, which is perhaps a local distributor route, not a district distributor route. If we remember the hierarchy from BMTP we have a strategic route, we have the district distributors, we have the local distributors or residential roads, so we say that he is taking a strategic route down a road that is two stages down from the strategic route. It is down at York Street. There is a right turn in

Dock Street and then he goes up Nelson Street.

We further say that not only are these local residential or local distributor roads, but they are not even Trunk Roads. We say the mixture of strategic and local traffic is inappropriate. We draw one example, an easy example of a mixture of local and strategic traffic is provision to Galway house. You will have someone coming from the city of Belfast, they have to go onto the Westlink and down York Street and turn right. So clearly they are mixing in with the strategic traffic coming from the Westlink and going onto the M2.

We say York Street is an arterial route in relation to BMAP, and that is part four, volume two for your notes. As you will know and perhaps not everyone in this room will know, the key issue in relation to an arterial route, and this is why it is important, is that it is open to through traffic. That is all forums of through traffic. So he is taking the strategic traffic through an arterial route and effectively severing it. We say that York Street is a key access from the city to north Belfast but that is being disregarded.

In relation to cyclists and pedestrian provision we say that BMTP is clear, and for the record I will refer you to figures 8.3 and 8.4 of the BMTP.

You may remember there may have been some discussion with this in regard to Belfast City Council but the important thing about those is that York Street is part of the proposed cycling network. What we have up in front of us is the quality working corridor. There we have it. We can see on the screen it is part of the proposed cycling network. So the proposal is contrary to policy in relation to that. If we go back to the page before it, we can see that Yorkgate is also part of the proposed corridor, and we say the proposal doesn't fit with the policy objectives

in relation to that.

There was a suggestion, Mr Lynch raised an issue that there were 500 pedestrians using York Street. Our calculation is there is 1,300 pedestrians using York Street, we had counts in 2012. Importantly we say that provision for pedestrians and cyclists is important because we know the University of Ulster campus is opening and being regenerated and we know there is a train station at the top of York Street, so we can comfortably suggest that it is likely that the pedestrian provision there is not going to get any smaller. In fact, we suggest the pedestrian provision will increase.

Looking at the Port of Belfast as a regional gateway, we say that their proposal does not maintain the access to the Port of Belfast, but reduces the access to the Port of Belfast. You will recall that we say it appears clear from their proposal that it is going to be very difficult for the Port to have any access along Corporation Street where their aim to the Westlink comes down. Of course, that in one sense takes us back to the suggestion that if there is merging that, of course, affects the traffic flow and that that will reduce the flow rates being predicted. So that is what we say in relation to the strategic reason why this proposal just doesn't work. It doesn't meet the BMTP and it doesn't meet BMAP.

Hopefully I have covered all the issues. I think it is important that any issues I raise is covered by technical evidence if necessary. I will invite Una Somerville and ask her if there are any issues why this doesn't work in relation to policy or strategic objectives.

MS SOMERVILLE: Do you want to finish your presentation?

MR McGUINNESS: I can make the six points and then call the

expert or you can hear from the expert now. How would you prefer it?

THE INSPECTOR: I think if you want to call an expert to deal with a specific point before you move on to the next point, for clarity that would seem logical to deal with it as a little package.

MR MCGUINNESS: What I have done is I have pointed to very specific policies that this proposal contradicts, but perhaps Mrs Somerville could give us an overview of policy from a higher planning level. Let's look at the top of the planning hierarchy.

RESPONSE BY MS SOMERVILLE

What do you say, is the Vector proposal consistent with policy at higher level in the documents that I referred to?

MS SOMERVILLE: For the record my name is Una Somerville, I am a planner and I have an honours degree in geography and a Master of Science in Town and Country Planning from Queens. I am a Member of the Town Planning Institute and a founding member of the Environmental Planning Law in Northern Ireland, and I have approximately 28 years as planner.

So the question is, I suppose we are addressing Mr Lynch's point in his submission that it is BMAP neutral or planning neutral. I would like to make the point that we are not just dealing with BMAP, we are dealing with a whole suite of policies in regard to planning policy. We have these references, and I would just like to take you through them.

If we start at the top, which is the Regional Development strategy,

the RDS. That is the overarching framework. Within that the role of gateways and corridors, the role of the city region, the role of the Port is highlighted. We can take you through the specific references of those or follow that up separately.

Basically high quality connections and providing high quality connections is fundamental to the delivery of the Regional Development strategy. Mr Lynch's proposal would be a conflict with that.

The second-tier of the policy is the Strategic Planning Policy Statement for Northern Ireland. If you go back to the fundamental premise of the scheme we are dealing with taking strategic traffic into a local area or onto localised roads, those roads are least capable of dealing with strategic traffic. So I reference this particular policy because again it is an overarching document, the next tier down, but within it are the principles of planning, and they are set out in black and white:

"Planning exists to regulate the development and use of land in the public interest and it should be carried out in a way that does not cause demonstrable harm to interests of acknowledge importance.

It is also an objective of planning that there is orderly and consistent development of land."

The movement of strategic traffic into a local neighbourhood, or into less hierarchical graded roads would indeed conflict with that policy.

On the Regional Strategic Transport Network Transport Plan and the BMTP, Andrew has already referred to some of those policies, again there is reference to linking the facility to walk, to cycle. York Street, I suppose. Is my key concern in regard to Mr Lynch's proposal, and it is the closure of York Street

and the severing of the connection that is of principal concern in planning terms.

So we have dealt with the BMTP in some detail.

There are walking and cycling policies in paragraph 4.4 and in paragraph 6.11, the strategic network is again highlighted. There is an absolute emphasis in all the policies that there should not be a mixing of strategic with local because of the conflicts that arise out of that.

Specifically in regard to BMAP, which is what Mr Lynch had focused on, but I am trying to make the point that BMAP is only one element of a suite of policies that would need to be looked at, but if we focused on BMAP, again I disagree with Mr Lynch, I think it is not neutral. In fact, his proposal is entirely in conflict and contradicts BMAP.

Firstly in regard to the community greenways, York Street and Corporation Street under policies OS1 are identified as greenways with that there is an assumption there would be free movement for pedestrians and cyclists.

Arterial routes has already been referenced, and again York Street is of concern there in regard to policy set three.

Other documents I would like to bring into the mix, while they are not planning documents they are very important documents, the first of which is the DSD's urban regeneration and community development policy framework of July 2013, and on page 16 of that document under policy objective three, it is improving linkages from communities to areas of opportunities. We have heard very strongly and forcefully from the residents in regard to some of their concerns, and we have also heard evidence in regard to the fact that there are disadvantaged communities adjacent. So it is a very significant policy by the DSD that there is

encouragement and connection, and the York Street link is a vital component in that. I will contend that Mr Lynch's proposal would be in conflict with that policy.

Belfast City Council's own regeneration strategy recently published linkage to the city centre is again a vital element. We have a situation where we have the University of Ulster and the railway halt as key building blocks and future building blocks by way of regeneration, by way of opportunity for the communities that are adjacent and to the wider city and there would be some significant concerns in regard to delivering that objective within the city centre regeneration strategy.

In summary Mr Lynch's scheme, from my professional opinion, is in conflict with not only policies in BMAP but also with the spectrum of policies throughout the hierarchy of planning.

If you would like me to elaborate further we can supply details of these documents to the Inquiry, the references I have given you, but we are more than happy to take you through some of the detail, if you feel it is necessary?

THE INSPECTOR: I think the high level explanation which you have given very eloquently will be sufficient at this stage. You have given the references so if we decide we need to come back to that obviously we can look at those and those can be made available to us.

MR BROLLY: Can I just clarify who does the witness work for?

MS SOMERVILLE: I work for URS. I am a planning consultant within the Beech Hill House team.

MR BROLLY: And one other matter, have the things that you have said, which I found extremely difficult to understand, are they in the URS, the consultants critique of the Vector proposal?

MS SOMERVILLE: Could I just clarify through the Chair, I think Mr Brolly said yesterday he wasn't going to cross-examine witnesses; is that correct?

THE INSPECTOR: I would prefer this was straight through.

MR BROLLY: It is just one query. Is what you have said today been incorporated into the consultant's critique of Vector?

MR MCGUINNESS: I think I can clarify that, sir.

MS SOMERVILLE: The purpose of this morning was to be able to rebut, and I have only seen the recent iteration of Vector so, no, it hasn't been in the document, but we are giving oral evidence this morning and I presume that oral evidence still has equal weight.

MR MCGUINNESS: If you recall sir, this is a proposal that has mutated, and my recollection is that it was the middle of October, the slide show that came before what was in yesterday was produced, so as you know, sir, there have been a number of documents that were produced after the Inquiry here. URS has been working very hard to deal with those.

THE INSPECTOR: Can I again, I am a great believer in taking these thing to the higher level. When you have worked up your proposals for your current scheme as it stands on the screen, would you have taken these documents into account in designing your scheme?

MR MEGARRY: Absolutely. Absolutely. In terms of the proposed scheme?

THE INSPECTOR: Yes.

MR MEGARRY: Absolutely.

MS SOMERVILLE: Mr Coughlin might best address this. The scheme has been accompanied by a very robust and detailed Environmental Impact Assessment which deals with planning.

THE INSPECTOR: I am okay. Let's keep it at high level. I am happy with that as a statement and if we need the evidence of that we can.

MS SOMERVILLE: Chair, can I add something? Some of the planning policies have not been referenced in detail in our submission, back to the Vector proposal. But there is extensive reference to the transportation documentation that does form part of the planning forum, so there is detailed reference there. We are adding some additional comment by way of rebuttal.

MR BROLLY: Mr Chair, for example, you don't seem to be aware that the Vector proposal leaves open the idea of a cycle pedestrian bridge over the York St Interchange.

THE INSPECTOR: Please, please, please. I don't want to get into the backwards and forward.

MR BROLLY: I appreciate that, it is not Vector who have prolonged this.

THE INSPECTOR: I have read in your proposal, and I don't think you specifically mentioned it the other day, but that was clear to us that that option was there. Let's go back to the format, please, it is working quite well.

MS SOMERVILLE: If I could clarify for Mr Brolly, what I am saying is in planning terms and in my professional opinion Mr Lynch's scheme is in conflict with a range of planning policies from the highest level to the area level, to the site specific level, so just for clarity.

MR BROLLY: Of course, there is one point, Mr Chair, the policy means all things to all men. There is 188 design breaches including a road safety audit.

THE INSPECTOR: Please, please, please --

MR BROLLY: There is one issue --

THE INSPECTOR: -- Stop. Stop. Stop. Stop. I want to hear the presentation from the Department in response to your presentation the other day.

MR BROLLY: That is what we understood we are here for.

THE INSPECTOR: No, we are hearing what we are hearing.

MR BROLLY: There is one matter --

THE INSPECTOR: Please no more. Please no more. This could go on for days.

MR BROLLY: There is just one matter. Has anyone from the DRD had anything to do with this from the outset, apart from passing the ball over to URS consultants to run with it?

THE INSPECTOR: Please stop this.

MR BROLLY: Has anyone done anything?

THE INSPECTOR: Please stop talking. You are being totally disrespectful to the process.

ASSISTANT INSPECTOR: You should fully understand that we have a full list of references of the policy documents that pertain to this development and we are quite capable of reading them from page 1 to the end and understanding what the policies are.

MR BROLLY: Yes, Chair.

MR MCGUINNESS: The third issue that we say why this won't work is in relation to traffic assessment. The fundamental premise of Vector's policy appears to be that they had analysed the Middlepath Street junction going up to the M2 and they felt that there was sufficient capacity. It is not clear exactly how that analysis was carried out. What we say about that is that if you think about the journey that is taking place, they are taking all of the city traffic to the M2 along Bridge End, it travels along Middlepath street and it will make a sharp left-hand turn and it is going to go on the on-slip. Now what it has to do when it gets to the on-slip is it is all going to the M2, we say that is an additional 11,800 vehicles per day in 2021 and all of those vehicles have to merge. What we have here is a conflict.

We say that whilst a superficial analysis of that junction might suggest if somebody was looking at it that there is capacity here, the reason why you might say that is because any traffic that's going up that on-slip and intending to go to the M2, first of all we say traffic coming from the city if it is going to approach York Street it is more likely to go up York Street at present. So most of the traffic that is using that junction is intending to go up the M2.

Whilst that is two lanes, if you are intending to merge to the right, what happens there is you will get into the right-hand lane. So all of the traffic that is intending to use that on-slip will be in the right-hand lane, because rather than merge across two lanes to get into the third lane, which is the M2 lane, they will want to be in the right-hand lane. So we say a superficial analysis of that may suggest there might be capacity in the left-hand lane, but that doesn't recognise

what is going on there at present.

What we say is at present because of that merge for traffic going up to the M2 we have a conflict between that traffic and the traffic coming down from the Sydenham Bypass. It travels along, approaches this junction but it wants to go to the M3. At present there is a merging issue there. At present there is congestion. We say putting another 11,800 vehicles per day up this on-slip will increase this congestion, and that is effectively another bottleneck.

To put that in perspective 11,800 per vehicles per day on average is 20 vehicles a minute, and we know that 10% of vehicles travel at peak time. So at peak time it will be more than that. What you are doing is adding another 20 vehicles per minute into that merge where there is already congestion and a bottleneck. We say this won't work. So that is the issue in relation to that merge and that weaving.

In relation to traffic assessment there is a use of ad hoc pedestrian lights in a number -- first of all from a higher level Mr Lynch tends to suggest we solve this by getting rid of the traffic lights, and where there are conflicts there are ad hoc lights. We know what they are, they are effectively pedestrian lights.

Mr McShane yesterday identified an issue for the Harbour Commissioners that was dealt with by the Department in relation to some of the accesses and conflicts. What we point to as an example of why it is inappropriate to use the ad hoc lights is, let's consider the Odyssey and let's consider the fact that there are regular events in the Odyssey on weekends and on a Thursday and Friday night.

Mr Lynch put traffic along Queen Elizabeth Bridge and it is coming

along Middlepath Street, and that is in free flow. He has ad hoc pedestrian traffic lights at the E, or at the person just above the E of the bridge. Effectively the only way that light can be engaged, and this is in the slide, the only way that light can be engaged is if a pedestrian comes along. So we have people coming down intending to go to the Odyssey, traffic backing up there and those cars are lower than the pedestrian. We say that is not practical, but Mr Lynch may say, and I think yesterday he amended his position slightly and said --

MR BROLLY: Wait for one second, I think Mr Lynch has something to say and it may save time.

MR LYNCH: When I was copying and pasting I didn't put the little clock beside it to say it was a signalised junction. If we had talked about this in February you could have clarified, but the clarification is now nine months later. Apologies. Those are signalised.

MR McGUINNESS: Mr Lynch at all times said this is free flow. If it is signalised and all these calculations are based on this being free flow, why he says his scheme works is because it is free flowing traffic, there are no conflicts. Once he started introducing signalised junctions he doesn't have free flow any more. What you effectively have is a traffic light management system, and we have those in Belfast already, it is called SCOOT, I think that is the right acronym. That is what we say is an issue in relation to traffic assessment.

Let's look at Dock Street, and what effectively Mr Lynch is suggesting is a closed loop. We know there is a bridge at Dock Street and we know that there is a northern side of the bridge and a southern side of the bridge. On the southern side of the bridge all of the traffic from the Westlink to the M3 will be

brought through, and on the northern side of the bridge effectively you have at the pinch point on the bridge at present two lanes. Now those lanes flare at either side but at the pinch point there are two lanes.

What Mr Lynch intends to do is he wants to take the traffic coming from north Belfast travelling west to east, he wants to take that along the north side of the bridge but on the south side of that. I hope I am not confusing you. On the south side you have traffic destined to the M3. North side coming from north Belfast -- and you will just see the pinch point where there are two lanes. Hopefully John can identify the pinch point in relation to the bridge. So he will have traffic going on the north of that into the city, but more significantly you will have -- there presently is traffic travelling east to west.

What Mr Lynch intends to do is he wants to take Belfast traffic from the city centre into north Belfast up that route. That involves travelling up Corporation Street, turning left at Corporation Street and coming along and approaching this junction. We know that one lane is going to be going west to east, so all of the traffic that he is rerouting is going to have to go along on that north side in this area.

Now, we say that there is an additional 8,400 vehicles going in this direction, and that is additional vehicles. The professional view of URS is that this will create a bottleneck. So we say it doesn't work because that is a bottleneck.

I think it might be useful just to consider the unconventional nature of this layout and imagine that you are driving along up Corporation Street on a dark night and it is wet. You turn left, we approach the underpass, and very peculiarly you have oncoming traffic on your left-hand side, and I don't think there

is another situation in Northern Ireland that would have significant oncoming traffic to your left-hand side in a situation like this. You also have traffic coming from your right-hand side. You come along and you approach the traffic lights, but what you are doing is you are approaching oncoming traffic as well. You are not familiar with the area, it is dark, wet, we say that's a safety issue. We would say that you can see that as a safety issue.

Those are the high level points in relation to traffic assessment.

What I might do is ask Mr Megarry whether he is happy with the points that I have made and whether he can confirm that is, in fact, his professional assessment as I have described it and whether there are any other points he thinks would be useful to be heard at this high level.

RESPONSE BY MR MEGARRY

MR MEGARRY: Again for the record I am Michael Megarry I have a BEng --

MR BROLLY: We are happy with his credentials.

MR MEGARRY: If you bring up route three, the coloured map. I want to quickly walk us through this issue of strategic and non strategic traffic. I don't imagine it takes much explanation.

Strategic roads have higher standards. There are increased horizontal, vertical geometries, stopping sight distances because they deal with greater volumes of traffic. Non strategic roads have a commensurate reduction in those standards. The fundamental issue with Vector is the change, and it is a

sudden change.

Just to consider route three, route three is shown in green. If you can imagine, place yourself in the eyes of a visitor to Belfast, a traveller who has travelled from the M1 around the Westlink. They have travelled on a road with certain standards, certain forward sight distances and they arrive at Mr Vector's rerouting, route three, the green line. So the first obstacle they encounter is this tight turn to the left. Now you might say that that is a movement currently made, and that is absolute correct in that regard, but in my opinion the manner in which a driver approaches a junction, a signalised junction is very different from how he approaches a free flow lane.

As you approach a signalised junction you can see the lights as you approach. You might see a green you might see a red or amber. You will take account of all those scenarios. If you have a free flow lane all of that is taken away. Nevertheless, this driver, the visitor to Belfast has descended from the Westlink and turned the corner. So let's assume he has been able to negotiate that in free flow. He then enters a strait, and it is reasonable to assume having negotiated this corner that potentially speed would increase, after all he is likely under Mr Lynch's proposal to have signed that he wants to go to the M3. So he is travelling along the strait and what does he encounter? Effectively two 90-degree bends. I would suggest that it is all about drivers failing to appreciate that change of standards.

We have invited comment from our Road Safety Audit Team and their words actually refer to vehicles overturning in relation to those movements, particularly that turn, simply as a result of drivers failing to appreciate the change

in standards having left the Westlink before joining the M3.

If I can then drill on to the unconventional nature of dock Street itself. If we can have that slide up. Just to say if it isn't clear to everyone hopefully this makes it clear. What I am again suggesting is that the space given over in yellow is Mr Lynch's green route, route three. Straight away you can see that he is taking people down the wrong side of the road. I am not suggesting that that can't be done, but it is unconventional.

To understand, this is a visitor who has come to Belfast and turns this 90-degree corner is on this side of the road and he is in a circuit. He is coming this direction and he is coming here and nobody else is joining that circuit. Just to give you an appreciation of the lanes that are currently in place. You can see there are three lanes for traffic travelling in the western direction. In the eastern direction you can see there are four lanes of traffic and, again, as Andrew has pointed out, there are a number of pinch points. So three lanes here, four lanes here. My simple point here is all of that is expected to be corralled somehow into the blue. There physically is not the space.

Two issues on that. Simply that even if it could work it would be a bottleneck. The Vector proposal creates a bottleneck in attempting to remove a bottleneck. But there are specific road safety concerns with regard to the Dock Street junction. If you can imagine, let's suggest that somehow it could be undertaken, traffic wishing to travel towards Brougham Street then is facing the straight ahead traffic. They have to sweep in and sweep this direction and move in there. Our Road Safety Audit professionals who have been exposed to the rerouting concept have concerns about the unconventional nature of this route.

If you are happy I can continue on the theme of engineering?

MR MCGUINNESS: That was my next point, point Number 5.

We have methodology, strategy, traffic assessment, and my fourth point. Perhaps I could deal with engineering now. I can deal with it fairly quickly.

The high level point in engineering, and this takes us back to BMTP, is that the network and in this case the strategic network, that is what it is talking about at page 63, the strategic network should provide consistent standards of highway provision. If we go back up to the top of that page. It is identifying the strategic highway network. We see:

"The network should provide consistent standards of highway provision. Current sections of the strategic network include a number of discontinuities in terms of quality, safety and capacity."

We are saying that we are mandated to -- and it may well be Vector say: Gosh, sure at the minute there is a difference in standard of design, but the point of this proposal, amongst other things, is to deal with the bottleneck and to bring the design standards up. So we say the difficulties with the Vector proposal is that it provides a number of inconsistent standards, and Michael has already addressed a number of those.

He has talked about the Westlink coming round and the two sharp bends, and if you think about coming down from the M2 and going to the Westlink under Mr Lynch's proposal, we are moving from a motorway to a local distributor road and we have a sharp right-hand bend there. We say this is not a consistent standard of design. It may well be that Vector say that is what is there at present, but we say at present that is controlled by lights.

So the point Mr Megarry makes is that someone is coming along, they will see the lights, they will be slowing and are aware there is a junction there. In the Vector proposal there is into lights there and effectively you are coming down and you are in a motorway, so one might suspect this is a strategic network, this is a motorway, there is going to be consistent standards of design, why do I need to slow down? Why do I need to change my course significantly?

There is another engineering issue that we deal with. Of course, what we intend to do in our scheme is bring up the standard of design and to ensure consistent design across the strategic network.

We have already referred to the weaving issue at the M3. I will not labour that. Again, the suggestion that there may be some ad hoc pedestrian lights, we say that is not consistent. I will give you one example.

Think about somebody coming from the Westlink going to the M2. They come along the Westlink and turn left into York Street. They are thinking the Westlink is a special road and has a certain standard. The only way pedestrians can get access to Galway House is via an ad hoc pedestrian light. If there is any pedestrian or cycling access to Galway House there has to be an ad hoc pedestrian light at least, otherwise Galway House is completely separated from everything other than cars.

What that means is that somebody coming along on a strategic network can all of a sudden be faced with a light. Of course, in circumstances where they can be travelling at speed they turn this corner, all of a sudden they come across a red light. So that is another issue in the engineering design standards. It might be people say look at what is there at present. We are trying to

improve, not only deal with the bottleneck but bring the standards up. That is the purpose of this scheme.

The final point is engineering, and I will need Mr Megarry's input on this, because I am ill-equipped to address it properly. It is the convergence of two routes under Mr Lynch's proposal. The first route is coming from the M2 and going to the Westlink down Nelson Street, and the second route is coming from the M3 and going to the Westlink, and it is where they meet in Nelson Street.

Yesterday, I am not sure if it was Mr Lynch or Mr Brolly made the point about the merge there, but my understanding of what will be happening here is effectively there is two lanes converging at this corner, so that is four lanes going in, but those four lanes have to become two lanes very quickly.

Now the issue was raised with us that we have a merge but what you have here is a third lane merging into two, you have two lanes both trying to merge. So you have a four to a three and then a three to a two. You have that in addition in a distance of about 260 metres. I anticipate Mr Megarry will say that is something that is unknown in Northern Ireland. I will ask him to expand on that. That is another issue that say is an engineering issue that is unlikely to be resolved.

MR MEGARRY: Yes, I mean to reiterate on Andrew's point. When we initially looked at the Vector proposal, or earlier iterations of the Vector proposal it was unclear how free flow could be achieved. The two routes that we are talking about are Vector's route 5 which is shown in orange. This is the route from the M2 travelling towards the Westlink, and route 6 which is the M3 travelling towards the Westlink. What has subsequently been confirmed in subsequent versions of the Vector proposal is that they propose two lanes, again

without traffic lights, so negotiating a tight radii, but two lanes turning and two lanes on.

There certainly is the road space on Great George's St to just about do that, obviously there will be a convergence of flow. Two lanes, so a convergence of two lanes from the M2 and two lanes from the Westlink. As Andrew has outlined, what Mr Lynch clarified yesterday was obviously anyone who is familiar with the Westlink knows that there are three lanes at this point as the traffic from Great George's St enters the Westlink, and those quickly drop to two. What the Vector proposal introduces is a four to three to two within what we estimate to be 260 metres.

Mr Inspector, I struggle, and I do not believe that you will find that arrangement on the strategic network in Northern Ireland. I don't believe that you will find that arrangement on any part of the entire 25,000 kilometers of the road network in Northern Ireland.

Certainly even if it was considered you cannot drop four to three to two without distance. That distance is simply not possible and it will cause congestion. Ironically, the bigger flow, I can we can appreciate, is the M2. And the Westlink, it would be a lesser flow. But in that arrangement it is the Westlink flow that will get the rub, because they will be lined up. They will not be having to go four to three to two. It will be the M2 flow that will have to initially tuck into the third lane and then move into two lanes. So the four to three to two will only impact the M2 flow, which is the bigger flow and it will lock up, in my professional opinion. It simply would not work.

MR McGUINNESS: I think the next issue that we want to move

on to is my issue Number 5. I suppose we could use the Great British Bakeoff and say this is another show stopper, this is the issue about the trial. The suggestion from Mr Lynch was that this trial could be done very easily, put black bags over the traffic lights, and the only real issue is communication because you need to communicate with folk in relation to the trial.

I am not going to go into it in detail. It is not entirely sure what is going to be trialled. We say it is not as simple as that, and we say that for a number of reasons. We say that firstly before you would undertake a trial you would have to be convinced that there was some credit to the scheme. You would have to consider the safety effectiveness and acceptability of it.

Mr Lynch makes criticism of the Department, and he suggests that they wanted my documents, there was some issues in relation to that, and had we engaged earlier they might have been able to do this trial by August. We say that the scheme details were only revealed to us formally on 17th August. They have to go to consultants. This consideration of whether it is safe, effective and operationally acceptable, that has to be done by experts.

He then suggests these consultants have a vested interest in relation to it. Those consultants can't assess this scheme. In effect what he is saying is if consultant are engaged in a scheme and in designing the scheme and if somebody comes along with a critique we have to get another set of consultants in to decide on that critique. So the criticism of the spending, rather than having one set of consultants you have to have two sets of consultants. That is entirely impracticable. This is how we answered the suggestion that there is a conflict of interest, let's look at the Safety Audit. We all know safety audits can be done on a

computer programme. They are the application of professional knowledge.

URS were engaged to do the Safety Audit. That was raised on the first day by Mr Brolly. He says you are assessing your own scheme. That didn't stop them exercising their professional judgment and the Safety Audit team saying: We think there is disadvantages of your scheme, we think there is a disadvantage, or potentially a safety issue in relation to Clifton Street. So to suggest that you cannot have someone who has invested in a process, or a company that has been employed independently as consultants to critique or trial this, I say that doesn't run.

In relation to the trialing, I say there is a fundamental misunderstanding of policy, that the policy in Northern Ireland is EO 36, and it is in RSPBG. What that suggested in paragraph 2.3.3.2 is that a traffic management or a pilot project should run over the period of 12 months. So you can't just say: Look, let's run this for a couple of days, for a couple of weeks. You have to run it for 12 months. If you are going to run it for 12 months we then need to consider vehicle emissions, noise levels. We need to model the traffic to deal with those. Then if it is 12 months, if it was a permanent solution you absolutely would need an Environmental Statement and an Environmental Impact Assessment.

MR BROLLY: Surely that is all good?

MR MCGUINNESS: It is not necessarily a permanent statement. The strong feeling is that because it is over a hectare in relation to the environmental regulations, is that you will meet significant criticism and would be vulnerable to challenge if you fail to make an Environmental Assessment, but you need the air and noise assessments.

Of course we looked at the trial yesterday and we know for that 12 month period local traffic has been moved from Corporation Street to North Queen St. So for a period of 12 months where you now have all the local traffic, city of Belfast traffic, it will be up North Queen St and that is something Mr Lynch already discounted because he initially had Belfast traffic going up North Queen St, and he accepts that that proposal is inappropriate. We are now back to the situation where the docks won't have access. So we say that it is not as simple to say throw a few black bin bags over traffic lights. It is much more complicated than that.

Some times the simplest solutions are the best but simple doesn't always mean right. We say that in this circumstance it is not just simple. For example, Mr Lynch in his rebuttal document of 6th November 2015, accepts that our proposal is better than his. He also suggests that the policy is too harsh, in particular in relation to the environment. You can't reduce or dilute the policy because it is too harsh. To make it simple, it has to be done properly. It has to be done safely. If you don't do that, and as Mr McShane indicated yesterday, if on the first day a pedestrian is injured as a result of this how does that look?

That is why we say that the process of trialing this doesn't work. Trialing this proposal doesn't work. I am not sure whether anyone wishes.

MR SPIERS: Perhaps can I add something to this, Mr Inspector? Sir, we have to be satisfied and fully satisfied that any proposal is safe, effective and operationally appropriate. In my professional opinion I am wholly satisfied that what is proposed here will cost congestion, significant safety issues and it would cause significant problems, significant severance. There is nothing in this scheme that would convince me at this moment in time that in my view that there is

any value in examining it.

MR BROLLY: Which was your attitude from the outset,

Mr Spiers: I have a gut feeling this won't work and a stonewalling exercise from day one.

MR SPIERS: Inspector, when I first viewed this, in the light of my experience and knowledge of the area I made a few comments because I had just viewed it very shortly over a period of about five minutes, but the thing is I am more than ever convinced when we carry out a full and detailed examination that there is nothing in this proposal that has merit to be taken forward.

MR BROLLY: We are against it has been your attitude from the beginning.

There is one point, Mr Chairman, that might clarify a lot of things for the Inquiry and public in relation to the trial. Again, I think the Chair understands that this is concept and that it can be trialled in phases, but there is one important element of that that would be of interest at this point in relation to what Mr McGuinness was just saying.

The proposed starting point for a trial would be this, you just take it in easy steps. The first part would be to leave York Street as it is at the moment, leave it working exactly the way it works at the moment. Put the M3 traffic coming down the Westlink into the left lane, which has always been Vector's proposal.

MR MCGUINNESS: This sounds like new evidence.

MR BROLLY: Not at all.

THE INSPECTOR: Gentlemen, I thought we had agreed earlier

that we had your input.

MR BROLLY: It is important for you --

THE INSPECTOR: We can always find, and I am sure that you are absolute correct that this is important.

MR BROLLY: It is important that the trial can be started by leaving York Street intact and doing just one thing. Put the M3 traffic into the left lane so it goes around Dock Street. The benefits of that immediately is the Westlink will work properly with the fast lane on the right-hand side. All the mergers from Clifton Street would now be okay because they wouldn't have to weave across to the M3 as in the proposal where the Road Safety Audit says it is dangerous. So the M3 traffic wouldn't need to leave across from Clifton Street, it would stay in the left lane. So you have a free flow for the M2. There would be no weave problem.

The benefits of that would be felt right back to Broadway, because you now wouldn't be selecting the right-hand and snaking back to select the M3. New Westlink, the Westlink at that point during the trial would, I think it is unarguable would have to be moving better because of that simple trial.

THE INSPECTOR: We are going back through all this detail again --

MR BROLLY: But --

THE INSPECTOR: Don't just ignore me and keep talking, please. Don't keep ignoring me and talking over me. You are being disrespectful.

MR BROLLY: My apologies.

THE INSPECTOR: We have your input. Have you covered

most of your response?

MR MCGUINNESS: We have one more point, which is severance.

THE INSPECTOR: The process, I thought we had agreed earlier on, was we would have the response from the Department. Having had that response I have no doubt that we could spend another two days coming back on the points the Department has made, and they could spend a further week on the comments that you have made, and it goes on and on. Within the context of what we are trying to do here we need a high level view of what we actually recommend here -- please don't talk through me while I am speaking -- we need a high level view as to what we are going to recommend. If we get bogged down in detail that doesn't help us. What I am proposing to do here is we have had your input. I want to finish with whatever points Andrew and the team have on this side and then we will close this particular session. Now can we both agree that?

MR BROLLY: Yes.

MR MCGUINNESS: We are on the final point, and this leads into it, because I understand that we had considered whether a trial would be possible, and our conclusion is as per the slide it effectively cuts off and severs and north Belfast. That moves me onto the last show stopper, as we call it, in relation to this proposal. That is severance.

We say that the loss of York Street to local traffic is a significant severance issue. We know it is already not consistent with the policy in relation to arterial routes, but it severs local vehicle travellers, and that includes public transport, save for the people who come from the Westlink. The existing access to

the M3 and M2 via Dock Street is lost to people from north Belfast. We say that is a further element of severance.

Finally, when you are looking at severance, I refer you back to the example of Galway House. Galway House can only be accessed by local cars as it stands via the Westlink. At present there is no method, although I have suggested you could put in an ad hoc pedestrian light there that affects the traffic flow, but at present there is no access for non-motorised users.

One point I think I omitted to make in relation to the strategy, and hopefully Una will keep me right, a number of the contributors so far this week have made this point, there is a hierarchy in relation to users, and at the top of the hierarchy is pedestrians and then cyclists. This, we say, is an example of them being ignored.

The final point, just because I am on it in relation to pedestrians, what you have here as we presently stand is no pedestrian access to the east side of York Street in Mr Lynch's proposal. You will have pedestrians coming out of the railway station and having to cross over to the west side. They will come down York Street, and one can only imagine, because I sat in a room this morning and looked out at traffic that we see outside, and you can see people and there are no traffic lights that will allow you to come from McCausland's carpark and back across, and you can see people trying to do what is entirely normal, you follow your line of sight. Pedestrians who will be down in the Henry Street area, they will want to go down to the University.

The question is how do you stop them? Do you put up a big barrier, because unless there is a barrier, the people will think: That is a very short

distance, I'll try and go across. That is not a particularly rational thing for a person to do. I, amongst everyone, do not necessarily take rational decisions at all times. I want to raise that because I omitted it earlier on. The main point is the severance.

We now have methodology, strategic objectives aren't met, traffic assessment doesn't work, engineering doesn't work. The trial, we say, can't work the way it is suggested and, in any event, for all of those reasons and for the sixth point severance, there is no point in trialing this because we have considered all those issues. We have addressed them all and it doesn't work.

I am not sure if anyone needs to come in in relation to severance.

MR SPIERS: Mr Inspector, severance is a big, big issue in relation to this proposal, but what I want to make very, very clear is as a professional officer within the Department that I am not satisfied that there is anything that can be developed from this proposal that is valuable in taking it forward for any form of trial. I want to go on record that this clearly will cause significant congestion. It is unsafe and there is nothing in it that we should be examining further.

MR MCGUINNESS: The only other short point I have is in relation to the criticism of the Department's scheme. I think the suggestion is: Well, look, there is an issue at Dee Street. I will be absolutely clear, nobody has disguised the fact that there are a number of constraints on this junction. There is a constraint in the canyoning area of the A12 and Westlink, going east. There are bottleneck difficulties at the Sydenham Bypass. There are issues at Dee Street.

The purpose of this scheme is not to fix the entire strategic network, it would be good if we could, but the policy documentation suggests that we are

mandated to do it but we do it step by step and in a planned sustainable manner. That sustainable development is reflected in policy documents.

Vector appear to go further, they say you need to fix Dee Street before you can fix the York St Interchange. If that is right what you are doing is bringing traffic quicker to the bottleneck, and that doesn't take any account of the fact that the works to the York St Interchange are expressly dealt with in policy, have been given consideration and that that has been identified as a key issue in relation to the strategic network.

We know that there is a planning condition in relation to Dee Street. That planning condition is in relation to the Titanic Quarter. It is anticipated that this is something that has been brought forward in the near future. There are also DRD proposals to widen Sydenham Bypass. In relation to Dee Street that is grade separation. The question is what do we do first?

It is a bit like the chicken and the egg, you might say what comes first. We say there is strategic policy there, but use common sense -- I am not suggesting that you wouldn't, but Mr Lynch suggested let's use common sense there. If you use common sense you fix the busiest part of the network first. The busiest junction in Northern Ireland Mr Lynch refers to is the York St Interchange. So that is effectively what we are doing.

Now there has been some criticism of the COBA model, but we heard yesterday from Mr McShane, COBA is the industry standard. It is a very detailed model. The suggestion is we should have in some way taken into account Dee Street in relation to this. That is a fundamental misunderstanding of the COBA model. The COBA is to identify benefits and disbenefits along the footprint

of the scheme. It is not to take into account benefits and disbenefits at the canyoning section that I referred to on back.

Mr Lynch says what might happen is that people will join the strategic network earlier, join it at Stockmans Lane. Now obviously Mr McShane identified the area at Stockmans Lane, that is already signalised. Applying his logic we have to take into account that disbenefit. That is not what COBA does, that is not what the Department finds acceptable and what the Department of Transport in London -- this is an interesting standard in the UK, and I am not sure, I anticipate in Ireland but it may well be -- I can't go further. So that is the point in relation to it. It is all very well saying it is simple but it is not.

THE INSPECTOR: Alright. That worked reasonably well. We have got the information. We have agreed a way of working this. We have the evidence now from both sides in this.

I must say again we both appreciate the colossal amount of work that you people have put in on this, there is no question of it. It is not something you dreamed of overnight on the back of an envelope. I am sincere in saying that I appreciate what you are trying to do.

So let's call a break and we will move on to our next speaker after lunch.

MR MCGUINNESS: Can I request sir, it is 10 to one now, I was anticipating you might say 1.50, can we ask until 2 o'clock? We have had additional information from Mr Hackett yesterday. I don't want to let too much slippage and I don't anticipate it will take that long.

THE INSPECTOR: That is fine. For the sake of 10 minutes that

is fine. Thank you again both sides for your contribution to this interesting talk, and we will resume at 2 o'clock.

(The Lunch Adjournment)

THE INSPECTOR: Good afternoon everyone. We have probably one of our final sessions of this Inquiry. We have had a similar situation to this morning in that Mark had previously made a significant and eloquent contribution to the Inquiry and then we agreed because of time constraints that the Department would come back on that input. So effectively I think we will adopt a similar format which seemed to work well this morning.

Mark has asked me if he could have a couple of minutes to make some comments on his CV type background just for the record. So I said we will take that initially before we go to the Department for their response.

PRESENTATION BY MARK HACKETT CONTINUED

MR HACKETT: My name is Mark Hackett, and I am architect, BSc from Queens University in Architecture and a BArch from the Glasgow School of Art, The Mackintosh School. I worked for two years in Berlin on housing and I have talked quite extensively in planning and architecture courses. I have been on the Board of place NI, which is the architectural centre for Northern Ireland, for around 10 years.

I had a practice Hackett and Hall, and then later Hackett Hall and

McKnight is the practice I worked in for eight years. We were a small emerging practice but we have a strong reputation and won many awards. I have been elected to the RSUA Council, which is the local branch of the RIBA and, indeed, we designed their offices.

In 2007 we won a competition, an open competition for the Mac Art Centre. My role in that project as partner and project manager for a multi-disciplinary team which we led. So we employed the entire design team, and that actually included URS Scott Wilson at the time, they were project managers assisting us. So we were project managers. It included BREEAM assessment for energy.

To cut it short, the bank is built in sleet which is what this interchange is built in. Sleet is generally the eight metre layer of very poor soil in the Belfast basin. The Mac has 80 metre deep dual thermal piles. It has 170, 25 metre structural piles. It has a 70 metre deep basement with a pumping station for something much worse than water, sewerage. It is the only basement in Belfast designed to the highest code, you could live in the Mac basement, it is the only basement in Belfast in which you could live in. It is designed to such a high standard. That is the context.

I need to give a certain level of thanks to Esme Fairburn and John Smith Charity, they gave me a philanthropic award that supported the Forum for Alternative Belfast which was set up in 2009. The Forum for Alternative Belfast first engaged with the York St Interchange in 2010, and Roy Spiers had a very good input into our summer school, a week long process. Out of that came our first interest in the York St Interchange.

Significantly in the early days of the Forum I was approached by the head of SIB at the time and commissioned to do a project on Divis Street/Westlink. We met the Permanent Secretary and there was a liaison with DRD Roads Service to help us do that project for SIB. That project was about improving the pedestrian and development links. Indeed, the contact for that was Stephen Pollock. I think Stephen and I built up a good working relationship and he was involved in the next summer school where we looked at the South Link road in Belfast.

In this project I think it is very pertinent to note that I was invited to the OGC review, OGC Gateway review is one of the highest reviews in Government about the project. I was invited by Roy Spiers probably as the only non Governmental contract person to do that. I was invited with Ken Sterritt to the SAG, the Strategic Advisory Group to do that. I think it is important as well to note that there is about five or six elements of the York St Interchange which are my ideas. I think it is recognised by the DRD that these are my ideas. One is the alignment.

THE INSPECTOR: Keep it fairly short.

MR HACKETT: Yes, I will sum-up. One is the alignment of the Bangor Road setback slightly and adjusted. The second major thing was the two-way running on Nelson Street to help development sites. Both of those were early suggestions about four years ago. I think in more recent years it has been very difficult for me to get a direct sit down table, direct kind of involvement in the process with DRD, despite being on the SAG I felt my views were ignored frequently. I was the only independent architect or urban design component in that.

I think I am making that context to say that I am not some sort of

odd ball coming here with an alternative. I have offered this alternative dispassionately free, so I ask that that is respected and that I am treated cordially. I am quite able to defend myself as an architect, I have run many contracts, and just to recognize that I am not some sort of crank coming up with an alternative. This alternative is not offered as a fully worked up scheme. Nobody is saying that. Design is an iterative process and that is the spirit in which it is offered, which is in the public good.

To finish on this, public good for three reasons: Cost, disruption, but more importantly the real motivation for me to get involved in road engineering, which is not something I really want to do as such, it is because it is about urban design, pedestrian connectivity and the local communities, and I have been working with the local communities pro bono for the last year helping them and assisting them.

That is the spirit in which I have approached this and I am very disappointed in the 52 page paper I got the day before the Inquiry. I will leave it at that.

THE INSPECTOR: Thank you for that, that sets the context. I think the point that Mark made to me earlier is that most other people introduced themselves, so you have certainly corrected that imbalance.

I now hand it over to the Department in a similar way to this morning so we can have a response.

RESPONSE BY THE DEPARTMENT TO MR HACKETT

MR McGUINNESS: Yes, sir. We recognize that Mr Hackett has made a contribution and recognised his contribution in relation to engaging with the scheme and engaging with the side process. The more recent plan is unhappily an October development. Mr Hackett has described why that is and I will not go any further.

What I will say is we recognise the fact that he is an architect and I think he has said on the last occasion that he has been trying to get pro bono assistance from London. We take all that on board and don't criticise him for that. We effectively say, I suppose in line with this morning, that there are a number of issues. They really fall within two categories, one is engineering concerns and, secondly there is a background policy concern.

Now just to outline the engineering concerns, and I appreciate Mr Hackett has said this is an iterative process. Unfortunately, we can only look at what is there now and give our response to that. We think it is important to consider at this stage whether that is likely to result in a positive outcome. We are confident that is not the position, and we say that the engineering concerns effectively follow -- there are six engineering concerns.

Mr Hackett will be aware, we are not going to go through all the document, we appreciate that you have it and Mr Hackett will have read it, but we want to highlight the two issues that we think are particularly significantly in each of those.

The first one is horizontal alignment, there is vertical alignment, cross-section, junction layout, drainage and flood, risk and southbound bus provision. So the first one is in relation to the horizontal alignment. I think

Mr McBride can introduce himself, he is best placed to deal with these more technical issues.

RESPONSE BY MR McBRIDE

MR McBRIDE: Good afternoon. I am John McBride and I am principal engineer with AECOM. I am based here in Belfast and I am a chartered engineer with the Institute of Civil Engineers and I have approximately over 10 years experience in the design and delivery of major road schemes. My experiences included the delivery of the M1 Westlink, DBA package one, DBA package two, and I have also been working on the York St Interchange since its inception.

The first point I would like to raise is the horizontal alignment. I apologise for the quality of the image.

MR McGUINNESS: I am getting eyes from the Stenographer, could you keep it nice and slow and speak into the microphone.

MR HACKETT: Can I make a suggestion? If you want to break into the slides you can manually adjust the contrast, that is what I have done with my slides?

MR McBRIDE: Mr Inspector, when we look at horizontal alignment we, as highway engineers, would break out sketches and try and develop sketches of the alignment of an interchange. The harsh reality is, Mr Inspector, once we start to apply the various engineering standards of the DMRB we frequently find that these concepts don't pan out. We find for good engineering

reasons that the various links or whatever cannot be provided once we allow for the, for example, horizontal alignment, transitions, which are required to achieve smooth changes in direction, vertical alignments, once we introduce vertical parabolic curves, gradients, and also when we consider merge and diverge junction arrangements.

If we look at the alternative proposal in front of us, it is my professional opinion that we would have to make significant changes to the horizontal alignment that we can see to accommodate other geometric parameters, for example, the inclusion of standard nose lengths and widths.

By way of an example if we look at the Westlink to Dock Street off-slip, from the evidence submitted by City Reparo, they indicated that the radius on that off-slip from the Westlink to Dock Street will be about 180 metres. However, we expect, and indeed it is my considered opinion having looked at it, that that radius will have to further reduce and I suspect reduce to about 100 metres. Why? It was really to allow for the standard diverge nose width of 3.3 metres measured over a length of 40 metres to give an overall ratio of 1 in 12. If we look at the City Reparo proposal the nose length would appear to be 12 metres with a nose width of 1.7 metres.

What does that actually mean for the driver? If we consider 100 metre radius, let's put everything in context, so you are coming along the Westlink and you decide that you want to come off to go to the M3. You diverge off quite sharply, according to the City Reparo proposal, into a single lane on a downhill section with a 100 metre race to try to swing you left past the Dargan Bridge piers, and at the same time then swing right to avoid the next Dargan Bridge pier before

straitening up and then continue to Dock Street. All the while you will be faced with a lane breaking out on your near side and you are going straight into a junction off York Street, that is a lot for a driver to take in over a very short period of time.

Again with the benefit of the laser, you can see here we have our single lane coming off sweeping left, then right, and I know the curves here are showing 180 metres, I suspect it will be about 100 metres once we allow for verges and barriers, swinging left and then right and then left again to get in underneath the Dargan Bridge, and then turn off into York Street. It is my opinion having looked at it that that is a lot for a driver to contend with over a very short distance.

I would also note that some of the radii quoted in the City Reparo proposal are, in fact, lower than those in our proposed scheme. For example, the M2 to Westlink alignment is quoted at 127 metres. Just to put that in context, our scheme achieves 150 metres, so our scheme gives better horizontal radii which is better for the driver trying to negotiate the turn.

If I may also highlight the shown alignment of the Dock Street M3 slip road in here. We can see on the City Reparo proposal that no allowance has been made for cycle lanes to go into that arrangement. It is my opinion having looked at that proposal that we would need a considerably wide verge to allow for cycling which may require additional land from a third party. That land is not currently required for the proposed scheme.

ASSISTANT INSPECTOR: Can you tell us are there additional constraints, there are no buildings on it at the moment?

MR McBRIDE: No, it is currently derelict land at the present but there are several planning applications lodged for that site for various uses that

would be affected.

ASSISTANT INSPECTOR: Thank you.

MR MCGUINNESS: That is the horizontal issue dealt with.

I wonder could we now move on to the vertical alignment issue.

MR MCBRIDE: In terms of vertical alignments we have to be very mindful of headroom and clearances. City Reparo in their proposal have demonstrated that headroom of 5.4 metres, so really lifting up the Westlink to M2 slip road by 4.5 metres and dropping York Street by two metres they achieve six and a half metres, which they say is sufficient.

Having looked at the proposal and having considered standard engineering depths for bridges and the like and making the necessary allowances for super elevation on curved bends we think you will need substantially more than that. It is my opinion that you need at least a couple hundred more than that which will require you to drop York Street or, indeed, lift the Westlink to the M2/M3 links in the alternate.

We did note from the spot levels that are provided for the City Reparo proposal, the previous submission showed a one and a half metre level drop. Where my dot is currently we were shown a metre and a half level drop over a distance of about 13 metres. So a metre and a half drop over 11 metres.

MR HACKETT: Could I interject here? I have provided a section in the last day, you have seen it. I provided a section, that is simply an error on the drawing.

MR MCBRIDE: That is what was submitted to the Inquiry, sir.

MR HACKETT: You know the intention. When you look at the

section you can see in broad terms I think it is feasible.

MR MCGUINNESS: I think unfortunately, sir, we are obliged to deal with what is in front of us. If we don't somebody would criticise us. Unfortunately we could be subject to challenge at a later stage if we left something unaddressed, and I hear your acknowledgment now but we are constrained to address all of these.

MR HACKETT: I don't believe you are. I believe it is your duty as a public authority, it is incumbent on you to get the best value for Northern Ireland. When people are showing you really tangible benefits I think it needs to be worked through. I am absolutely confident that I can make that work with an engineer. I am absolutely confident. The other benefits that I am pointing out are urban connectivity.

THE INSPECTOR: Let's stick to the process.

MR HACKETT: I agree.

THE INSPECTOR: There is additional information being presented all the time, and we do need to get to a point where we say that is it.

MR HACKETT: I gave it two days ago.

THE INSPECTOR: I appreciate that.

MR MCGUINNESS: We got a significant amount of information yesterday, and because Mr Lynch was going first we prioritised that, not because we thought that he had more priorities than you had, but because we had to deal with him first. I have to say that e-mails were being transferred at 1.30 this morning in relation to this and with Mr Lynch's issue, so there is no disrespect intended. We have been doing our best to try and deal with all the issues.

MR HACKETT: I understand that, but can I make the point that it is much more productive when you don't talk, because I accept John's points and I can work with engineers, but I can't work with you. You are making the wrong point and I think your case would be much better if you let the engineers speak.

MR MCGUINNESS: I don't accept that.

THE INSPECTOR: Gentlemen, please. Let's keep to our process. I believe, Mark, that we do have, Jack and I, sufficient information to make a high level recommendation. I don't believe that exploring detail, even though it may be very significant detail, is going to radically alter what we recommended or don't recommended at the end of the day. I would like to get back to the process.

MR MCGUINNESS: We are going to move on to junctions, unless there is another issue.

MR MCBRIDE: There was. If we look at cross-sections we note that a number of the links, even the M3 to Westlink Interchange link is shown as a single lane without a hard shoulder. The provision of single lanes without hard shoulders are likely to lead to operational difficulties on the scheme. If we consider even a breakdown, if there is only a single lane and no hard shoulder how is anyone expected to negotiate past a breakdown? That will lead to congestion upstream.

The City Reparo proposal has notably advocated. The use of narrow bridges and road links to minimise the footprint of the road scheme.

Mr Inspector, you will be probably familiar that in horizontal design we use widened verges, particularly on curves to provide the necessary stopping sight distance into junctions and entrances and generally along the road. We also

need to widen these verges to accommodate road signs, lighting coms, safety barriers along with other services. The objective of making the verges wider is to ensure that they are suitably set back from the road so that they don't restrict visibility.

We notice from the recent response from City Reparo, item 3.6, that they have stated that their links should not need dock signs or other reasons to widen the verge. Let's think about that for a minute. They are saying they don't need wide verges to accommodate road signs. Let's go back to that same example that I was using earlier of the Westlink.

MR HACKETT: Excuse me, that only refers to bridges. That only refers to bridges if you read the sentence carefully.

MR McBRIDE: Okay, it is a good point. I am coming to a bridge now. You have shown the proposal. On the Westlink to York Dock Street off-slip we have a bridge, as pointed out, and we don't have any wide verge here. So how are drivers expected to be made aware of the upcoming need to diverge off to the M3? If you are driving along in your car you need a road sign on the near side to tell you to come off. If we don't have the wide verges there we can't provide that.

If we take that link further north from the Westlink up to Dock Street. Mr Inspector, we were through several issues this morning with the other alternative proposal presented by Vector in relation to the radii coming from the Westlink, around Dock Street and back south again. I would like to focus in on the cross-section underneath Dock Street bridge that is shown in the City Reparo proposal.

The cross-sections submitted by City Reparo show a 15,750ml

clearance between bridge piers at Dock Street. We have measured this on-site. We have had a very detailed topographical survey carried out and we would agree with that figure, we have actually measured slightly more. If you advance the slide, it is 15,877. If we look at the existing bridge piers we need to protect those, and it is normal and customary in road engineering to provide a barrier in front of the piers, and the barriers themselves have a working width and that is to allow the system widths, the actual barrier itself, and also the rotational deflection of the vehicle should it happen to impact against it, and generally you allow 600ml, so we start working in from that side.

We have a single lane travelling between the Westlink and the M3. A single lane link you need to provide typically six metres, that is what is required by the standard to allow a vehicle to negotiate past another broken down vehicle. That is six metres now taken out in terms of a four metre lane and one metre wide hard strips on either side. As shown in the City Reparo proposal we have a barrier between the footway and carriageway. Again that is going to need similar working with 600ml. That shows you already there is 7,200 millimetres have been taken out of that already.

If you look over the far side again we have an existing bridge pier and that needs protection in a similar manner. We work back from that point. The barrier itself needs 600ml working width. You then need a setback to that barrier to ensure, for reasons highlighted over the past couple of days, to avoid driver shyness and the like of 600m.

I have shown in the City Reparo proposal we maintain two lanes, that is two standard lane widths of 7.3 metres. That gives us eight and a half

metres, 8,500ml overall. If we add the eight and a half metres to 7.2 metres and take it away you from our total can see the footway would have just 177ml. If we can compare that to standards, the standard provision is 2,000 millimetres, i.e., two metres. So that is not even 10% of that. In my view that is a show stopper in terms of the cross-section and alignment through there.

MR HACKETT: For the sake of 13 centimeters?

MR McGUINNESS: No, it is 2,000 millimetres.

MR HACKETT: Oh, right.

MR McGUINNESS: I think we can move on to the junction layout and if you can refer to that please, John.

MR McBRIDE: Mr Inspector, we have to apply the standards of the DMRB, one standard is TD22 of volume 6 for the design of interchange junctions. Within interchange junctions the standards set out what the lengths should be for noses and width, and I have outlined some of these earlier.

If we look at the M3 to Westlink movement coming through on the screen we can see that we have a single lane coming through with two lanes coming through from the M2, giving a three lane section over all. Some of the slides that my colleague Mr Megarry had earlier conceived the existing Westlink reduces to two lanes going over North Queen St, therefore it will be necessary to maintain those three lanes through to Clifton Street. We need to widen North Queen St Bridge, and that is what is shown in our proposed scheme. We would note that that would also have to be done with the City Reparo proposals. So that would have an impact in terms of disruption and, indeed, works to that bridge. They are similar in that regard, and I think it is a point worth making.

We also note in the junction layouts that for various reasons we need to maintain an access from the docks to the Westlink. In the original City Reparo proposal the docks to Westlink link connection that we currently have at Dock Street shown here, was omitted. It has subsequently been put back in with the note that it should match the layout of what we have in the proposed scheme from the docks to Westlink.

If I can remind you in the proposed scheme we have a new merge arrangement starting at Duncrue Street. For us to take that and apply it to the City Reparo scheme, that means we would still have to widen the M2 embankment, we would still have to extend Whitla Street subway, and widen the existing Dock Street motorway bridge to provide the additional lane capacity.

MR McGUINNESS: I wonder could you move on to the drainage flood risk issues please. I think these are two summaries, one is we say you will require pump drainage, and we say there are flood issues in this, because it has been suggested there are not flood issues.

MR McBRIDE: Yes. As stated City Reparo have said that they have no flood issues and no pumping station and no flood risk from title concerns.

In terms of the pumping station York Street is shown in a depressed corridor, according to the City Reparo, approximately two metres below ground level. It is my experience that you need probably about another metre below that again to allow for the construction depth of the base slab below the underpass. That is now three metres below ground level. We have undertaken consultations with NI Water, and we understand the existing drainage infrastructure in the area.

MR McGUINNESS: I wonder could I interrupt. I think john has

said the underpass is two and a half metres below, how far do you have to go below?

MR McBRIDE: The underpass shown in the City Reparo proposal is two metres. It is my opinion that you need another metre below that, so that is three metres below ground level overall. The nearest storm water drain in the area of sufficient depth would be at Corporation Street of the low level sewer, and it is at a depth of four metres below ground level. Unfortunately we need to allow for a fall in the drainage pipe to get run-off from York Street across Corporation Street, and when you allow for typical drainage falls it wouldn't be possible. It is my opinion that you do need a pumping station at York Street.

If I could go further to look at flood risk itself. City Reparo have said that they have no flood risk issues, but we say if we were to look at the Planning Policy Statement PPS15, you sir, will be aware that there is a requirement to consider flood risk in developments. Indeed, that is no different for us in terms of the Interchange proposal. The relevant authority here is the DARD Rivers Agency strategic flood maps, and we can see a copy of it on screen. On these maps you can see from the blue the extent of the flood plain, that York Street is at risk of coastal inundation from Belfast Lough for flood events of for a term period of up to 1 in 200 years.

As you can see on the graphic the flood will easily extend as far as York Street and up Henry Street. We recognise this flood risk and we have provided measures to protect our underpasses from such an event. What is unclear from the City Reparo proposal is how they intend to prevent flood inundation and, indeed, just as an overall point, it is clear from looking at the graphic they do a

have a flood risk that needs to be considered.

MR MCGUINNESS: I think that takes us on to your final point.

MR MCBRIDE: We undertook a public consultation exercise in June 2011. We had representatives of the local community, elected representatives came to us to say they wanted to see southbound movement reintroduced on York Street. Having considered the traffic proposals for the Belfast area we have provided a southbound bus lane on York Street and a cycle lane, and that provides sustainable provision into the city centre providing an important link between the Yorkgate train station and the new relocated University of Ulster campus. In City Reparo' proposal they didn't have any southbound provision on York Street. In the second revision that came in it was put in. In the third one we received it is back out again.

We would question how that sits in relation to policy, and indeed the stated desires from elected representatives to see it reintroduced back into the city centre.

MR MCGUINNESS: I think that probably leads into Una's role in this and the policy in relation to the buses and the policy in relation to the Ports.

Thank you John.

RESPONSE BY MRS SOMERVILLE

MS SOMERVILLE: Just in regard to two aspects of policy, and obviously this is my preliminary view on the planning matters.

The absence of the bus lane, I think, would be of some concern in regard to the Belfast Plan and the BMAP and the policies referenced earlier this morning in regard to the arterial routes and the community greenways, and there would be a possible conflict with the City Reparo proposal in regard to that bus --

THE INSPECTOR: Did I not understand there was a possibility of a bus lane being introduced?

MR HACKETT: I agree that it would need a lot of work on the proposal.

MS SOMERVILLE: My understanding is that the current version, and I am a bit confused, the current version doesn't have a bus lane. It is only in that regard. That is my understanding.

THE INSPECTOR: Yes.

MS SOMERVILLE: The second matter is in regard to access to the Port, and there are two policy matters there. The first matter is the Regional Development Strategy, and again section 3.107 of the RDS, and that policy is very clear about strengthening connection and access to the Port. So I would have concern that the City Reparo might have an impact, given the technical reasons that John has already referred to and the possible problems with that.

The second aspect of the report is in BMAP, the BMAP Metropolitan Area Plan, and the section that deals specifically with the Harbour is pages 52 to 64 in BMAP in Section 4, Volume 2. There is very considerable text

about the Harbour, and key in that is access into and out of the Harbour and the whole role that the Harbour and Port plays in the life of Northern Ireland as the main regional Port. So they are the two aspects of planning policy that, as I say, from a preliminary view that I would have some concern about. If I may just for a point of information inspectors, I would like to comment on Mr Hackett's point in regard to his ideas being ignored in SAG. Just for information if I can indicate that I have assisted the side group as a planner in the facilitator role. I would like to say that I am disappointed to hear Mark say that and surprised, because at each of those meetings there was very fulsome discussion and Mark obviously had the floor, I am sure you would agree with that Mark, and a lot of your suggestions have indeed been taken into account and the SAG report is on record. Clearly the Department have given the commitment that those SAG recommendations would be implemented. So I would have a different view from Mark in regard to his role. I think he has had a very important role and he has had significant impact in shaping things in regard to the SAG.

ASSISTANT INSPECTOR: Could I on the back of that in terms of access to the Port ask John a question? You indicated that to include the access as per your scheme into the City Reparo proposal would require the widening of the M2 embankment?

MR McBRIDE: That is correct.

ASSISTANT INSPECTOR: If we were to do that and provide that access how does that impinge on the rest of the City Reparo, because that means widening the Dock Street bridge, how does that impinge then on that link that is included in the City Reparo scheme. Sorry this is perhaps difficult to give

too much of an answer at this stage.

MR McBRIDE: No, it is perfectly fine. In my opinion having looked at the layout, to provide a connection from the docks to the Westlink, City Reparo have acknowledged you would have to provide a connection in a similar manner to that in the proposed scheme starting up at Duncrue Street, so we would have to put in a new revised junction arrangement at Duncrue Street. We would have to provide a slip lane, probably a single lane with the hard shoulder running parallel to the M2, and it would be important to keep those flows separate to make sure that we don't have this attempted weave for traffic coming on until traffic coming off the M2 has made that decision to come to the Westlink.

You would have to widen the M2 embankment and pile the embankment, you would have to construct retaining walls as necessary to maintain the northbound provision along Nelson Street. You would have to extend the existing Whitla Street subway for cyclists, and you would have to widen the York Street Bridge on its eastern side to accommodate that extra lane coming in. You would then have to decide what to do with that extra lane, are you going to attempt to carry it through as a main lane or are you going to attempt to merge it in. If you are going to attempt to merge it in you have to be very mindful of the downhill gradient as you come off the M2 entering into that substandard 127 metre radius going underneath the Dargan Bridge.

ASSISTANT INSPECTOR: Thank you very much.

MR McGUINNESS: I am not sure, there is one other point I need to make in relation to air quality. On the last occasion Mr Hackett had provided an opinion from a senior council in London, Robert McCracken, who as an aside is

called Robert Henry Joy McCracken, although he tells me he doesn't have any Irish roots.

In any event, Robert McCracken has provided this opinion. Belfast City Council yesterday dealt with the three issues in the opinion, and they indicated that it was their view that the three points he deals with don't arise in this case.

That is also our view. I will not go further than that.

I had asked Dr Gray to address that and he had provided me a paper late yesterday, and he reiterates what Belfast City Council said, but he makes one further point which either he can make or I can give. I can give it.

All he indicates is that he works in London on occasion, and through his recent and current work in London, including air quality work for Transport for London, the opinion expressed by Mr McCracken has not resulted in any change to air quality related planning policy issued by the Secretary of State, the Mayor of London or any of the London boroughs. In London, as in the rest of the UK air quality can be of material consideration, but planning applications are considered in the round based upon a scheme's benefits and disbenefits.

I am not sure if there is anything controversial in that and I am not sure he has to speak to it, but that is the point of information.

Are there any other issues that I have not covered?

MR McBRIDE: If I may, Mr Inspector. I would like a point of clarification, if I may? If I can ask Mr Hackett, we note from the various consultation exercises that we have had over the course of developing the proposed scheme that Mr Hackett, not just in the role of City Reparo but in his former role with the Forum for Alternative Belfast were quite vocal opponents to the potential

provision of overbridges above York Street with some of the options that were ruled out for TransportNI. I will take up your blog, in fact.

We can actually see that the Forum for Alternative Belfast actually advocated the option that has now subsequently developed into that of the proposed scheme, and in their own words they believe that:

"It was the most workable scheme for achieving best practice, making use of the option of sunken links as opposed to overpasses. This creates an opportunity to contain the road network through landscaping and carefully designed buildings that create quiet courtyards."

I would be curious to ask therefore why in your alternative proposal have you subsequently flipped on that and provided overbridges above York Street, given the potential perception of community severance for north Belfast from the city centre with the new overbridge structures?

MR HACKETT: I am happy to explain that. At the time four options were being presented. The overpasses that you refer to were, I think, option B and D in the original scheme. Those overpasses, if I remember correctly, in one of the schemes at least were 700 metres long and 60 feet in the air at their highest point. So those overpasses that we objected to very strongly would have started at North Queen St. They would have risen continually from that point along the houses down by the bottom end of Little George's Street, round the corner. The bridges then had to get over the M3, so the overpasses they are talking about over York Street are so high up they are actually looking over the M3.

If you look at option B and D you will clearly see, and I stand by everything we wrote, we were very, very against option B and D. We advocated

for this option, and I am happy to stand over that, but we always talked about supporting an option called C Plus, the plus is what we were trying to add. One of the things that we tried to add at that time, and we met the Minister at this time as well and he gave us a good hearing. We were really concerned about the overall impact of the B and D options because of the height of the overpasses. They are not overpasses on York Street, they were overpasses 700 metres long. It is not comparable at all to the two overpasses that we are proposing now.

Interestingly, as you say, it sounds like you interpret that as we flipped our opinion -- the interesting thing is we flipped our opinion again, we will come back to that -- a very different meaning of the word overpass. I think the point was we advocated what we called option C Plus. C plus was including, as I will call it, the Bangor to Westlink connection to be routed around to leave the development site on Great George's Street.

Roads Service have acknowledged that they took that idea and acknowledged that was our idea and they agreed with it. So we at that time, and still even now after all this, what we really want in this at the end of the day, and I will come to that if I get a chance to sum up, we wanted a more open process.

We heard yesterday that the cycle, Sustrans first had their issues rebuffed, then they engaged deeply -- good to hear that -- and they got 90% or 100%, the last bit would have been the bus lane on York Street with a separate cycle lane, would have probably more or less dealt with all of their issues. That is the sort of engagement we were looking for. So despite being on the side group, I could point to numerous issues that I was trying to address and, you know, Roy Spiers you did limit the options on that group quite a lot, much more than I would

have liked.

The other problem with that group in the early days was that City Council only just acquired planning powers. I think there has been a marked shift in the evidence that City Council gave yesterday from their early involvement in the side group, because literally they were so busy practically taking over a planning system, and they have only recently about six months ago had a director of planning in place.

What we would recommend is that this scheme is put into a wider design. There is elements of the York Street project which we have always been generally supportive of. I don't mind the roads being buried and acquiring a pumping station. That is not really the issue. The issue is they are not buried enough. York Street bridge still humps up six metres. We were led to believe, as anyone would be looking at the drawings that were available in 2011, that York Street would have risen a little bit of a hump two metres. It looked like they were deeply cut passes.

I understand the problems that arise over time and that you have not been able to achieve a well suppressed bridge, but I really do believe that if you had involved us you would have got more good ideas and you would have got good ideas that yes, they step outside your Department remit, but so what? So what if you have ideas about urban design which you can proudly proclaim will meet other objectives that you don't have to? You can keep that outside your formal report but it is good narrative to be able to say that you have taken on board lots of the issues that we have.

As I said in the report, the final breaking point for us in this process,

and I did say it, it has been Little George's Street, and I am glad to hear that even before the Inquiry that you suggested that they need to take a sharp look and sharpen those pencils to protect the screen to Little George's Street and keep those trees, because that to me is a deal breaker. It doesn't matter whether you get to build it, it is wrong on so many levels.

The other thing is I still maintain, Una you gave an opinion at the SAG committee, but has that opinion been written down, has there been a planning opinion on the houses at Little George's St, have you committed it to writing?

I think it is incumbent, in my view, upon DRD or TransportNI to make an assessment of those houses that it is robust and holistic. It is my firm belief, and I am quite happy to really firmly state this, that there are many people who could talk with great authority about housing, but the most obvious one in all professions is certainly an architect. I agree strongly that in this case a planner would also benefit. So an architect and planner working together would need to write a report and take all the technical data from other engineers, but those other reports, the salami slicing as I called it, those other reports are subservient to an overall view.

So when I do an architectural scheme I get reports from people but I need the team in terms of design and build. So this is my area of competence and I will assert that I think -- I am not saying that anyone in the URS team is stepping outside their own professional codes of conduct. That is a misinterpretation of what I was saying. But they are not competent to address, in my view, the issues about housing.

Una Somerville is competent at a planning level but she needs to

commit her reasons for her thinking that that project is okay firmly to paper with a very strong rationale, and I would ask the commissioners actually to commission or ask -- I would prefer an independent report, to either ask an independent architect with really good housing experience, I don't care who it is as long as they are eminent and as long as they address housing in their experience. Architects are different, some architects can't do housing.

THE INSPECTOR: You have covered that point quite well. I know you feel strongly. We are now getting into exchanges.

MR HACKETT: I have made that point well enough.

THE INSPECTOR: Where are we now?

MR MCGUINNESS: That finishes it, although I think there is one point of clarification in relation to a figure that Mr Hackett I think suggested.

MR MEGARRY: Yes, if I can just mention, and Mark was there when we did this back in April this year. We were asked by some of the folks at Little George's Street to come to the site and give them information that would allow them to gauge the height of York Street. So we did that. Just to confirm that the height of the footway on York Street is five metres, it is not six, but that is the height we set out, not six metres.

I would say that we have subsequent to that looked at the edge treatment of the bridge, but certainly I can confirm that the footway level above existing ground level is five metres.

THE INSPECTOR: Okay. That is fine. I think we have captured the high level issues of that you are seeing here, which is a very important factor in this and we will look at this very, very carefully. Very carefully indeed,

before we reach any conclusions and recommendations. So I think that concludes this one. Thank you again for your input.

MR HACKETT: Can I quickly go over my notes and make some small comments?

THE INSPECTOR: I prefer to leave it there if you don't mind.

MR HACKETT: Just to check.

THE INSPECTOR: I think we have enough. You could, I am sure, qualify find and make more additional points, and the Department could come back on that, so it does tend to be an endless process.

I do thank you for your input. It is very much recognised that you have put very much of your own personal time and effort into this with no financial gain whatsoever, and you are doing this, I am sure we recognise, with a very open and public spirited attitude. So we recognised that fully.

Let's move on. The next item on our agenda is for me to take any further contributions from anyone in the room that has not spoken so far and who wants to make any additional points. This is not an invitation for anyone who has spoken previously to come back and elaborate what was already said. Anyone who has not spoken?

QUESTION FROM MILENA KOMAROVA

MS KOMAROVA: My name is Milena Komarova. I am here as a member of the public but otherwise I am a research fellow at Queens University at the Institute for the study of conflict transformation and social justice. I have one

question for clarification which probably the DRD are in the best position to answer.

THE INSPECTOR: We can not hear you very well, come over here and speak fairly close to the mic.

MS KOMAROVA: The question is this, it simply comes from my previous experience of having done research on regeneration projects in Belfast, where I know that equality impact assessment needs to be carried out for those projects. I wonder whether there has been, or are there are any plans for an equality impact assessment to be carried out for the York St Interchange? Thank you.

MR SPIERS: Mr Inspector, Section 75 assessment has been published and is on the website.

MS KOMAROVA: Sorry?

MR SPIERS: A section 75 screening exercise, the assessment is actually on the website.

THE INSPECTOR: Also if we have documentation here can we show her that?

MR SPIERS: We can pull that up or we can provide a copy of that.

THE INSPECTOR: You can have a conversation when we are finished to ensure that you are happy with the answer.

MR HACKETT: As I understand that point that is about the need to avoid one. I think what you are trying to raise is the need to have one. The Quality Impact Assessment is a public process where evidence would need to be

submitted from the likes of the local community of the impact on the scheme. When DSD do a Quality Impact Assessment they do a proper public event and they accept submissions from the likes of what Paul O'Neill would have been saying to you, but there had been no opportunity to have an Equality impact Assessment. We view that that has to happen.

THE INSPECTOR: Okay. Any other points? I think that brings me to --

MR HACKETT: Can I make one small point?

THE INSPECTOR: No, thank you.

MR HACKETT: I just believe we should have a co-designed approach, someone like Belfast City Council and the new director of planning in place should be involved in this process.

E-MAIL FROM MR CHRIS MURPHY READ

THE INSPECTOR: Okay. On 11th November we had an e-mail from Mr Chris Murphy who sent an e-mail to the Department saying:

"I went to observe the Public Inquiry today on the York St Interchange. There was an opportunity to ask for clarification on material presented earlier, but unfortunately most of the time a lot of this was taken up and delayed the next session by one questioner. I couldn't stay beyond the break for lunch. I wanted to clarify the speed limit on York Street, that it would remain at 30 miles per hour (or less).

Secondly, the initial York St Interchange plans were revised and

those were published in September 2015. Were these revised plans approved by TransportNI's own cycling unit? Would you be able to have the questions asked on Thursday and the answers on public record? Thank you. Chris Murphy."

MR MEGARRY: Mr Inspector, I would confirm that York Street 30-mile per hour speed limit is retained. In regard to the information submitted in September, I think the point that the person in the e-mail is making is in reference to the new cycling proposals that were discussed yesterday with Mr Clarke and Sustrans, and I can confirm that both Sustrans and, indeed, the DRD Cycling Unit were involved in the discussions and in the development, the distance we travelled with regard to cycling.

THE INSPECTOR: So that puts it into the public record. Could I suggest that you go back to Chris with that? You should have an e-mail from him directly as well as putting it on the website.

MR SPIERS: I am quite content that we will get the information from the Programme Officer to allow us to go back and confirm that.

THE INSPECTOR: Thank you. That brings us nearly to the end of our proceedings here.

We have had at times a robust interchange of ideas which has been useful. It has been extremely interesting, and I want firstly to begin by thanking those of you from the public who came along to give your presentations and to express your opinions on this particular scheme. Without that we wouldn't have anything to do, and you have expressed your ideas in a very logical and very forthright manner, and that is very useful.

I would also like to thank the Department, the TNI team. We were

doing a count last night and I think this is the sixth occasion that I have been working on an Inquiry with Russell, Gareth and Pat, if he is still here, and your supporting colleagues. I have always found you, even though I don't always necessarily agree with your recommendations, and if anyone doubts that is the case please have a conversation with the URS team afterwards and they will give you the evidence to support what I have just said. I have always found you most professional and energetic and enthusiastic, so we do appreciate that.

I also turn to my far left and thank our hard working Stenographer, Kay Hendrick. It is particularly difficult for her when you speak very quickly so it is a very good idea to speak very slowly.

I would like to thank also my colleague to my right who is engaged on his keyboard. This is the first Public Inquiry for Ian. He has had a baptism of fire. You have handled it very competently and efficiently and we appreciate your efforts.

The last man I need to thank is my colleague on left-hand side. Is there any further comments from the Department, closing observations nothing to do with the scheme?

MR MCGUINNESS: No more technical issues. One point, I think the issue had been raised in relation to the Exception Report. The Exception Report is on-line and that was discussed yesterday or the day before, lest there be any confusion a copy has been formally handed in I anticipate today. So it is on-the record just to let each and every one know it is on-line.

I have been asked to make some very short closing comments at a very high level. I appreciate that your indulgence has been stretched beyond

elasticity too.

THE INSPECTOR: It has been on occasions, however we are still here.

MR McGUINNESS: I appreciate that. Before I thank everyone I should deal with the more mundane issues. I have been asked to remind you and the public that the purpose of this scheme is to fix the most significant bottleneck in Northern Ireland, that we accept there are significant constraints. We have dealt with constraints, I will not repeat them, but we feel that the scheme that is put forward and proffered to you for your consideration is the best scheme in terms of policy, engineering and strategic objectives.

We dealt in 2005 and 2009 with traffic management issues. We considered those and public consideration and moved on through the design stage, and we say what we have before you sir, is and has been a robust analysis.

Finally, I have been asked, and I don't say this because I have been asked, but I convey my own personal thanks to everybody who has come along here and has made a contribution and has probably had to listen to me more than they would have liked, but this has been difficult and there have been a number of sensitive issues dealt with, but we appreciate the time and the effort that has been put into presenting all the objections to ensure that not only is the Departmental consideration before you sirs, but hopefully you will have now a proper appreciation of the proper concerns of the various parties, and in particular the local residents.

We appreciate the support that has been proffered to the scheme by the Freight Transport Association, Belfast City Council and the CIB. I think I will

end it there with my thanks and our thanks. It may be Mr Spiers wants to repeat that.

MR SPIERS: Mr Inspector, I will be very, very brief. I would just like to reiterate the view of this being expressed about hard work by everyone associated with the Inquiry, particularly my own team here who have been working late into the evening to respond to issues so that the Inquiry could remain on schedule.

I just want to confirm the Department's commitment to continue engagement with local residents and key stakeholders and that the issue will not stop here, we are quite content to continue with that. I would like to say that I am fully satisfied that the proposal provides the most appropriate solution for the bottleneck on the strategic road network.

Just to thank you Mr Robb and Mr Cargo for your patience and your careful consideration of the issues. I expect I will have moved on by the time the report issues, but I look forward to it with interest. Thank you.

THE INSPECTOR: Thank you very much for that, and I understand that you are retiring in a few days time. I think you need to pump that bicycle wheel up and get going.

MR SPIERS: It will require some air in the wheels and it has been without air for a long time.

THE INSPECTOR: Talk to John here about that. Anyway, to borrow a phrase from the late Dave Alan, may your God go with you.

(The Hearing concluded)