An Bord Pleanála

Ordú Boird
ABP-302885-18

Achtanna na mBóithre 1993 go 2015

Na hAchtanna um Pleanáil agus Forbairt 2000 go 2020

Údarás Pleanála: Comhairle Contae na Gaillimhe

IARRATAS a fuair an Bord Pleanála an 26ú lá de Dheireadh Fómhair, 2018, ó Chomhairle Contae na Gaillimhe de bhun alt 47 d'Acht na mBóithre, 1993, leasaithe, chun scéim dar teideal "**Scéim Mótarbhealaigh Chuarbhóthar Chathair na Gaillimhe N6 2018 agus Scéim Bhóthair Cosanta 2018 a cheadú.**"

Cinneadh

An scéim mótarbhealaigh ráite agus an scéim bóthair cosanta a CHEADÚ faoi réir na mionathruithe atá leagtha amach sa Sceideal thíos bunaithe ar na cúiseanna agus na cúrsaí atá leagtha amach thíos.

DECISION QUASHED

Nithe a Cuireadh san Áireamh

Agus a chinneadh á dhéanamh, d'fhéach an Bord do na nithe sin ar ceanglaíodh air, de bhua na nAchtanna um Pleanáil agus Forbairt agus na Rialachán a rinneadh fúthu, féachaint dóibh. Bhí aighneachtaí agus tuairimí a fuarthas de réir na bhforálacha reachtúla san áireamh sna nithe sin.

DECISION QUASHED

CÚISEANNA AGUS CÚRSAÍ

Tar éis breithniú a dhéanamh ar na hagóidí a rinneadh i gcoinne na Scéime Mótarbhealaigh, tuarascáil na ndaoine a sheol an éisteacht ó bhéal ar na hagóidí, cuspóir na Scéime Mótarbhealaigh, agus ag féachaint chomh maith dóibh seo a leanas:

(a) an gá atá le bóthar a sholáthar atá deartha agus tógtha de réir na gcaighdeán dearaidh reatha le trasroinn comhsheasmhach le radhairc iomlána fad stad ar a fhad agus acomhail agus rochtana cuí le hinfheictheacht de réir na gcaighdeán dearaidh reatha,

(b) riachtanas an phobail agus leas an phobail a chomhlíontar agus na tairbhí foriomlána, lena n-áirítear tairbhí do raon úsáideoirí bóithre atá le baint amach as úsáid na dtailte sealbhaithe,

(c) forálacha an Chreata Pleanála Náisiúnta – Tionscadal Éireann 2040, Plean Forbartha Contae na Gaillimhe 2015-2021 agus Plean Forbartha Cathrach na Gaillimhe 2017-2023 agus na beartais agus na cuspóirí a luaitear ann, a shainaithníonn go sonrach an fhorbairt bóthair atá beartaithe,

(d) an freagra comhréireach dearaidh ar an riachtanas aitheanta,

(e) na haighneachtaí agus na tuairimí a rinneadh maidir leis an Scéim agus ag an éisteacht ó bhéal, agus

(f) tuarascáil agus moladh na gCigirí,

meastar, faoi réir na mionathruithe mar atá leagtha amach sa Sceideal thíos, go bhfuil sé riachtanach go bhfaighidh an t-údarás áitiúil na tailte atá i gceist, agus cearta slí poiblí a mhúchadh, mar atá leagtha amach sa Scéim Mótarbhealaigh agus ar na léarscáileanna taiscthe, chun na gcríoch a luaitear, agus nach féidir seasamh leis na hagóidí ag féachaint don riachtanas sin.

SCEIDEAL

Mionathrófar an Scéim de réir na sceideal athbhreithnithe agus na léarscáileanna taisce gaolmhara a chuirfidh an tÚdarás Bóthair faoi bhráid an Bhoird Pleanála ag an éisteacht ó bhéal an 4ú lá de Shamhain, 2020, ach amháin mar a leanas:

(i) Bainfear uimhreacha ceapach 123a.202 agus 123b.201.

(ii) Beidh ceapach uimhir 195a.202 faoi réir fála buan ach amháin don chuid a fhreastalaíonn ar an mbealach isteach athghrádaithe deiridh chuig an teaghais atá ann cheana agus a bheidh faoi réir éadála sealadaí.

(iii) Beidh ceapach uimhir 246a.203 faoi réir fála buan ach amháin don chuid a fhreastalaíonn ar an eis-sreabhadh píopaithe a bheidh faoi réir éadála sealadaí le comhaontú slí slí gaolmhar i bhfabhar an Údaráis Bóthair.

(iv) Laghdófar an ceapach uimhir 651a.202 sa limistéar ionas nach n-áireofar ann ach na tailte sin a theastaíonn chun an chuid thuaidh de Bhóthar Rochtana 13/02 a thógáil feadh ailíniú na bóithrín atá ann.

(v) Beidh ceapach uimhir 713a.203 faoi réir éadála sealadaí.

DECISION QUASHED

(vi) Beidh uimhir phlota 713a.204, Plota uimhir 713a.101 agus Plota uimhir 713b.101 faoi réir éadála sealadaí go dtí doimhneacht 1.5 méadar faoi leibhéal na talún agus faoi réir fála buan go dtí doimhneacht níos faide ná 1.5 méadar faoi leibhéal na talún.

An chúis: Faisnéis nuashonraithe a chur san áireamh maidir le húinéireacht talún agus tiomantais a rinneadh le linn na héisteachta ó bhéal, agus méid an tsealbhaithe a laghdú nó cineál an tsealbhaithe a athrú ó bhuan go sealadach i leith gabháltas talún, i gcás ina meastar gur féachadh le tailte de bhreis ar an gcuspóir aitheanta shealbhú.

DECISION QUASHED

Chris McGarry

Comhalta den Bhord Pleanála atá údaraithe go cuí chun séala an Bhoird a fhíordheimhniú.

Dátaithe an 6th **lá seo de** December **2021**

An Bord Pleanála

Board Order ABP-302885-18

DECISION QUASHED

Roads Acts, 1993 to 2015

Planning and Development Acts, 2000 to 2020

Planning Authority: Galway County Council

APPLICATION received by An Bord Pleanála on the 26th day of October, 2018, from Galway County Council pursuant to section 47 of the Roads Act, 1993, as amended, for approval of a scheme entitled **"N6 Galway City Ring Road Motorway Scheme 2018 and Protected Road Scheme 2018."**

Decision

APPROVE the said motorway scheme and protected road scheme subject to the modifications set out in the Schedule below based on the reasons and considerations set out under.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having considered the objections made to the Motorway Scheme, the report of the persons who conducted the oral hearing into the objections, the purpose of the Motorway Scheme, and also having regard to:

(a) the need to provide a road that is designed and constructed in accordance with current design standards with a consistent cross section with full stopping sight distances along its length and appropriate junctions and accesses with visibility in accordance with current design standards,

(b) the community need and public interest served and overall benefits, including benefits to a range of road users to be achieved from use of the acquired lands,

(c) the provisions of the National Planning Framework – Project Ireland 2040, the Galway County Development Plan 2015-2021 and the Galway City Development Plan 2017-2023 and the policies and objectives stated therein, which specifically identify the proposed road development,

(d) the proportionate design response to the identified need,

(e) the submissions and observations made to the Scheme and at the oral hearing, and

(f) the report and recommendation of the Inspectors,

DECISION QUASHED

it is considered that, subject to the modifications as set out in the Schedule below, the acquisition by the local authority of the lands in question, and the extinguishment of public rights of way, as set out in the Motorway Scheme and on the deposited maps, are necessary for the purposes stated, and that the objections cannot be sustained having regard to the said necessity.

SCHEDULE

The Scheme shall be modified in accordance with the revised schedules and associated deposit maps submitted by the Road Authority to An Bord Pleanála at the oral hearing on the 4th day of November, 2020, except as follows:

(i) Plot numbers 123a.202 and 123b.201 shall be removed.

(ii) Plot number 195a.202 shall be subject to permanent acquisition save for the portion accommodating the final regraded entrance to the existing dwelling which shall be subject to temporary acquisition.

(iii) Plot number 246a.203 shall be subject to permanent acquisition save for the portion accommodating the piped outfall which shall be subject to temporary acquisition with an associated wayleave agreement in favour of the Road Authority.

(iv) Plot number 651a.202 shall be reduced in area so as to include only those lands required for the construction of the northern portion of Access Road 13/02 along the alignment of the existing bóithrín.

(v) Plot number 713a.203 shall be subject to temporary acquisition.

DECISION QUASHED

(vi) Plot number 713a.204, Plot number 713a.101 and Plot number 713b.101 shall be subject to temporary acquisition to a depth of 1.5 metres below ground level and subject to permanent acquisition to a depth beyond 1.5 metres below ground level.

Reason: To take account of updated information in respect of land ownership and commitments made in the course of the oral hearing, and to reduce the extent of acquisition or change the nature of acquisition from permanent to temporary in respect of landholdings, where it is considered that lands surplus to the identified purpose were sought to be acquired.

DECISION QUASHED

Chris McGarry

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 8th **day of** December **2021**