



An
Bord
Pleanála

Inspector's Report ABP-314654-22

Nature of Application

BusConnects Galway: Cross-City Link
(University Road to Dublin Road),
Compulsory Purchase Order No. CCL-
CPO-001, 2022.

Location

University Road to Dublin Road,
Galway.

Planning Authority

Galway City Council.

Applicant

Galway City Council

Objectors

See Appendix 2

Date of Site Inspection

30th March 2023, 3rd & 4th May 2024

Inspector

Sarah Lynch

1.0 Introduction

1.1. Overview

- 1.1.1. This is an application by Galway City Council for confirmation by the Board of a Compulsory Purchase Order ('CPO'), entitled 'BusConnects Galway: Cross-City Link (University Road to Dublin Road), Compulsory Purchase Order'.
- 1.2. The Compulsory Purchase Order relates to the compulsory acquisition of rights over various lands along the University Road, St. Vincent's Avenue, St. Francis Street, Eglinton Street, Eyre Square, Forster Street, College Road and Dublin Road and also encompasses numerous roads within the city centre including Fairgreen Road, Bothar Uí Eithir, Prospect Hill, Bothar na mBan, St. Brendan's Avenue, Headford Road, Dyke Road, Woodquay, Daly's Place, Merchants Road, Forthill Street, Queen Street and Dock Road, and it is made pursuant to the powers conferred on Galway City Council which is a designated road authority under Section 2(1) of the Roads Act 1993, as amended.
 - 1.2.1. 17 no. submissions were received and an Oral Hearing to consider these objections was held on the 6th and 7th February 2024.

1.3. Purpose of CPO

- 1.3.1. The purpose of the CPO is to facilitate the undertaking of the development referred to as the BusConnects Galway: Cross-City Link University Road to Dublin Road scheme, the construction of the proposed scheme has an overall length of approximately 6.7km and is routed along the University Road, St. Vincent's Avenue, St. Francis Street, Eglinton Street, Eyre Square, Forster Street, College Road and Dublin Road and also encompasses numerous roads within the city centre including Fairgreen Road, Bothar Uí Eithir, Prospect Hill, Bothar na mBan, St. Brendan's Avenue, Headford Road, Dyke Road, Woodquay, Daly's Place, Merchants Road, Forthill Street, Queen Street and Dock Road.
- 1.3.2. The overall need for the Proposed Scheme is to respond to current deficiencies in the transport system. It is expected that the proposed development will increase the effectiveness and attractiveness of bus services operating along the corridor and will result in more people availing of public transport due to the faster journey times and reliability improvements which the Proposed Scheme provides. The applicant stated

that the scheme will also support the potential to increase the bus network capacity of services operating along the corridor, this attracting more public transport patrons onto the service.

- 1.3.3. Without such interventions traffic congestion will lead to longer and less reliable bus journeys throughout the city and will affect the quality of people's lives. It is stated that the Proposed Scheme is needed because it will provide enhanced walking, cycling and bus infrastructure on this key access corridor in the city, which will enable and deliver efficient, safe, and integrated sustainable transport movement along the corridor. The proposed scheme will also deliver improved public realm along the corridor.
- 1.3.4. The NTA have sent 66 notices to Landowners and Lessee Occupiers along the proposed route. Landowners include National University of Ireland, Galway City Council, CIE, The Courts Service and private landowners. Some landowners are joint owners of a singular parcel of land, some are singular owners of multiple parcels of lands, and some are joint/multiple owners of multiple parcels. All owners and associated parcels to be acquired are detailed in the document titled 'BusConnects Galway Cross City Link (University Road to Dublin Road), August 2022, Compulsory Purchase Order'.

1.4. Accompanying documents

- 1.4.1. The application was accompanied by the following:
 - Compulsory Purchase Order and Schedule thereto, dated 14th September 2022.
 - Application cover letter.
 - CPO Maps.
 - Newspaper notices, published in the Galway City Tribune and the Irish Independent both dated the 16th September 2022.
 - Copy of site notices erected and details of specific locations erected along the route.
 - Copy of notice sent to landowners.
 - Copy of registered postal receipt for service of each CPO notice.

1.5. Format of CPO and Schedule

- 1.5.1. The CPO states that the lands are required for the purposes of facilitating public transport, and together with all ancillary and consequential works associated therewith.
- The lands described in Part I of the Schedule is land being permanently acquired,
 - Lands described in Part II of the Schedule is land being temporarily acquired,
 - Lands described in Part III (A) describe public rights of way to be extinguished,
 - Lands described in Part III (B) describe public rights of way to be restricted or otherwise interfered with.
 - Land described in Part IV (A) provide a description of private rights to be acquired.
 - Land described in Part IV (B) provides a description of private rights to be restricted or otherwise interfered with,
 - Land described in Part IV (C) describe private rights to be temporarily restricted or otherwise interfered with.
- 1.5.2. Temporary land takes are required to facilitate construction of the proposed scheme and will be returned to the landowner on completion of the scheme.
- 1.5.3. Part I of the Schedule hereto and coloured grey on the said deposited map (including lands coloured grey and cross hatched) is land being permanently acquired other than land consisting of a house or houses unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense.
- 1.5.4. The land described in Part II of the Schedule hereto and coloured grey on the said deposited map (including lands coloured grey and cross hatched) is land being temporarily acquired other than land consisting of a house or houses unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense.
- 1.5.5. The Schedule and all relevant Parts as aforementioned assigns an identification number to each plot of land and describes the quantity, type, townland, owner or reputed owner, lessee or reputed lessee and occupier of each plot, as relevant.

- 1.5.6. The Board should note that 2no. houses and associated outdoor space are proposed to be acquired as part of the proposed scheme.

2.0 Site Location and Description

2.1. The proposed scheme submitted under this application will provide for a Cross City Link (University Road to Dublin Road) scheme which has an overall combined length of approximately 6.7km and is routed along the University Road, St. Vincent's Avenue, St. Francis Street, Eglinton Street, Eyre Square, Forster Street, College Road and Dublin Road and also encompasses numerous roads within the city centre including Fairgreen Road, Bothar Uí Eithir, Prospect Hill, Bothar na mBan, St. Brendan's Avenue, Headford Road, Dyke Road, Woodquay, Daly's Place, Merchants Road, Forthill Street, Queen Street and Dock Road.

2.2. Specific works proposed within the development include the following:

- 3km (two way) of bus priority infrastructures and traffic management.
- 3.7km (two way) of street infrastructure and traffic management.
- 1.2km (total both directions) of cycling infrastructure.
- Provision of new /refurbished pedestrian facilities and footpaths along the scheme and associated ancillary works.
- Provision of 11 new / amended traffic signal-controlled junctions.
- Provision of 19 new / amended controlled pedestrian crossings.
- Provision of 29 new / refurbished raised table side entry facilities.
- Provision of 9 new / refurbished raised table junction / crossings.
- Reconfiguration of existing and new bus stops resulting in 26 number bus stop facilities.
- Reconfiguration of existing and new coach parking bays resulting in 18 number coach parking / set down bays.
- Public Realm works including landscaping, planting, street furniture, street lighting, retaining walls, boundary walls and sustainable urban drainage (SUDs) measures.

- Roads associated earth works including excavation of unacceptable material, importation of material, temporary storage of materials.
- Provision of road pavement, signing, lining and ancillary works.
- Provision of new and diverted drainage infrastructure.
- Diversion of utilities and services including associated ancillary works and,
- Construction of accommodation works including boundary treatment and ancillary grading and landscaping works together with all ancillary and consequential works associated therewith.

2.3. The Construction Phase for the Proposed Scheme is anticipated to take approximately 24 months to complete. It will be constructed based on individual sectional completions that will individually have shorter durations typically ranging between two to 12 months.

3.0 Planning History

3.1. There are a significant number of planning applications along the route which include residential, domestic residential such as alterations to existing houses and commercial development etc, the Board should note that many of the larger permissions are 8-10 years old and have been implemented or have withered. Of relevance to this scheme is the following:

- ABP-309673-21 – Permission was granted for the demolition of an ESB enclosure and construction of a seven/eight storey development comprising 4 retail units, a gymnasium and student accommodation (254 beds). A Natura Impact Statement (NIS) was submitted as part of this application.

4.0 Overview of submissions

4.1. 17 no. third party submissions have been received in relation to the CPO of lands and are summarised hereunder, none have requested an Oral Hearing, yet refer to the potential of participating in one. In relation to the content of the submissions it is of note that many issues raised are common to all of the submissions. Individuals do not wish to have road infrastructure brought closer to their properties, loss of on street parking for both private residences and businesses is a concern. Individuals are

concerned that the proposed development will materially alter how their property functions and will be exposed to higher levels of both noise and air pollution.

- 4.2. All such matters have been examined in detail within the planning application report ref: ABP314597-22 and I refer the Board to this report. I will examine the relevant concerns raised in relation to the assessment of the CPO in terms of community need, compliance with the development plan, proportionality and necessity of level of acquisition proposed, alternatives and suitability of lands.
- 4.3. The Board should note that Galway City Council responded to the issues raised and such responses will be examined the context of submissions and the Oral Hearing within the assessment section of this report hereunder. A further 9 submissions were received in relation to the Council's response to submissions. No new issues are raised within these submissions, a number of submissions welcome the proposed accommodations made by the Council.
- 4.4. One submission from Sean and Phil Scahill refer to an occupant of no. 139 College Road which should be added to the schedule. This amendment has been carried out by the Council.

5.0 Oral Hearing

- 5.1. An Oral Hearing was held virtually on the 6th and 7th February 2024. A digital sound recording was made of the Oral Hearing and should be consulted for a full representation of proceedings; however, a summary of the Hearing is included in Appendix 1 of this report.

6.0 Policy Context

- 6.1. The NPF recognised Galway city as the fastest growing city in Ireland over the last 50 years. The NPF seeks to support city and city region functions with relevant policies and investment but with a strong emphasis on securing a compact-growth development approach. The NPF also seeks to develop Galway City in a transformational and urban rejuvenation focused manner. Transport within the city is identified within the NPF as a challenge in relation to the accommodation of future population growth within the metropolitan boundary of the city.

6.2. The National Policy Objective 2a of the National Planning Framework seeks to deliver 50% of national population and employment growth within the four cities of Cork, Waterford, Limerick and Galway and to improve the collective offer in terms of quality of life. Challenges facing the development of Galway City identified within the NPF include transport.

Section 3.3 of the NPF recognises the strategic importance of Galway to drive growth in the west, identified future growth enablers include:

- Improving access and sustainable transport links to and integration with the existing employment areas to the east of the City at Parkmore, Ballybrit and Mervue;
- Provision of a Citywide public transport network, with enhanced accessibility between existing and proposed residential areas and the City Centre, third level institutions and the employment areas to the east of the city.
- Public realm and urban amenity projects focused on streets and public spaces, particularly in support of an extended city centre area and where residential and employment areas can be linked to pedestrian routes;
- Development of a strategic cycleway network with a number of high-capacity flagship routes.

The NPF also sets out a number of national policy objectives focused on sustainable transportation, greater accessibility and improved air quality arising from increased use of alternatives to the car which include the following:

- **NPO 27** - Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- **NPO 28** - Plan for a more diverse and socially inclusive society that targets equality of opportunity and a better quality of life for all citizens, through improved integration and greater accessibility in the delivery of sustainable communities and the provision of associated services.
- **NPO 64**- Improve air quality and help prevent people being exposed to unacceptable levels of pollution in our urban and rural areas through integrated

land use and spatial planning that supports public transport, walking and cycling as more favourable modes of transport to the private car, the promotion of energy efficient buildings and homes, heating systems with zero local emissions, green infrastructure planning and innovative design solutions.

National Development Plan 2021-2030

The NDP Review contains a range of investments and measures which will be implemented over the coming years to facilitate the transition to sustainable mobility. These measures include significant expansions to public transport options, including capacity enhancements on current assets and the creation of new public transport links.

The NDP recognises Busconnects as one of the Major Regional Investments for the Eastern and Midland Region and this scheme is identified as a Strategic Investment Priority within all five cities.

Over the next 10 years approximately €360 million per annum will be invested in walking and cycling infrastructure in cities, towns and villages across the country.

Transformed active travel and bus infrastructure and services in all five of Ireland's major cities is fundamental to achieving the overarching target of 500,000 additional active travel and public transport journeys by 2030. BusConnects will overhaul the current bus system in all five cities by implementing a network of 'next generation' bus corridors including segregated cycling facilities on the busiest routes to make journeys faster, predictable and reliable.

Over the lifetime of this NDP, there will be significant progress made on delivering BusConnects with the construction of Core Bus Corridors expected to be substantially complete in all five cities by 2030.

National Investment Framework for Transport in Ireland, 2021

One of the key challenges identified within this document relates to transport and the ability to maintain existing transport infrastructure whilst ensuring resilience of the most strategically important parts of the network. Population projections are expected to increase into the future and a consistent issue identified within the five cities of Ireland is congestion. Given space constraints, urban congestion will primarily have to be addressed by encouraging modal shift to sustainable modes.

Within the cities, frequent and reliable public transport of sufficient capacity and high-quality active travel infrastructure can incentivise people to travel using sustainable modes rather than by car.

Bus Connects is identified as a project which will alleviate congestion and inefficiencies in the bus service. The revised NDP 2021- 2030 sets out details of a new National Active Travel Programme with funding of €360 million annually for the period from 2021 to 2025. A new National Cycling Strategy is to be developed by the end of 2022, and will map existing cycling infrastructure in both urban and rural areas to inform future planning and project delivery decisions in relation to active travel.

Sustainable and Smart Mobility Strategy 2020 (EU Commission 2020)

The Smart and Mobility Strategy is part of the EU Green Deal and aims to reduce transport emissions by 90% until 2050. The Commission intends to adopt a comprehensive strategy to meet this target and ensure that the EU transport sector is fit for a clean, digital and modern economy. Objectives include:

- increasing the uptake of zero-emission vehicles
- making sustainable alternative solutions available to the public & businesses
- supporting digitalisation & automation
- improving connectivity & access.

Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020

- This is a government document that was prepared in the context of unsustainable transport and travel trends in Ireland. The overall vision set out in this policy document is to achieve a sustainable transport system in Ireland by 2020.
- To achieve this the government set out 5 key goals
 - (i) to reduce overall travel demand,
 - (ii) to maximise the efficiency of the transport network,
 - (iii) to reduce reliance on fossil fuels,
 - (iv) to reduce transport emissions and

- (v) to improve accessibility to transport.

To achieve these goals and to ensure that we have sustainable travel and transport by 2020, the Government sets targets, which include the following:

- 500,000 more people will take alternative means to commute to work to the extent that the total share of car commuting will drop from 65% to 45%
- Alternatives such as walking, cycling and public transport will be supported and provided to the extent that these will rise to 55% of total commuter journeys to work.

Climate Action Plan 2023

- The Climate Action Plan (CAP23) sets out a roadmap to halve emissions by 2030 and reach net zero by 2050. CAP23 will also be the first to implement carbon budgets and sectoral emissions ceilings that were introduced under the Climate Action and Low Carbon Development (Amendment) Act, 2021. Sector emission ceilings were approved by Government in July 2028 for the electricity, transport, built environment – residential, built environment – commercial, industry, agricultural and other (F-gases, waste & petroleum refining) sectors. Finalisation of the emissions ceiling for the Land Use, Land Use Change and Forestry (LULUCF) sector has been deferred for up to 18 months from July 2022.
- Citizen engagement and a strengthened social contract between the Government and the Irish people will be required around climate action. Some sectors and communities will be impacted more than others. A just transition is embedded in CAP23 to equip people with the skills to benefit from change and to acknowledge that costs need to be shared. Large investment will be necessary through public and private sectors to meet CAP23 targets and objectives.
- The electricity sector will help to decarbonise the transport, heating and industry sectors and will face a huge challenge to meet requirements under its own sectoral emissions ceiling. CAP23 reframes the previous pathway outlined in CAP21 under the Avoid-Shift-Improve Framework to achieve a net zero decarbonisation pathway for transport. This is a hierarchical framework which prioritises actions to reduce or **avoid** the need to travel;

shift to more environmentally friendly modes; and **improve** the energy efficiency of vehicle technology.

- Road space reallocation is a measure outlined under both ‘avoid’ and ‘shift’ to promote active travel and modal shift to public transport. It is recognised that road space reallocation can redirect valuable space from on-street car-parking and public urban roadways to public transport and active travel infrastructure (such as efficient bus lanes, and more spacious footpaths and segregated cycle-lanes), whilst also leading to significant and wide-scale improvements in our urban environments. A National Demand Management Strategy will be developed in 2023 with the aim of reducing travel demand and improving sustainable mobility alternatives.
- The major public transport infrastructure programme set out in the NDP rebalances the share of capital expenditure in favour of new public transport schemes over road projects. BusConnects in each of our 5 cities, the DART+ Programme and Metrolink will continue to be progressed through public consultations and the planning systems. BusConnects is a key action under the major public transport infrastructure programme to deliver abatement in transport emissions, as outlined in CAP23 for the period 2023-2025.

Permeability in Existing Urban Areas Best Practice Guide 2015

Among the priorities of the National Transport Authority (NTA) are to encourage the use of more sustainable modes of transport and to ensure that transport considerations are fully addressed as part of land use planning. This guidance demonstrates how best to facilitate demand for walking and cycling in existing built-up areas.

Department of Transport National Sustainable Mobility Policy on 7th April 2022.

The plan, prepared by the Department of Transport, includes actions to improve and expand sustainable mobility options across the country by providing safe, green, accessible and efficient alternatives to car journeys.

- United Nations 2030 Agenda

European Green Deal (EDG) 2019

The European Commission has adopted a set of proposals such as making transport sustainable for all, to make the EU's climate, energy, transport and taxation policies fit for reducing net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels.

Cycle Design Manual, NTA, 2023

This new Cycle Design Manual supersedes the National Cycle Manual. The new manual draws on the experience of delivering cycling infrastructure across Ireland over the last decade, as well as learning from international best practice, and has been guided by the need to deliver safe cycle facilities for people of all ages and abilities.

6.3. Regional

Regional Spatial and Economic Strategy - Northern and Western Regional Assembly.

6.4. Section 3.3 of the RSES seeks to achieve better integration between land use and transportation planning.

- Section 5.1 Investing in transport infrastructure
 - Prioritising future investment for the delivery of a strategic cycling and walking network,

6.5. Section 6.2 Transport - A best practice example of where the integration of transport, spatial and economic planning is to be delivered, is the Galway Transport Strategy (GTS). The GTS should be used as a template elsewhere.

6.6. Local policy

6.7. Galway City Development Plan 2023-2029

6.8. The BusConnects Programme is seen within the plan as a key part of Government policy to improve public transport and address climate change. Within the Galway City area, investment in bus infrastructure and services will be delivered through BusConnects and the relevant parts of the GTS.

- Section 2.4 Integrating Climate Action into the City Development Plan
 - 4. Sustainable Mobility and Transportation - Supports the delivery of public transport and sustainable mobility projects in the Galway

Transport Strategy (GTS) such as Cross City Link, Bus Connects and the National Greenway Network in the city.

- Policy 4.3 Public Transport - Support the implementation of Bus Connects Galway and the overall bus transport network which will include for a high frequency cross-city network of services and all associated infrastructural requirements, traffic management and priority arrangements.
- Policy 4.4 Sustainable Mobility - Walk and Cycle - Facilitate cycling on the proposed Bus Connects Galway Routes where appropriate including on the proposed Cross-City Link.
- Section 4.8 Specific Objectives Modal Change: Public Transport - Facilitate the delivery of the Bus Connects Programme serving the City and the MASP area by securing and maintaining any required route reservations.

6.9. Galway Transport Strategy 2016

6.10. The GTS sets out the actions and policy position for the development of sustainable transport infrastructure in Galway over a 20 year period and sets out a framework to deliver the projects in a phased manner. The Cross City link which forms part of the BusConnects routes are supported within this document.

- **F4.7 – City Centre**

Proposal to remove access to this road for all private vehicles allowing public transport vehicles and cyclists only to use the bridge. There is an additional proposal to provide a dedicated pedestrian crossing facility, whether as a separate footbridge or a cantilevered structure. The combination of these measures will reduce traffic on the bridge and allow for the existing footpaths on the bridge to be removed, widening the carriageway available for buses and cyclists. An alternative possibility would be to create a separate bridge which caters for both cyclists and pedestrians.

- Section 4.1 City Centre Traffic Management
 - Table 4.1 – Salmon Weir Bridge was identified as the preferred bus only route on the west side of the city centre.

- Section 5.7 Supporting Measures for Local Public Transport- Segregation of pedestrians from buses at Salmon Weir Bridge through the provision of a new, parallel pedestrian bridge adjacent to the existing structure.

6.11. Legislative Context

6.12. Section 213 of the Planning and Development Act 2000, as amended, sets out the legal status of the compulsory purchase process in relation to Local Authorities, as follows:

(1) The power conferred on a local authority under any enactment to acquire land shall be construed in accordance with this section.

(2) (a) A local authority may, for the purposes of performing any of its functions (whether conferred by or under this Act, or any other enactment passed before or after the passing of this Act), including giving effect to or facilitating the implementation of its development plan or its housing strategy under section 94, do all or any of the following:

(i) acquire land, permanently or temporarily, by agreement or compulsorily,

(ii) acquire, permanently or temporarily, by agreement or compulsorily, any easement, way-leave, water-right or other right over or in respect of any land or water or any substratum of land,

(iii) restrict or otherwise interfere with, permanently or temporarily, by agreement or compulsorily, any easement, way-leave, water-right or other right over or in respect of any land or water or any substratum of land, and the performance of all or any of the functions referred to in subparagraphs (i), (ii) and (iii) are referred to in this Act as an “acquisition of land”.

(b) A reference in paragraph (a) to acquisition by agreement shall include acquisition by way of purchase, lease, exchange or otherwise.

(c) The functions conferred on a local authority by paragraph (a) may be performed in relation to— (i) land, or (ii) any easement, way-leave, water-right or other right to which that paragraph applies, whether situated or exercisable,

as the case may be, inside or outside the functional area of the local authority concerned.

(3) (a) The acquisition may be effected by agreement or compulsorily in respect of land not immediately required for a particular purpose if, in the opinion of the local authority, the land will be required by the authority for that purpose in the future.

(b) The acquisition may be effected by agreement in respect of any land which, in the opinion of the local authority, it will require in the future for the purposes of any of its functions notwithstanding that the authority has not determined the manner in which or the purpose for which it will use the land. (c) Paragraphs (a) and (b) shall apply and have effect in relation to any power to acquire land conferred on a local authority by virtue of this Act or any other enactment whether enacted before or after this Act.

(4) A local authority may be authorised by compulsory purchase order to acquire land for any of the purposes referred to in subsection (2) of this section and section 10 (as amended by section 86 of the Housing Act, 1966) of the Local Government (No. 2) Act, 1960, shall be construed so as to apply accordingly and the reference to “purposes” in section 10(1)(a) of that Act shall be construed as including purposes referred to in subsection (2) of this section.

7.0 Assessment

7.1. Overview

- 7.2. For the Board to confirm the subject CPO, it must be satisfied that Galway County Council has demonstrated that the CPO “is clearly justified by the common good”¹. Legal commentators² have stated that this phrase requires the following minimum criteria to be satisfied:

¹ Para. 52 of judgement of Geoghegan J in *Clinton v An Bord Pleanála* (No. 2) [2007] 4 IR 701.

² Pg. 127 of *Compulsory Purchase and Compensation in Ireland: Law and Practice*, Second Edition, by James Macken, Eamon Galligan, and Michael McGrath. Published by Bloomsbury Professional (West Sussex and Dublin, 2013).

- There is a community need that is to be met by the acquisition of the site in question,
- The particular site is suitable to meet that community need,
- Any alternative methods of meeting the community needs have been considered but are not demonstrably preferable, and
- The works to be carried out should accord with or at least not be in material contravention of the provisions of the statutory development plan.

7.3. I will therefore address each of the four criteria outlined above in turn below, together with the issue of proportionality and other issues arising from the submissions.

Community Need

- 7.4. The proposed development is being developed in response to the need for a sustainable, reliable form of public transport along the main radial routes from the City Centre. Sustainable transport infrastructure is known to assist in creating more sustainable communities and healthier places to live and work while also stimulating our economic development and also contributes to enhanced health and well-being when delivered effectively.
- 7.5. According to the National Planning Framework, 2018, the population of the Galway City is forecast to increase by 50% by 2040 and this growth will have associated travel demands, placing added pressure on the transport system. Significant congestion already occurs within the city from private car dependence and intervention is therefore required to optimise road space and prioritise the movement of people over the movement of vehicles.
- 7.6. At present, the reliability and effectiveness of existing bus and cycle infrastructure within the city is compromised by a lack of bus lanes and segregated cycle tracks. Furthermore, existing bus lanes are often shared with parking and cyclists and are not always operational on a 24-hour basis.
- 7.7. As noted above, the overriding motivation for BusConnects is to reduce CO₂ emissions and this is critical from a global climatic perspective. The proposed scheme is specifically identified and supported within the Climate Action Plan 2023 and is seen as a key action under the major public transport infrastructure programme to deliver abatement in transport emissions. The scheme is also identified within the National

Sustainable Mobility Policy document and the accompanying action plan as a key piece of infrastructure to be delivered to achieve reductions in emissions and provide for more efficient cities in terms of accessibility for all. The scheme is also seen as an economic driver within the cities which currently experience significant congestion and impediments to movement and accessibility.

- 7.8. At the local and shorter-term level, the issue of congestion is more obvious, and both congestion and CO₂ emissions are continuing to rise. Any further increases in traffic levels will see an exacerbation of congestion, CO₂ emissions and of all of the associated issues highlighted above. Private car dependence will worsen unless there is intervention to optimise road space and prioritise the movement of people over the movement of vehicles.
- 7.9. When examining the functionality and capacity of road space to facilitate the movement of people it is important to consider the capacity of the space and how to optimise it. It is estimated that approximately 80% of road/ street space is dedicated to the car. A car travelling at 50kph requires 70 times more space than a pedestrian or cyclist.
- 7.10. The prioritisation of buses over cars and the creation of more space for pedestrians and cyclists will therefore allow for increased people movement capacity along the core bus corridor. This is vital given the existing congestion and the forecasted growth in population, jobs and goods vehicle numbers by 2040. The proposed scheme is expected to see a reduction in car use along the route and an increase in cycling and walking in addition to an increase in bus use.
- 7.11. Having regard to the above, the proposed scheme is of critical importance to the transport network in Galway to facilitate the actual movement of people and this can only be achieved through a realistic modal shift from the private car to sustainable modes. The proposed scheme allows for increased people moving capacity and the best chance to avoid gridlock in future years as the population grows and the demand for travel increases. The proposed scheme also has the potential to reduce Ireland's greenhouse gas emissions significantly. The proposed scheme will therefore make a significant contribution to carbon reduction, the easing of congestion and the creation of more sustainable travel patterns for the growing population, therefore demonstrating a clear community need for the proposed scheme.

- 7.12. In terms of local transport need it is outlined by the applicant that bus priority infrastructure is currently provided along approximately 25% of the length of the route. The Proposed Scheme will facilitate 97% bus priority. This will improve journey times for bus, enhance its reliability and provide resilience to congestion.
- 7.13. With regard to cycling it is stated that segregated cycling facilities are currently provided along approximately 9% of the route of the Proposed Scheme. The remaining extents have no segregated cycle provision or cyclists must cycle on the bus lanes. The Proposed Scheme will increase to 78% consisting mainly of segregated cycle tracks in both directions. The improvements to cycle infrastructure will vastly improve the current offer to cyclists and by doing so will significantly increase the modal share.
- 7.14. In terms of pedestrian infrastructure improvements, I note that signal crossings will increase by 62% from 77 to 125 as a result of the proposed scheme.
- 7.15. The proposed scheme, therefore, will deliver the physical infrastructure necessary to sustain the projected population growth along and within the area of the route. It will also provide a more accessible public transport facility to the most vulnerable in society in a safe, well-lit and protected environment.
- 7.16. In overall conclusion, it is clear that there is an obvious community need and justification for the proposed scheme which has been clearly demonstrated from a population growth and congestion perspective and in the interests of land use and transport planning integration.

Suitability of Lands

- 7.17. At the outset, the Board will note that Galway City Council are seeking to both permanently and temporarily acquire lands.
- 7.18. The lands that are the subject of this CPO are currently used for a number of uses but predominantly relate to green open spaces at the edge of housing developments, a small proportion of lands adjacent to the existing University entrance, lands abutting the Court House, lands adjacent to Woodquay playing pitch, lands forming part of the carriage way adjacent to the Galway City Council building, lands forming part of the footpath and carriageway along Forster Street, open space along the Dublin Road, and various residential boundaries.

- 7.19. The Board should note that the scheme for the most part will comprise lands within the existing public road and pedestrian area where there is specific zoning objective for the provision of a bus route.
- 7.20. Zonings pertaining to the lands include the following:
- CC – City Centre
 - R – Residential
 - CF – Community Culture and Institutional
 - I – Enterprise, Industry and Related Uses
 - RA - Recreational
- 7.21. Having regard to the provisions of the City Development Plan and the specific objective to provide for a bus route along the proposed scheme route, I am satisfied that the proposed reallocation of road space and the provision of active travel infrastructure are compatible with the zoning objectives of the development plan.
- 7.22. The scheme due to the restricted width of some sections of the existing carriageway encroaches on a number of third-party lands to allow for the proposed improvements which include a segregated cycle lane and bus stops. Larger areas of land at the open space areas associated with residential or educational uses will be temporally acquired to accommodate construction compounds and will be relandscaped and returned to their original use once construction is complete. Other lands will be acquired on a permanent basis to facilitate new cycle lanes and improved pedestrian facilities.
- 7.23. The deposit map booklet identifies all lands that are being acquired on both a permanent and temporary basis and identifies lands on which public and private rights of ways will be altered or interfered with and include reference to public lands on which there is a Market Traders lease at Eyre Square North.
- 7.24. Overall given the current use of lands and the minimal additional lands to be acquired which lie directly adjacent to the existing carriageway and footpath I am satisfied that the lands to be acquired are suitable for such use.

Accordance with the Development Plan

- 7.25. BusConnects is identified within the Galway City Development Plan as being a key transport infrastructure project that will improve the viability, accessibility and economic competitiveness of Galway City and suburbs. The project is specifically identified and supported at all levels of government policy as outlined above within the policy section of this report and is acknowledged within the City Development Plan as being a key strategic transport project for the city specifically supported by Galway City Council under Section 4.8 Specific Objectives Modal Change.
- 7.26. The scheme is also identified as a component of Strategic Investment Priority which has been determined as central to the delivery of the National Planning Framework. Given the abundance of policy documents and plans at both an EU, national and local level that support both specifically the proposed scheme and the type of scheme being a sustainable and active travel scheme, I am satisfied that the proposal is justified and in accordance with the overriding policy position set out within the Galway City Development Plan 2023-2029 and other national and regional policy documents as set out within the policy section of this report above.

Use of Alternative Methods

- 7.27. I note reference is made within the submissions received to a lack of consideration to alternative options for the proposed scheme. The consideration of Alternatives is documented within Section 3 of the EIAR submitted with the planning application ABP-314597-22. I note that alternatives were considered at three levels, Strategic alternatives, route alternatives and design alternatives.
- 7.28. In order to identify solutions analysis of the current situation was undertaken. The applicant states that currently, the bus network is characterised by discontinuity, whereby buses on routes have very limited dedicated bus lanes and / or supporting priority measures. This means that for most of the journey, buses and cyclists are competing for space with general traffic and are negatively affected by congestion. This results in delayed buses, unreliable journey times for passengers and safety risk for cyclist. The impact of congestion is clearly demonstrated in bus journey times whereby 1 in 4 buses take approximately an hour or more to complete a scheduled 25- minute journey in the evening peak hour.

Light Rail

- 7.29. It is stated that the appropriate type of public transport provision in any particular case is predominately determined by the likely quantum of passenger demand along the particular public transport route. With this in mind the applicant considered the option of constructing a light rail service which would cater for a passenger demand of between 3,500 and 7,000 per hour per direction (inbound and outbound journeys). Based on the number of passengers predicted to use the new service, it was considered that there would be insufficient demand to justify a light rail option. The light rail option would also require significantly more land take, necessitating the demolition of properties.

Demand Management

- 7.30. Demand management in the form of restricting car movement or car access through regulatory signage and access prohibitions, to parking restrictions and fiscal measures (such as tolls, road pricing, congestion charging, fuel/vehicle surcharges and similar) were all considered as alternatives to the proposed scheme. A key success factor of demand management is greater use of alternative travel modes, in particular public transport. This assumes of course that alternative reliable public transport services exist. Whilst there is an identified need in the Galway Transport Strategy that public transport improvements are key to the accessibility of the city, it is also recognised that in order to achieve this, a certain level of demand management will have to occur. So whilst this approach would not be sufficient in isolation it will form part of the solution to the city congestion.

Technological

- 7.31. In terms of technological alternatives, it is recognised that such measures are becoming increasingly advanced, however the use of electric vehicles does not address congestion problems and the need for mass transit.

Route Alternatives

- 7.32. The applicant outlines within section 3.3.3 of the EIAR that alternative route options have been considered throughout the design development but were informed by the Galway Transport Strategy. High level options assessment concentrated on the existing limited bridge crossings over the River Corrib and the need to remove traffic

congestion from the core city centre area while providing appropriate balanced alternatives for east-west orbital movement of traffic.

- 7.33. In order to consider alternatives in detail, the various routes were broken into sections and considered in the context of the ability to achieve the objectives of the GTS.
- 7.34. Following completion of the Stage 1 initial appraisal, the remaining reasonable alternatives options were progressed to Stage 2 of the assessment process and were also considered in sections. These route sections were then considered against the following criterion: economy, integration, accessibility and social inclusion, safety, physical activity, GTS policies and environment. Under each headline criterion, a set of sub-criteria were used to comparatively evaluate the options which included soils and geology, hydrology, flora and fauna, potential archaeological, architectural and cultural heritage impacts, air quality, noise and vibration and landscape and visual.
- 7.35. The options were also considered in the context of submissions received from the public consultation and various amendments made in response to the consultation.
- 7.36. Thus, having regard to the information provided by the NTA in relation to the alternatives considered I am satisfied that a significant number of options have been considered in detail and that the process undertaken by the applicant has been a robust assessment of alternative options having regard to environmental considerations and the stated Project Objectives, which are considered to be reasonable. I agree that the routes chosen are the ones which best meet these objectives. I also accept that the consideration of options within the selected route corridor and the strategy for key infrastructure provisions was a rigorous process, which had regard to environmental considerations and to the Project Objectives. I therefore generally concur with the reasons for choosing the preferred alternatives as presented in the EIAR.

Proportionality and Necessity of Level of Acquisition Proposed in relation to submissions received.

Submissions relating to lands to be acquired at an existing Circle K

- Ard Services Limited – 114.a.101 , 114.a.202

- 7.37. It is proposed to permanently acquire 211.5sqm and temporarily acquire 1457.3sqm of lands to the front and within the forecourt of an existing Circle K fuel station and

shop area at this location. Written objections were received in relation to this issue and the objectors also engaged in the Oral Hearing process in which they elaborated on the issues that has been raised within the written submission.

- 7.38. The issue before the board in this instance is the proportionality of the acquisition. It is contended that the acquisition will have a significant impact on the functioning of this business, requiring the removal of underground fuel tanks, removal of fuel canopy, loss of a number of fuel pumps and therefore a significant reduction in the capacity for fuel sales which could result in an unviable business.
- 7.39. The objector's representatives presented these concerns to the hearing and stated that the right turning lane which is proposed to commence at the station could be reduced in length and in doing so there would be no need to acquire lands at this station, thereby removing any impact to the station.
- 7.40. The Council's representatives, responded during the hearing and stated that the length of the right turning lane had been modelled in the context of traffic flows relating to the cross-city transport route and to shorten this would have significant impacts on traffic flows further along the route. The need for additional lands at this location relates to the provision of inbound cycle lanes, outbound bus lane, footpaths on either side and retention of existing traffic lane configuration.
- 7.41. The Council acknowledged the proposed scheme will result in a significant impact to the operation of this business and suggests that this could be addressed via the compensation process.
- 7.42. The Council was questioned on the need to retain the general traffic arrangement and the possibility to shorten a turning lane in order to remove any impact to the property. In response the Council reiterated that the proposed traffic arrangement had been modelled and that any changes to this arrangement would have a significant impact to traffic flows elsewhere in the route and would affect additional cross city traffic plans going forward. It was reiterated that the proposed works were essential to the achievement of the scheme objectives and that all other alternatives were considered in an attempt to reduce the impact to this business but were none of the alternatives were considered to be appropriate.
- 7.43. Thus, having regard to the arguments made by the business representatives and those of the Council I consider an alteration to this arrangement would undermine the

proposed scheme in its entirety and as such whilst I acknowledge the significant affect that the proposed development will have on the fuel station income and viability, I am satisfied that the proposed works are proportionate and necessary to achieve the objectives of the proposed scheme.

Submissions in relation to lands and houses to be acquired at 20 St. Brendan's Avenue & 5/6 Headford Road, lands adjacent to rear of 3 Headford Road

- Cecil McDonagh, 104.a.101 (20 Saint Brendan's Avenue- house)
- Gabriel and Mary Grealish 103.a.101 (5/6 Headford Road -B&B & garden)
- The Ryan Family – Acquisition of all private rights within the area shaded orange and labelled 'CB' on the deposit map with plot reference 103.b.101.

- 7.44. Plots to be acquired at this location contain 2 dwellings and associated garden areas and a section of existing rear access lane to the rear of 5/6 Headford Road.
- 7.45. The proposed acquisition of these properties will facilitate the delivery of a new footpath, widening of the existing footpath and widening of Saint Brendan's Avenue/Bóthar na mBan as it approaches the junction with Headford Road. I note from site inspection that St. Brendan's Avenue is currently a narrow two-way vehicular route with no cycle lanes. A crossroad links this road to Headford Road with little visibility from oncoming traffic turning from Headford Road onto St. Brendan's Avenue.
- 7.46. Concerns were raised by the owners and their representatives in relation to the acquisition of these properties and the interference with private rights in relation to the rear access lane which also abuts the rear of no. 3 Headford Road.
- 7.47. Cecil McDonagh and Gabriel and Mary Grealish were represented at the hearing by Mr. Martin Lavelle. The owners submitted written objections to the compulsory purchase and the oral submission given by their representative at the Oral Hearing reflected the issues raised.
- 7.48. Issues raised related to the development potential of the properties. It is suggested by Mr. Lavelle that these sites could accommodate significant compact development that would be in accordance with the provisions for such development within the Galway City Development Plan. Concerns were raised by Mr. Lavelle in relation to the Council's lack of acknowledgment of the development potential of the sites and it was requested that the Board adjudicate on the matter. Mr. Lavelle was advised that such

issues were a matter for the arbitrator and not a matter that the Board could adjudicate on.

- 7.49. Mr. Lavelle was further informed that there are no provisions within the Planning and Development Act that permitted the Board to consider such compensatory issues when considering a compulsory purchase. It was stated at the hearing that notwithstanding that the issue was not a matter for the Board, the concerns in relation to the development potential of the residential properties would nonetheless be brought to the Board's attention.
- 7.50. In summary Mr. Lavelle argued that the site of 20 St. Brendan's Avenue and 5/6 Headford Road could accommodate an 11 storey building. He further stated during the hearing that his clients had no objection to the acquisition of the properties but were seeking recognition of the development potential of this site.
- 7.51. In addition to the issues raised Mr. Lavelle sought clarity from the Council in relation to the extent of the proposed acquisition to the half road. The Council does not intend to acquire roadbed which is not necessary to implement the scheme as such areas are public roads and are therefore not required to be acquired to carry out the proposed improvement works. Mr. Lavelle challenged this point and stated that the works would interfere with property owner's access to their property by virtue of the provision of a bus lane and as such should be acquired. The Board may wish to seek further information in relation to this point in the event that they are not satisfied with the Council's response in this regard.
- 7.52. The Board should note that Mr. Lavelle sought to make further submissions at the time which was allocated to questions during the hearing. His further submission related to the development plan which he felt was pertinent to the Board's assessment of the compulsory purchase order. Mr. Lavelle was informed that if the Board considered there to be a lacuna of information in this regard, the Board at its discretion, could re-open the hearing. The matter was then closed.
- 7.53. In relation to the Ryan Family the Board should note that a written submission was received. A number of concerns are raised in this submission in relation to the impact of the development on the value of their property, loss of privacy, parking, prematurity of the development, increases in noise and air pollution.

- 7.54. Impacts relating to air pollution, noise and residential amenity are considered in detail within the planning report associated with this CPO process and as such I direct the Board to said planning report ref: 314597-22. In addition, impacts to property values are examined hereunder and will therefore not be repeated.
- 7.55. In response to the concerns raised in relation to parking and access I note the applicant's response and note that no. 3 Headford Road will not be directly impacted by the proposed CPO. Whilst a section of the rear lane way to the rear of 5/6 Headford road will be acquired the remainder will not and access will be maintained to the rear of no. 3 Headford Road. Any rights over lands to be acquired will be dealt with during the arbitration and are not a matter for the compulsory purchase process.
- 7.56. It is further stated that reinstatement works in relation to boundary treatments, driveways, footpaths and landscaping will be carried out on a like for like basis in consultation with the affected parties. Given that access will be unaffected by the development in relation to no.3 Headford Road I am satisfied that the proposed scheme is proportionate to meeting the scheme's objectives.
- 7.57. Overall, I have reviewed the proposed acquisitions at this location and consider that the proposed quantum of lands to be acquired are proportionate to the scheme at this location. The applicant does not seek to acquire lands in excess of what is absolutely necessary to accommodate appropriate cycle and pedestrian infrastructure at this location and I am satisfied that the loss of lands to the owner are justified in the context of the common good, in that the proposed development will provide a sustainable and active travel scheme benefiting all residents in the area and will significantly improve the pedestrian accessibility and safety for the properties along St. Brendan's Avenue.

Submission in relation to the Court Service – plot 126.a.101

- 7.58. It is proposed to acquire lands surrounding the Galway City Court House in order to facilitate development which would tie in with development in the surrounding area and provide a pedestrianised area within the lands currently used for parking to the front and side of the courthouse.
- 7.59. Written objections were received in relation to the proposed compulsory purchase acquisition and the Courts were also represented by Deirdre Hughes at the Oral Hearing. The issues raised within the written submission were summarised by the Courts representative within the oral hearing submission and relate to the following:

- Removal of direct access route to rear of courthouse, would impact the operation of the courthouse, the rear access is used by judiciary, court staff, gardai etc. The removal of this would result in victims and offenders having to use the same circulation areas.
- Removal of walkways and parking and pedestrianisation of rear of courthouse would result in security issues, difficulties in accessing the court with heavy documentation and privacy impacts to rooms located at rear used for legal consultation during court sittings.

7.60. The Board should note that Galway City Council responded to the written submission and proposed to omit plot 126.a.101 from the scheme. This would remove the Court Service from the Compulsory purchase process.

7.61. The Court Service's representative stated that this amendment would be welcomed and supported by the Courts Service.

7.62. Given the security issues outlined within both the written and oral submissions made by the Court Services and the potential for harm and or distress to occur to both court staff and victims of crime, I recommend that the Board accepts the alterations to the scheme proposed by Galway City Council in relation to this plot and omit plot 126a.101 from the scheme in its entirety.

7.63. The Board should note that the removal of this public plaza area would not have any implications for the operation of the proposed scheme and would not prohibit the achievement of the scheme's objectives in any manner.

7.64. In this instance I consider, based on the evidence provided both by written submission and oral submission at the oral hearing, that the proposed lands by virtue of the potential security issues are not suitable for the proposed scheme and should therefore be omitted.

Lands at Fairgreen car park

- CWC Fairgreen Ltd 107.a.101 & 107.a.202
- CWC Webworks Ltd 107.a.101 & 107.a.202
- Fairgreen Coach Station Ltd 108.a.101, 108.b.201, 110.a.202

7.65. Works at this location relate to the provision of a new footpath, new controlled pedestrian crossing and surfacing at entrances. The lands to be acquired commence

at the entrance to the Fair Green bus station on Forster Street and follow the public footpath westwards around the corner southwards onto Fairgreen Road and will include works at the entrances to Fairgreen house carpark to the west of Fairgreen Road.

- 7.66. The Board should note at the outset that there are a number of red dots along the western boundary of the Coach Station building at Fairgreen Road, these dots indicate concrete support columns which are anchored in the pavement. The design of the building at this location provides for a canopy entrance at street level with protruding upper floors which extend over the footpath and are supported by the concrete columns.
- 7.67. I will consider the submissions of the Fairgreen Coach Station in the first instance hereunder. This objector made representations to the Board by way of both written submission prior to the oral hearing and also participated in the oral hearing. The objectors were represented by Callum Bain of Colliers Solicitors who also represented CWC referred to above at the Oral Hearing. The Board should note at the outset that the submission contains significant similarities and the representative during the oral hearing did not differentiate, save for a comment on works to an entrance, between his clients.

Fairgreen Coach Station

- 7.68. The issues raised relate to the permanent acquisition of 586.4sqm of lands which comprise the public footpath adjoining the Coach Station building and 38.1sqm of temporary lands at the inbound entrance. Concerns raised by the Fairgreen Coach Station's representative relate to a number of issues including:
- the lack of adequate information in relation to lands being acquired which has limited the objector's capacity to engage in the process,
 - lack of traffic management plan,
 - lack of final detailed design, scheme will have a severe impact on functionality of the Coach station,
 - inappropriate positioning of the proposed pedestrian crossing adjacent to the exit route of the station.

- 7.69. In addition, the applicants are concerned that the proposed works would impact the accessibility of the entrance to the Coach station given that buses enter and leave this station on a regular basis over a 24hr period.
- 7.70. At the oral hearing Mr. Bain stated that the applicant's reference to the local arrangements proposed 'where practical' is of significant concern to the Fairgreen Coach station. He further stated that temporary accommodations for limited parking would not be suitable for this business. Mr. Bain sought assurances that 24hr access to the station would be maintained.
- 7.71. GCC responded that the majority of works relate to the footpath with the exception of the raised table across the entrance at the College Road/ Forster Street end. The expectation is that the works can be carried out with minimal disruption. Works on footpaths would not impact access and raised table works would be carried out at night. Mr Bain stated that the bus service is a 24hr service and reiterated his concerns. The Board should note that GCC responded to these concerns and stated that the works would be done in layers at night in short time periods and would allow access to the station. These works would be carried out in consultation with the station operator.
- 7.72. Concerns were raised in relation to the safety of a pedestrian crossing at the entrance to the Fairgreen Coach Station. The proximity of the crossing to the egress ramp was raised as being of particular concern to the station operators. Mr. Bain was informed that such matters relate to the planning application considerations and cannot be considered within the CPO hearing.
- 7.73. An additional matter in relation to plot 108.a.101 was raised (which abuts the Coach Station building). It was suggested that the boundary of the lands to be acquired extended to under the physical boundary of the property. It was suggested that the plot be amended to incorporate the kerbing and extend inwards to the supports for the upper sections of the building. If this were to occur, then the objection to this plot would be withdrawn.
- 7.74. GCC responded to this suggestion and clarified that there are a series of red dots on the deposit maps at this location which run along the front boundary of the Coach Station which indicate the supporting columns. The delineation of the public footpath is unclear at this location and extends inwards to the building entrance, the use of the

red dots is merely to represent the lack of clear delineation at this location. Works relate solely to the public footpath and will not impact the building or support columns.

- 7.75. The acquisition of lands at this location will enable works to be carried out to the existing footpath and will not impact the structure or appearance of the building and its canopy entrance.

Fairgreen Carpark

- 7.76. In relation to the CWC Fairgreen car park the Board should note that correspondence was received by the Council in relation to an additional company called Hallspace Ltd who stated that they were the owner of the lands. No evidence was submitted in this regard and the Council noted that both companies have the same registered address and same director. I note that notices were erected at plots 107.a.101 and 107.b.101 in order to notify any potential owners of the scheme. This issue was not raised at the Oral Hearing by the objector's representative, and I am satisfied based on the information submitted that the applicant has adequately notified all owners of the lands and has complied with all the legislative requirements in this regard.
- 7.77. The Board should note that written submissions state that the entrance areas to the Fairgreen carpark are surplus to the requirements of the proposed scheme and should be omitted. CWC Webworks are also stated to be landowners of this area (plots 107.a.101 and 107.b.101) and a similar submission has been received from Mr. Bain in this regard.
- 7.78. In response to the submission received GCC state that the proposed works at the car park entrance will provide a raised table with tactile paving and will be an improvement over the current situation for pedestrians and road users. The Council also recognises that there will be some temporary disruption, but access will be maintained to the car park.
- 7.79. All accommodation works will be carried out in agreement with the landowner and railings and gates etc will be replaced in a like for like manner.
- 7.80. Mr. Bain sought clarification at the oral hearing in relation to the manner in which works will be carried out at the entrance to the existing Fairgreen car park. The Council confirmed that these works would be implemented in the same manner as those proposed at the entrance to the coach station, i.e in a layered fashion, at night in order

to minimise disruption to the movement of vehicles in and out of the car park. As mentioned above, all such works will be carried out in consultation with the owners.

7.81. I have reviewed the plots outlined above and carried out a site inspection. Road improvement works are a common occurrence in such urban and city centre locations and whilst it is inevitable that some degree of disruption will occur, I am satisfied that the applicant has employed all reasonable measures to minimise such disruption. In addition, the lands required will accommodate the improvements proposed within the carriageway and footpaths and will not unduly impact upon the operation of the businesses and buildings adjacent to these lands. I consider the quantum of lands to be acquired in this instance to be reasonable and necessary to the achievement of the scheme objectives and I am satisfied that the applicant has not sought lands in excess of what is necessary.

Eyre Square Market

- Jacinta McCaul
- Ruby McCaul
- Kieran Devaney and Family

7.82. The submissions outlined above relate to a casual trading area at Eyre Square north which is currently used by stall owners to sell various items. The current market traders operate under a licence agreement with the Council. The proposed works will result in the relocation of these stalls to a different location.

7.83. The traders have made written submissions to the Board and also made submissions to the Oral Hearing. The Board should note that following the written submissions Galway County Council have stated that they will only move the traders on a temporary basis to facilitate the construction of the scheme at this location and will provide an alternative temporary site for traders during the works period. The Board should therefore note that the temporary interference with Market Rights will still be required in order to construct the scheme.

7.84. Jacinta McCaul represented herself and Ruby McCaul at the Oral hearing and stated at the outset that the proposal of the Council to allow traders to return to their current trading location would address her main concerns in relation to the CPO. Concerns were raised in relation to the accessibility of the trading area and it was requested by

Ms. McCaul that the current accessibility arrangements i.e. free access between 6am and 6pm be retained. Additional concerns were raised in relation to compensation and the agreement of bylaws and the hearing was informed that such matters are not matters for the Board under the compulsory purchase order process.

- 7.85. Accessibility to Rosemary Avenue was also raised as an issue to permit deliveries and setting up of temporary market stalls during construction. Such matters are subject to local arrangements and agreements between traders and the Council and are not a matter that the Board can adjudicate on.
- 7.86. Alterations required to facilitate traders after construction are dealt with by condition under the planning application associated with this development ref: 314597.
- 7.87. Kieran Devaney also made an oral submission to the oral hearing and reiterated the concerns raised by Jacinta McCaul in terms of the accessibility of the market area. The length of construction works was raised as a concern and the use of Rosemary Avenue was supported should it be proposed as an alternative location.
- 7.88. In response to the concerns raised the Council stated that bollards will be used at the current trading area but will be removed during the hours of trading. The Council also stated that they will negotiate and work with the traders in relation to the temporary relocation site for the market and that will form part of the accommodation works. The objectors stated that they were content with this response.
- 7.89. I have reviewed the lands to on which private rights are to be interfered with and consider the proposed interference on the market lands to be acceptable and necessary to facilitate the construction of the proposed scheme.

Lands to be temporarily and permanently acquired at the entrance to Gleann Noinin Estate

- Gleann Noinin Owners Management Company - 113.a.101, 113.a.202

- 7.90. The council is seeking to permanently acquire 204.0sqm of the housing estate access road and communal area and temporarily acquire 211.8sqm of the same area. The acquisition is required to facilitate road widening to accommodate cycle and bus lanes.
- 7.91. Concerns are raised in relation to property values which are considered below and impacts to privacy, impact to landscaping and safety of adjoining road. In response to these issues, it is contended by the Council that noise threshold will be complied with

and are set out in the planning application as mentioned above. Planting will be replaced in consultation with the management company and will ensure that privacy of dwellings is maintained both during construction and thereafter.

- 7.92. It is further stated by the Council that pedestrian crossings adjacent to Gleann Noinin Estate are being maintained in line with existing conditions. Improvements proposed to the Moneenageisha junction will improve road safety in the general area.
- 7.93. I have considered the submission received in relation to this location and consider the lands to be acquired to be reasonable and necessary to the achievement of the scheme's objectives. The acquisition of lands both on a temporary and permanent basis will not alter accessibility to this housing development either during construction or thereafter and as such I am satisfied that outside of the general construction disturbance there will be minimal impact on the residents of the estate.

Acquisition of lands at 139 College Road, Galway

- Sean and Phil Scahill - plot 112.a.101 & 112.a.202
 - Angela Shaw - plot 112.a.101 & 112.a.202
- 7.94. The Board should note at the outset that Sean and Phil Scahill are the registered owners of this property, however correspondence was received from Angela Shaw who purported to be the occupier of no. 139 College Road and she wished to attend the Oral Hearing. Access to and participation in the hearing was granted. The Council amended the schedule to include Angela Shaw as the occupier of the property prior to the oral hearing.
- 7.95. The lands to be acquired at this location comprise 82.8 sqm of permanent acquisition within the front garden of the property and an additional 55.27 sqm of temporary acquisition adjacent to this permanent acquisition to enable the reconstruction of the boundary wall. The Board should note that the existing front boundary wall of this property is c. 9 metres from the nearest part of the existing house. It is proposed to reinstate the current boundary wall at a distance of c. 4.8 metres from the nearest part of the property. In addition, the works area will be c. 2.8 metres from the property within the temporary acquisition delineated on the deposit maps submitted. It is stated that the lands are required to facilitate the widening of the road at this location.

- 7.96. Written submissions were received from R.G Emerson & Co. on behalf of Sean and Phil Scahill, concerns relate to the lack of adequate or sufficient basis to justify the acquisition, it is stated that the acquisition would be in contravention of Constitutional and European Community law. Further issues are raised in relation to the EIAR which are dealt with under the planning report referred to above and will not be repeated here. The Board should note the assessment of need above in which the justification for the proposed scheme is examined in detail and it is clear that there is a community need that is met by the proposed scheme.
- 7.97. The impact of the development on climate is considered within the planning report and I am satisfied that the climate assessment is robust and accurate, and clearly outlines that the development would not have any significant negative impact on climate during either the construction or operational phase of the development. The Scahill's in their written submission also refer to the development and consider that the proposed scheme is contrary to the provisions of the plan. I refer the Board to the section above which specifically deals with the issue of compliance with the City Development Plan in which there is clear support for the proposed scheme.
- 7.98. The Council response to the submissions outlines the legal basis for the acquisition of the lands and was outlined at the outset of the Oral Hearing by Declan McGrath SC within his legal submission. It is clear from this submission that the proposed scheme is proportionate and does not unduly impact more than is necessary on the Scahill's property rights.
- 7.99. Concerns were also raised in relation to the consultation process, such issues are dealt with hereunder and will not be repeated save to say that a number of non-statutory consultations were undertaken, and the statutory notices have all been erected and served on the affected parties in order to facilitate participation in the process. In addition, all parties who sought to be represented at the oral hearing did so. I consider that the applicant has complied with the statutory obligations in terms of public notification and participation.
- 7.100. The Board should note that an additional submission was received from R.G Emerson & Co. on behalf of Sean and Phil Scahill dated the 4th July 2023 in which it was outlined that whilst they are the registered owners, the property is occupied by Angela Shaw and that no notice had been given to Ms. Shaw in relation to the proceedings.

- 7.101. This submission reiterates concerns raised within the original submission and refers to the legal basis for the CPO which has been set out above in detail.
- 7.102. The Scahill's and Angela Shaw were represented at the Oral Hearing by Evan O'Donnell. The submission sought to focus on outlining the concerns of Angela Shaw, but it was stated that any impacts to be experienced by Angela Shaw would also be experienced by Sean and Phil Scahill.
- 7.103. Mr. O'Donnell outlined that Ms Shaw was concerned about the effect of the development on her property and health and wellbeing. The garden at no. 139 had been the subject of a previous CPO to facilitate a roundabout which has since been replaced with a signalised junction.
- 7.104. It was stated that Ms Shaw sought to participate in the CPO process by written submission, but this was not accepted by the Board. As mentioned above, the schedule was updated recently, however Mr. O'Donnell stated that her capacity to engage in the proceedings has been diminished as a result.
- 7.105. It is contended that the CPO falls short of the required standards. Significant concerns are raised in relation to dust, noise, access and disturbance. Ms. Shaw considers that her home will be uninhabitable during construction and a formal objection to the CPO was stated by her representative.
- 7.106. During the questioning of the Council in this regard, it was stated that the proposed permanent works would result in the boundary wall being relocated to a distance of c.4.8 metres from the nearest part of the house and the temporary works would give rise to a works area being 2.8 metres from the nearest part of the house. At present the boundary wall is situated c. 9.3 metres from the property. It was contended by Mr. O'Donnell in his submission to the hearing that the carrying out of works in such close proximity to the property would be unacceptable to the health and well being of Ms. Shaw.
- 7.107. It was put to the Council representatives that Ms. Shaw's property was one of the worst affected properties in the scheme. The Council in response referred to other properties on the opposite side of College Road whereby works will be carried out in closer proximity to dwellings.
- 7.108. Further questioning was put by Mr. O'Donnell to Galway City Council in relation to noise impacts arising from construction works. Mr. O'Donnell was advised that such

issues relate to the planning assessment of the proposed scheme and are not a matter for the CPO process.

- 7.109. It was queried by Mr. O'Donnell as to how Ms. Shaw was not included within the schedule at the outset. The Council stated in their response that Sean and Phil Scahill were notified and also met with representatives of the Council on a number of occasions as the registered owners of the property and no indication was given that there was an occupier other than the registered owners within the property. Ms. Shaw was not encountered during the visits to the property.
- 7.110. Having regard to the concerns raised in relation to this property, I am satisfied that all parties are now accurately referred to within the amended schedule and have been adequately notified and given opportunity to participate and make representations to the CPO process.
- 7.111. Having regard to the submissions made in relation to 139 College Road I acknowledge that the proposed works will undoubtedly impact the occupant in terms of noise and disturbance. I have reviewed the general arrangement drawings in relation to the proposed scheme at this location and the quantum of lands to be acquired as outlined within the deposit maps and note that the lands do not exceed that which is required to facilitate the scheme. Temporary acquisition provides the contractor with the required room to re-build the boundary wall appropriately and is necessary to achieve this element of the proposed scheme.
- 7.112. As mentioned above, this section of route is heavily trafficked and the provision of an improved public transport service to from the city to the eastern suburbs will undoubtedly have a positive impact on residents, traffic flows in the city and the overall health and wellbeing of commuters.
- 7.113. The widening of this section of road is essential to the achievement of the proposed scheme objectives and it is clear that the applicant does not propose to acquire lands in excess of what is essential to the proposed scheme. I am therefore satisfied that the proposed acquisition and interference with private property rights at this location is necessary and proportionate to meeting the scheme's objectives.

Yellow boxes at Huntsman Inn

- Stephan Francis - 117.a.101, 117.b.101, 118.a.101, 118.a.102, 118.b.101, 118.b.102, 118.c.101, 119.a.101, 117.a.202, 118.b.203, 118.b.204, 118.c.202, 119.a.202

7.114. Submission relates to the Huntsman Inn and generally supports the project and the retention of two yellow boxes at both entrances.

7.115. It is proposed to realign the R339 College Road / Lough Atalia Road junction at this location and widen the R339 College Road, between Lough Atalia Road and Moneenageisha Road to provide an additional inbound segregated cycle track and an outbound bus lane. It is further proposed to widen the Dublin Road which will also impact an alternative entrance to the northeast into the Huntsman Inn.

7.116. The owners of this property support the scheme and have requested that the existing yellow boxes at both of these entrances are retained. In response to the concerns raised Galway City Council confirmed that they proposed to retain the specified yellow boxes. I am therefore satisfied that the Council has adequately addressed the concerns of the owner at this location and the proposed works are proportionate to the achievement of the schemes objectives.

Access to Yeats College

- Yeats College – Plots 119.a.101, 125.a.101, 125.b.101, 119.a.202, 125.b.202.

7.117. The proposed works at this location will affect the entry treatments at junctions accessing Yeats College due to footpath improvements. A bus gate is proposed to be provided on R339 College Road (between City Hall and R339 Forster Street). It is apparent from the submission received that concerns relate to the bus gate and the potential for it to give rise to traffic congestion and the accessibility of the college to students and employees.

7.118. No reference to the lands to be acquired is made within the submission. Issues relating to the proposed bus gate are examined within the planning report for this development as referred to above and I direct the Board to this report in this regard.

7.119. In relation to lands to be acquired I note that a number of plots are to be acquired at the entrance to the college. I further note that the acquisition of these lands will not prevent access to the college either during construction or operation of the scheme and the said lands will facilitate the achievement of the scheme objectives which seeks

to provide improved pedestrian, cycle and public transport infrastructure in the area. Based on the foregoing I am satisfied that the proposed lands to be acquired are proportionate and necessary.

Advertising displays on R338 Dublin Road, to be widened between Brothers of Charity and The Huntsman Inn entrance.

- JCDeaux

7.120. This submission relates to the removal of advertising displays and is seeking consultation to replace displays at an equivalent location. The development in this area will facilitate the widening of the road at this location to accommodate a bus lane in both directions, segregated cycle lane and new footpaths and the widening of the existing pedestrian and cycle track adjacent to Lough Atalia.

7.121. These works will necessitate the removal of half the existing advertising billboard.

7.122. In response to the proposed removal Galway City Council state that such matters will be dealt with via compensation and the objector may submit a planning application for an alternative site which will be dealt with on its merits.

7.123. I have reviewed the site in question and note the large advertisement at the location identified. This is a busy stretch of road and is an important link from the city to the eastern suburbs in which the University Hospital is located. The improved connectivity to the east of the city by both public transport and active travel modes would have a significant impact on the health and wellbeing of city and suburban inhabitants. The community need for the proposed transport improvements is therefore significant and when considered in the context of the partial removal of an existing advertisement sign is justified in the instance. The applicant has clearly demonstrated a justifiable need for the removal of this sign and it is clear that only the lands that are necessary to the achievement of the scheme's objectives are to be acquired. I am therefore satisfied that the quantum of lands to be acquired at this location are proportionate to the delivery of the proposed scheme.

Bayview Guest House Moneenageisha Road

- Olivia Heffernan 116.a.101 & 116.a.202

7.124. It is proposed to permanently acquire 110.3sqm of the existing car parking area associated with this B&B and temporarily acquire 76.7sqm of the parking area to

facilitate the proposed works and reinstatement works at the property. The lands will facilitate the realignment of the R339 College Road / Lough Atalia Road junction, the widening of R339 College Road, between Lough Atalia Road and Moneenageisha Road to provide an additional inbound segregated cycle track and an outbound bus lane.

7.125. Olivia Heffernan has made a number of written submissions and was also represented at the oral hearing by Micheal Lyden. In essence the substantive issues in relation to this acquisition relates to the loss of parking and the level of impact this will have on the viability of Ms. Heffernan's B&B business.

7.126. The B&B currently provides parking for 12 cars and it is stated that 15 can be accommodated at times. Upon site inspection it was clear that 15 vehicles would not permit manoeuvrability within the car park if that were to arise. Parking is clearly delineated and it is reasonable to state that up to 12 cars can comfortably be accommodated within the parking area.

7.127. It is contended within the submissions received, that the availability of car parking is a key selling advantage for this business and therefore the loss of it would have a significant impact upon the business to attract custom.

7.128. The most significant impact will occur during the construction stage of the development when, it is stated by the owner, that only 2 no. parking spaces will be available. This will increase after construction to 5 in total. It was stated that the B&B can accommodate up to 34 guests, the provision of 5 spaces will only provide a space for 50% of the rooms and as such the owners representative Submitted to the hearing that this will significantly hamper the marketability and attractiveness of the business to guests, and could have a potentially catastrophic impact on the business. It was further submitted that the business may become unviable and be forced to close.

7.129. There is currently pedestrian access from the car park onto College Road. When the development is complete the height difference will be 1100m from the new footpath to the car park. Concerns in this regard raised the issue of a further loss of area due to accommodation works required to reinstate this access which would further reduce the available lands for parking.

7.130. Further issues were raised in relation to insurance liability. This is not a matter the Board can finally determine.

7.131. The Board should note that Ms. Heffernan's representatives stated the foregoing concerns at the oral hearing at length and also queried the receipt by the board of all submissions made. The representatives were informed that all submissions had been received by the Board as outlined.

7.132. I have reviewed the proposed scheme at this location and it is clear that there will be a loss of over 50% of the available parking spaces at this business, this is significant and will undoubtedly have an impact on the existing business in terms of its offer to customers in terms of onsite parking. I note the Council's response to these concerns in which it is acknowledged that the proposed scheme will result in the removal of a significant level of parking, and I note the Council's consideration of alternatives that could potentially minimise the impact on the Bayview Guest House.

7.133. However, it is clear from the alternatives proposed which removes the requirement to acquire the said lands would compromise the delivery the proposed scheme and would not facilitate the achievement of the scheme objectives. In addition, the omission of this plot would result in significant impacts to traffic flows further into the city and beyond.

7.134. The proposed layout was modelled and was also subject to a safety audit which identified this arrangement as being the optimal option to achieve the proposed scheme's objectives.

7.135. Thus, whilst I recognise the impact of the proposed acquisition on the Bayview B&B business, I am satisfied that the Council are not seeking to acquire lands in excess of what is necessary to meet the objectives of the scheme. The proposed acquisitions is therefore proportionate and necessary to meet the proposed scheme objectives and is acceptable in this regard.

7.136. CPO Issues common to multiple Objectors

7.137. A number of submissions raised concerns in relation to the devaluation of properties which I will address hereunder. It is important for the Board to note, as mentioned above, concerns relating to planning matters such as noise, and traffic impacts etc are dealt with within the EIAR and have been examined within the planning application report for this scheme ref: ABP-314597-22, and as such this report should be read in conjunction with the aforementioned planning application report for the proposed scheme.

Property Values

7.138. Third parties are concerned that the proposed scheme will devalue their properties. In general, I note the Galway City Council's response to these contentions in relation to Gleann Noinin Estate in which it is stated that there will be no impact to individual properties in terms of property values. The Board should note that in overall terms the public realm improvements planned by the Galway City Council may lead to an increase in value of both residential and retail property prices, especially in the community centres along the corridors, with evidence showing that investing in public realm creates nicer places that are more desirable for people and business to locate in, thereby increasing the value of properties in the area.

Consultation

7.139. A number of submissions raised concerns in relation to the quality of consultation carried out by the Council. I note the Council's response to such concerns and note that a comprehensive non-statutory pre-application consultation for the Proposed Scheme was carried out and is outlined in the Consultation Document submitted with the planning application ref: 314597-22 and is referred to within the documentation provided.

7.140. Whilst I acknowledge third parties' submissions in this regard, I have reviewed the file in relation to the Statutory obligations in relation to engagement of landowners and note that the Council has complied with its statutory obligations in relation to the notification of landowners in relation to the process and also advertised the process accordingly. I can therefore find no failure in relation to the Council's compliance with the relevant legislation in this regard.

Conclusion

7.141. I am satisfied that the process and procedures undertaken by Galway City Council have been fair and reasonable, that the Council has demonstrated the need for the lands and that all the lands being acquired, with the exception of plot 126.a.101, are both necessary and suitable to facilitate the provision of the BusConnects Scheme.

7.142. Having regard to the constitutional and Convention protection afforded to property rights, I consider that the acquisition of lands as set out in the compulsory purchase order and on the deposited maps as follows with the exception of plot 126.a.101, pursues and is rationally connected to, a legitimate objective in the public interest,

namely the provision of a sustainable public transport bus service and active travel facility:

- The lands described in Part I of the Schedule is land being permanently acquired,
- Lands described in Part II of the Schedule is land being temporarily acquired,
- Lands described in Part III (A) describe public rights of way to be extinguished,
- Lands described in Part III (B) describe public rights of way to be restricted or otherwise interfered with.
- Land described in Part IV (A) provide a description of private rights to be acquired.
- Land described in Part IV (B) provides a description of private rights to be restricted or otherwise interfered with,
- Land described in Part IV (C) describe private rights to be temporarily restricted or otherwise interfered with.

7.143. I am also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible; in this respect, I have considered alternative means of achieving the objective referred to in submissions to the Board, and am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the CPO made by the acquiring authority unreasonable or disproportionate with the exception of plot 126.a.101 which is not required to achieve the objectives of the proposed scheme and is excessive and should the Board be in agreement, I recommend that this plot be omitted from the order accordingly.

7.144. The effects of the CPO on the rights of affected landowners are proportionate to the objective being pursued. I am further satisfied that the proposed acquisition of these lands on a permanent and temporary basis, restriction, acquisition and interference of rights of way would be consistent with the policies and objectives of the Galway City Development Plan 2023-2039 in which supporting the delivery of the proposed BusConnects scheme is an objective of the plan. Accordingly, I am satisfied that the confirmation of the CPO is clearly justified by the exigencies of the common good with the exception of plot 126.a.101, which I recommend is omitted from the scheme.

7.145. Recommendation

7.146. I recommend that the Board confirm the Compulsory Purchase Order submitted to the Board on the 16th September 2022, based on the reasons and considerations set out below and omit plot 126.a.101 from the order as it is disproportionate and not required to meet the needs of the proposed scheme.

7.147. Reasons and Considerations

Having considered the objections made to the compulsory purchase order, the report of the Inspector who considered the objections, the purpose of the compulsory purchase order to facilitate the delivery of BusConnects; sustainable public transport and active travel infrastructure, and also having regard to:

- (i) the constitutional and Convention protection afforded to property rights,
- (ii) The substandard infrastructure provided for along the existing route.
- (iii) The strategic nature of the scheme in the context of reducing carbon emission and climate change.
- (iv) 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, and
- (v) The proportionate design response to the identified need,
- (vi) the suitability of the lands and the necessity of their acquisition to facilitate the provision of the BusConnects Sustainable Public Transport and Active travel Scheme.
- (vii) The policies and objectives of the Galway City Development Plan 2023-2029.
- (viii) The submissions made at to the Board.
- (ix) The report and recommendation of the Inspector.

it is considered that the acquisition of these lands on a permanent and temporary basis, restriction, acquisition and interference of rights of way, by Galway City Council,

as set out in the compulsory purchase order and on the deposited maps, is necessary for the purpose stated, which is a legitimate objective being pursued in the public interest, and that the CPO and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

In reaching this conclusion, the Board agrees with and adopts the analysis contained in the report of the person who conducted the assessment of the objections and Oral Hearing and agrees to confirm the Compulsory Order with the omission of plot 126.a.101 from the order.

Sarah Lynch
Senior Planning Inspector
20th May 2024

APPENDIX 1: ORAL HEARING SUMMARY

Case Reference: ABP-314564-22

Development: Galway Bus Connects

Venue of Oral Hearing: Online via Microsoft Teams.

Date: 6&7th February 2024

Commencement Time: 10:00

Attendees

Representation on behalf of each Party was as follows:

(a) Galway County Council

- Brian Burke –Project Engineer (Arup)
- Donal McDaid – Project Director for Scheme
- Declan McGrath SC
- Uinsinn Finn – Director of Services
- Sinead White – Environmental Co-ordinator
-

(b) Objectors

Circle K / Ard Services

- Alan O
- Ronnie McArdle
- Brian Loughrea
- Mairead Fury
- Barry Mceloon
- Alan O'Callaghan
- David Coakley

Cecil McDonagh, Mary and Gabriel Grealish

- Martin Lavelle

Olivia Heffernan

- Micheal Lyden
- Jack Fitzgerald

The Courts Services

- Deirdre Hughes – Burn Wallace

CWC Fairgreen Ltd, Fairgreen Coach Station Ltd, CWC Webworks Ltd

- Callum Bain

Jacinta McCaul & Ruby McCaul

- Jacinta McCaul

Kieran Devaney and Family

- Kieran Devany

Sean and Phil Scahill & Angela Shaw

Evan O'Donnell

10:08am Submissions by Galway City Council

Representatives for Galway City Council read out the submissions that had been submitted to the Board prior to the hearing process.

12:18pm Third Party Submissions commence

1. Submission by Ard Services

Submission was made and the substantive issue is the quantum of lands to be acquired. It was argued that the right turning lane could be shortened to remove the need for the acquisition at the fuel station.

It was also contended that the canopy which is attached to the shop building would be required to be removed as a result of the acquisition and underground fuel storage

tanks would also be required to be removed as the acquisition would encroach upon them.

In the event that the fuel storage tanks are not used for a period of 3 months, the operator will be required to replace the tanks. Overall, the viability of the business was called into question given the level of works required and the removal of pumping stations.

The Council's consideration of alternatives was questioned.

2. Submission by Martin Lavelle

It was stated by Mr. Lavelle that his clients had no objection to the compulsory purchase, but wished the Board to consider the development potential of the sites in the context of the City Development Plan and the context of high density compact development.

3. Submission by Micheal Lyden & Jack Fitzgerald

Substantive issue raised related to the loss of parking and the clarification that all submissions submitted were received.

4. Submission by Deirdre Hughes

The Court Service concerns in relation to loss of parking and rear access to courts were outlined. The removal of this plot from the schedule was an acceptable solution to the Court Service.

5. Submission by Callum Bain

Substantive issue was interference with the access into and out of the coach station. The inclusion of footpath beyond concrete columns at front of building was sought to be omitted, this was not agreed to by GCC.

6. Submission Jacinta McCaul

Relocation of trading area to original area after construction is acceptable to the McCauls, access to temporary trading area is of importance and access to existing trading area during trade hours needs to be maintained.

7. Submission Kieran Devaney and Family

Similar issues to those raised by Jacinta McCaul

Questions 3.30pm and 5pm

- All submitters and inspector put questions to the Council.
- No new issues arose.
- Mr.Lavelle stated that he was not allowed to present his full submission and wanted the Board to note such.

Hearing Adjourned at 5.18pm

Day 2 - 7th February

Hearing opened at 10am

10:24am Submission Evan O'Donnell

Mr. O'Donnell made a submission in relation to Angela Shaw, it was contended that Ms. Shaw

Questions in relation to Ms. Shaw and the notification of the development were put to the Council.

The Council stated that they attended the property and met Mr & Mrs Scahill and were not made aware of Ms.Shaw during their visit.

Closing Statement.

Hearing closed at 10:45am

Appendix 2 Third Party Objections

1. Ard Services Limited – 114.a.101 , 114.a.202

- Objections relates to lands at Circle K College Road which are subject to CPO.
- No objection to scheme as a whole.
- Concerns regarding the impact of day to day operations and viability of business due to proposed works.
- Site zoned for 'Enterprise, Light industry and Commercial'
- Works will result in the station being closed for a period of time and in the potential of a complete rebuild.
- Loss of 11 parking spaces will seriously impact the functioning of the site.
- Loss of underground fuel storage tank and pumping stations will result in a loss of 4 of the 8 fuelling stations thus significantly impacting revenue and causing traffic congestion.
- Impacts can be mitigated through the loss of a small section of cycle lane and the reduction of right turning lane onto Dublin Road.
- The reinstatement of the right turn in to the site.
- Clarification of duration of temporary acquisition, if duration is in excess of 3 months new tanks will be required.
- It is stated that the removal of tank no. 6 will result in a reduction of fuel storage of 20,000l and as such will result in additional deliveries to the site.
- The permanent acquisition of lands will result in any delivery tanker overhanging public land by 2 metres which is contrary to Dangerous Substance Regulations.
- Fuel pipes will also be located under public footpath.
- Canopy will have to be demolished and replaced.
- Storm water services will be outside of the service station site boundaries and will have to be replaced.
- Temporary land take will close station for the duration and impact fuel tanks and associated health and safety of the site.

2. Cecil McDonagh

- In relation to acquisition of lands, house and garden at no. 20 St. Brendan's Avenue.
- Landowner contends that the existing site would accommodate an 11-storey building over basement with dual aspect apartments.
- Requests ABP to rule in favour of the height issue within the CPO determination.
- Reference is made to the height guidelines.
- Reference is made to Galway County Council HQ extension in 2003.
- There is an existing agreement between the third party and the owners of no. 5 Headford Road to use their stairwell, escalator to access higher storeys, refuse area and basement etc of proposed development.

3. The Court Service

Lands are proposed to be acquired surrounding the Court building in Galway. The Courts Service have made a submission which is summarised hereunder and is seriously concerned about the functionality of the courts as a result of the proposed CPO.

- Courts cite a failure to engage as a reason of concern. It is stated that no substantive engagement occurred.
- Impact on accessibility, there are two entrances present at rear of court used by judiciary, court staff, gardai and prisoners, removal of these will significantly affect the operation of the court service.
- Pedestrian area would impact the provision of separate circulation areas for prisoners and victims.
- Removal of parking will impact staff and transportation of documents.
- Security risk associated with removal of service area to rear of courts.
- The introduction of pedestrian area and access to the rear of the Court poses a significant security threat to employees of the Court or members of Jurys.
- Meeting rooms are located to the rear of the Court, bringing pedestrians closer to these rooms increases the risk of being overheard.

4. CWC Fairgreen Ltd.

- In relation to lands at entrance to Fairgreen Carpark - permanent acquisition of 46.5sqm and temporary acquisition of 15.6sqm.
- Impact to operation of car park will be significant.
- Lack of detailed information in relation to the landowner's site and how it will function during works and into the future.
- In the absence of detailed information landowner cannot properly determine the full extent of impact to property.
- The landowner contends that no vehicle movements into and out of property have been accounted for.
- Plot 107.a.101 and 107.a.202 is an existing entrance and is surplus to requirements.
- Notice of Making the Order does not state the correct ownership.
- Compulsory purchase should not affect commerciality of car park.

5. CWC Webworks Ltd.

- In relation to lands at entrance to Fairgreen Carpark - permanent acquisition of 46.5sqm and temporary acquisition of 15.6sqm.
- Impact to operation of car park will be significant.
- Lack of detailed information in relation to the landowner's site and how it will function during works and into the future.
- In the absence of detailed information landowner cannot properly determine the full extent of impact to property.
- The landowner contends that no vehicle movements into and out of property have been accounted for.
- Plot 107.a.101 and 107.a.202 is an existing entrance and is surplus to requirements.
- Notice of Making the Order does not state the correct ownership.
- Compulsory purchase should not affect commerciality of car park.

6. Fairgreen Coach Station Limited – plots 108a.101 & 108a.202

- 586.8sqm of permanent land acquisition.

- Lack of detail in relation to mitigation measures and maintenance of access into property, third party cannot properly assess impact to building.
- No consideration of vehicle movement at the site has been carried out.
- The development will have a severe impact on the functionality of the coach station.
- Position of pedestrian crossing opposite coach exit is considered dangerous.
- Galway City Council have issued a CPO notice in respect of lands they own – 108.a.202.
- Some of the land at 108.a.a202 and 108.a.101 are at the existing entrance to the bus station which was subject to planning permission conditions.
- Lands are owned by GCC and are subject to a 999 year lease.
- Proposal will result in closure of entrance for the duration of construction.

7. Gabriel and Mary Grealish

- In relation to 5/6 Headford Road – acquisition of B&B and family home and associated garden and rear laneway.
- Property comprises family home and an 8-bedroom B&B facility.
- Examples of high-rise buildings in the area are referred to.
- Reference is made to Urban development and building height guidelines.
- It is contended that the scheme will prevent the development of an 11 storey apartment development at the site.
- Site is a landmark site.
- It is requested that ABP rules in favour of height issues.
- SPPs are outlined within the document.

8. Gleann Noinin Owners Management Company

- Concerns are raised in relation to Noise, Visual impact,
- Increases in traffic to college road
- Restricted right turning movement will hamper access to estate.
- Impact on property value.

9. Jacinta McCaul

- In relation to trading area at Eyre Square.
- Third Party contends that she will be displaced.
- Relocated trading area would not be suitable for third party's business.
- Third party wishes to continue trading under the current situation.

10.JCDeaux

- Supports proposal, but objects to the removal of advertising displays and is seeking consultation to replace displays at an equivalent location.

11.Olivia Heffernan

- Submission relates to an existing 11-bedroom guest house
- Occupancy rates are said to directly correlate to the availability of free parking at the b&b.
- Existing car park will be reduced by 34% with an additional reduction of 76.7sqm for temporary acquisition.
- During construction carparking spaces will reduce to 2 from 12. This is state to result in the closure of the business.
- Certainty in terms of project dates is required as bookings are taken a year in advance.
- On completion of the project only 5 permanent parking spaces would be achievable which will result in the closure of the b&b.
- Relocation of B&B entrance closer to junction will impact health and safety of road users which will impact the objector's ability to get insurance for the property.
- Proposed layout will result in more accidents at junction.
- Alternatives for college road/Moneenageisha Road junction were not explored, junctions works would be better located at Huntsman Inn.

12.Ruby McCaul

- In relation to trading area at Eyre Square.
- Third Party contends that she will be displaced.
- Relocated trading area would not be suitable for third party's business.
- Third party wishes to continue trading under the current situation.

13. Ryan Family

- In relation to Marian Villa, 3 Headford Road
- Concerns in relation to lack of correspondence and lack of detail on plans.
- Concerns relating to increased noise, light and air pollution.
- Loss of privacy and amenity.
- Security concerns.
- Concerns over access to oil tank for refilling at rear of property.
- Double decker buses will overlook house.
- Reduction of on street parking.
- Any reduction in the number of bridges will have a direct effect on residents and businesses in the city.

14. Sean and Phil Scahill – 112.a.101 & 112.a.202

- In relation to lands at 139 College Road, Galway.
- The legal interest and the manner in which the third parties have been described will be subject matter of a submission at the oral hearing.
- Concerns in relation to procedural issues are raised.
- Documentation does not disclose any or any adequate basis to justify the CPO.
- Heightened scrutiny is required in these cases.
- The Board has no jurisdiction in the absence of a rational basis to justify the taking of lands.
- The proposed scheme is fundamentally contrary to European Community Law in that it is predicated upon a scheme that has not been subject to the requirements of Council Directive 2001/43/EEC and as a consequence cannot be confirmed by the Board in light of the noncompliance with the directive.
- The Council have applied for the CPO under the 1996 Housing Act, Section 76 and not under Section 49 of the Roads Act under which the proposed application has been submitted, this is considered to be a fundamental flaw.
- The acquisition of part of a front garden of a residence is not proportionate to the development proposed.

- Land is not suitable and does not accord with the development plan provisions.

15. Stephan Francis

- Submission relates to the Huntsman Inn and generally supports the project and the retention of two yellow boxes at both entrances.

16. Yeats College

- Introduction of a mini roundabout to allow traffic to return up college road.
- The proposal would have a detrimental impact on the accessibility of Yeats College for all users.

17. Kieran Devaney and Family

- Devaney family hold a casual trading licence for the area to be acquired at Eyre Square and has traded on the lands since 1964.
- CPO notification letter was only correspondence from Council.
- The scheme does not facilitate casual trading areas.
- A stay is requested in relation to the lands upon which the Devaney family trade.
- The family are happy to relocate temporarily to facilitate construction but want to be relocated once complete.
- No alternative locations for trading have been identified within the scheme.
- Revision is requested to retain trading area and van access.
- City bylaws have to be amended to remove trading area.
- Current area is optimal for foot flow.