

Map Drawing N6-DM-1004 Sheet 4 of 14. I concur with the applicant whereby the landtake impact is imperceptible (Table 15.6). In my opinion this drawing assists in understanding the proximity of the overall works and where the boundary fence will be once construction commences. This drawing may assist as well as Figure 5.1.9 which illustrates the road in this location upon completion and Figure 7.109 which illustrates that the temporary road diversion is away from the Nursing Home during the construction works. While the mainline will of necessity become a haul route (HR13/01) I am satisfied that noise and air emissions can be managed in accordance with the CEMP.

11.17.31. As can be seen the Nursing Home itself is set back from School Road and will be subject to mitigation measures by virtue of distance as well as those measures detailed in the CEMP. I accept there will be some residual impacts and nuisance during construction activities at certain times, but having regard to the duration, the mitigation measures and the distances, I do not consider that there will be an unacceptable significant impact. I am also satisfied that the additional condition recommended in relation to noise and air monitoring above should assist to mitigate potential impacts on the Nursing Home.

11.17.32. During operation the mainline road near the Nursing Home will be in cut. I draw the Board's attention to the landscape drawings, in particular Figure 12.1.09 which indicates significant screen planting as mitigation but acknowledges that it is in an area of Notable Visual Impact. Notwithstanding this the impact is considered to be 'slight'. Concerns were raised about use of the gardens during operation and construction having regard to the vulnerable people staying in the home. While this is detailed further in Section 11.11 and 11.12, from a material assets perspective I am satisfied that the impact on the business will not be significant.

Planning Applications

11.17.33. A number of extant planning permissions have to be revoked or modified. I am satisfied that there will not be a significant impact as a result, and I note this is also addressed in section 13. Concerns were raised for future developments, mostly with respect to dwellings for children of current homeowners. However, this can only be dealt with at the time of seeking permission or as part of the CPO process.

Utilities

11.17.34. In terms of utilities and infrastructure supplies, electricity, gas, telecommunications, water and waste are considered. A number of alterations to the supplies are proposed and while there may be temporary interruptions, I am satisfied that these have been kept to a minimum. Irish Water made submissions requesting a diversion/build over agreement be put in place prior to works commencing. In their submission on the RFI they advise that an application for planning permission has been made to relocate the intake of the Terryland Water supply at Jordan's Island which they consider has not been addressed by the applicant in the EIAR. At the oral hearing this was addressed by the applicant who stated that the water quality at the proposed new intake will not be impacted by the proposed road drainage discharges.

11.17.35. I am satisfied that with appropriate conditions requiring liaison with Irish Water there will not be a significant impact on their infrastructure. I am satisfied that the mitigation measures proposed for the other utilities and the engagement to date with the relevant utility providers will ensure disruptions are kept to a minimum and there will not be a significant impact on services.

Cumulative Impacts

11.17.36. Having regard to the developments listed in section 15.7.1, as updated at the oral hearing including the Strategic Housing Developments, I am satisfied that an assessment of the major planning permissions and developments as detailed in the County and City Development plans that an adequate assessment of the cumulative impacts has been carried out and I concur with the applicant that there will not be significant negative cumulative impacts.

Parkmore Link Road Proposed Modification

11.17.37. Having reviewed the information submitted by the applicant and having inspected the site, I do not consider that the proposed Parkmore Link Road modification would result in any additional or increased impacts on Material Assets and is in fact an improvement on the initial proposal with respect to the commercial facilities in this area.

Conclusion on Material Assets – Non-Agriculture

- **Loss of dwellings:** There are 54 dwellings proposed for demolition or acquisition to make way for this project. This will result in a significant to

profound permanent negative impact on homeowners. This impact will not be avoided, mitigated, or otherwise addressed by means of condition. There is no mitigation for this impact within the EIA process.

- **Commercial and Industrial buildings:** There is no mitigation for the loss of commercial and industrial buildings within the EIA process. This will result in a moderate to significant impact. This impact will not be avoided, mitigated, or otherwise addressed by means of condition. There will be construction impacts on some businesses which will be mitigated using standard construction practices as detailed in the EIAR Schedule of Environmental Commitments and the CEMP.
- **Public and Community buildings:** I am satisfied that during construction noise and air emissions can be mitigated using standard construction practices as detailed in the EIAR Schedule of Environmental Commitments and the CEMP and by way of condition. I am satisfied that during operation there will be positive impacts on Galway Racecourse by way of state-of-the-art stables and a permanent access from Parkmore Link Road.
- **Utilities:** The project will result in some relocation of utilities. This impact can be mitigated using standard construction practices as detailed in the EIAR Schedule of Environmental Commitments and the CEMP and by way of condition.

11.17.38. I have considered all of the written and oral submissions made in relation to Material Assets – non-agriculture, in addition to those specifically identified in this section of the report. With respect to the demolition or acquisition of dwellings and commercial buildings and as accepted by the applicant, there are no mitigation measures. I am satisfied that these would not be avoided, managed or mitigated.

11.18. Interactions and Cumulative Impacts

11.18.1. Chapter 19 of the EIAR presents an assessment of Major Accidents, Inter-relationships, Interactions and Cumulative Impacts. Major accidents has been addressed under section 11.4 above.

11.18.2. During the oral hearing each of the applicant's specialists provided an update on cumulative impacts with respect to recent extant permissions and developments that

had occurred since the lodgement of the application in October 2019. These have been addressed under each heading above also.

11.18.3. Article 3(1) of the EIA Directive as amended requires that an “EIA *shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of a project on the following factors: (a) population and human health; (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape; (e) the interaction between the factors referred to in points (a) to (d).*”

11.18.4. The EIAR states that the interaction of effects within the proposed road development in respect of each of the environmental factors have been identified and addressed in detail in the respective chapters of the EIAR and a summary is presented within Chapter 19 of the EIAR.

11.18.5. The **methodology** used to assess interactions and cumulative impacts states that it has been prepared in accordance with various guidance. It is noted that potential impacts were included in the scope and addressed in the baseline and impact assessment studies for each of the relevant environmental factors and were also addressed in the design of the PRD. The interaction of impacts within the design of the proposed road development and the mitigation measures relative to those interactions in respect of each of the environmental factors were identified and addressed in detail in the respective chapters dealing with each environmental factor. It is stated that no additional mitigation is proposed.

11.18.6. Likewise, cumulative impacts arising from the interaction between the proposed road development and other projects in respect of each of the environmental factors were identified and addressed in detail in the respective chapters dealing with each environmental factor in the EIAR. Chapter 19 presents a summary of these individual cumulative assessments with other projects and considers the cumulative effect of the entirety of the project as a whole with other projects. No additional mitigation measures are proposed in this chapter. As noted above this was updated at the hearing.

11.18.7. It is stated that the interactions between the identified environmental impacts were considered and assessed within the individual chapters of the EIAR. There were

numerous discussions and communications including workshops and meetings between the environmental specialists and the design team throughout the design process which helped to identify and minimise the potential for significant interaction of impacts. Measures to minimise impacts have been incorporated into the design and were also included in all of the assessments and the residual impacts were assessed.

11.18.8. Table 19.2 in the EIAR presents the potential interactions between the environmental factors in a matrix format. The paragraphs following Table 19.2 present an assessment of the potential interactions of impacts, mitigation measures and residual impacts. The assessment was based on information contained within the EIAR and the outcome of discussions and interactions between the environmental specialists and the design team. As noted, during the oral hearing this was updated and amended.

11.18.9. It is stated that the **potential impacts** arising from the potential interactions were identified at a very early stage in the design process and in the EIAR preparation. They were therefore addressed in the design of the proposed road development and in the environmental baseline and impact assessment studies. As a result, the potential impacts were either avoided altogether through design measures or they were addressed through specific mitigation measures. This early identification process helped to identify and minimise the potential for significant interactions of impacts arising. The potential impacts are described for construction and operational phase including *Interactions of:*

- Traffic with Air Quality and Climate
- Traffic with Noise and Vibration
- Traffic with Biodiversity
- Traffic with Soil, Water Quality and Resource and Waste Management
- Traffic with Material Assets
- Traffic with Human Beings, Population and Human Health
- Traffic with Risks of Major Accidents and/or Disaster
- Air Emissions with Human Beings

- Air Emissions with Biodiversity
- Noise and Vibration Emissions with Human Beings
- Vibration Emissions with Soil
- Noise and Vibration Emissions with Biodiversity
- Biodiversity with Human Beings
- Archaeology, Architectural and Cultural Heritage with Biodiversity
- Archaeology, Architectural and Cultural Heritage with Human Beings
- Landscape and Visual with Material Assets and Human Beings, Population and Human Health
- Landscape and Visual and Biodiversity
- Landscape and Visual with Archaeology, Architectural and Cultural Heritage
- Soil and Water Quality with Human Beings, Population and Human Health and Material Assets
- Soil and Water Quality with Biodiversity
- Water Quantity with Human Beings, Population, and Human Health and Material Assets
- Water Quantity with Biodiversity
- Resource and Waste Management with Human Beings
- Material Assets with Human Beings
- Risks of Major Accident and/or Disaster and Human Beings, Population and Human Health
- Risks of Major Accident and/or Disaster and Air Emissions, Noise and Vibration Emissions
- Risks of Major Accident and/or Disaster with Soil, Water and Biodiversity
- Risks of Major Accident and/or Disaster with Material Assets

11.18.10. It is summarised that all of the potential impacts arising from the potential interactions were identified at an early stage in the design process and were

addressed in the design of the PRD and in the baseline and impact assessment studies. It is concluded that the potential impacts were either avoided altogether through design measures or they were addressed through specific mitigation measures. The early identification process helped to identify and minimise the potential for significant interactions of impacts arising. The assessment presented in the EIAR of the interactions of the potential impacts did not identify the need for any additional mitigation measures.

11.18.11. I have considered the interrelationships and interactions between factors and whether this might as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis. I am satisfied that the assessment of interactions did not identify the need for any additional mitigation measures.

11.18.12. Cumulative Impacts are addressed and the projects and plans considered to have potential for cumulative impacts are considered to be:

- The planning registers for Galway City and County Council
- M17 Galway to Tuam Road Project (operational)
- N18 Oranmore to Gort Road Project (operational)
- N17 Tuam Bypass (operational)
- M6 Motorway (operational)
- M6 (M17/M18) Motorway Service Area (pre-planning)
- N59 Maam Cross to Oughterard Road Project (consented and pre-construction)
- N59 Maigh Cuilinn (Moycullen) Bypass Road Project (consented and pre-construction)
- Galway Harbour Port Extension (planning stage)
- Galway Transport Strategy (GTS), which includes the following:
 - Investigation of prospective sites to the east of the city for Park and Ride
 - Bearna Greenway

- Galway to Oughterard (part of the Galway to Clifden) Greenway
- Galway City to Oranmore (part of the Galway to Dublin) Cycleway
- Galway City Development Plan 2017–2023
- Galway County Development Plan 2015–2021
- Bearna Local Area Plan 2007–2017
- Gaeltacht Local Area Plan 2008–2018
- Údarás na Gaeltachta’s Strategic Plan 2014–2017
- Ardaun Local Area Plan 2018–2024

11.18.13. In addition to the above list, certain projects are identified which have potential cumulative impacts under one heading such as Coastal Protection Scheme and Works are considered under the heading of Biodiversity.

11.18.14. Furthermore, at the hearing this chapter was updated to take account of other projects that had occurred since lodgement (submission 66, 101 & 117 [Burkeway Bearna SHD]). More recent projects are listed in Table 1 therein. The likely significant direct, indirect and cumulative impact assessment of live or approved projects listed in Table 1 in combination with the PRD are listed in Table 2 therein. Table 3 of submission 101 considers the extension to the Twomileditch quarry and Table 4 identifies the likely significant direct, indirect and cumulative impact assessment of the likely significant direct, indirect and cumulative impact assessment of the PRD in combination with all of the projects and plans considered in Section 19.5 of the EIAR together with all of the projects listed in Tables 1 and 3.

11.18.15. The conclusion of the assessment presented by the applicant is that there are no likely significant cumulative impacts arising from an assessment of the projects listed in Table 1 save in relation to climate which I concur with. I am also satisfied that cumulative impacts have been addressed throughout this report under the relevant headings.

11.19. Reasoned Conclusion

11.19.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer,

and the submissions from the prescribed bodies, objectors and observers in the course of the application, including submissions made to the oral hearing, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

Population and Human Health

- **Loss of dwellings:** There are 54 dwellings proposed for demolition or acquisition to make way for this project. This will result in a significant to profound permanent negative impact on homeowners. This impact will not be avoided, mitigated, or otherwise addressed by means of condition.
- **Severance of Communities (including the Gaeltacht areas):** As a result of the loss of 54 dwellings with loss of clusters of dwellings in areas such as Na Forai Maola/Troscaigh, Castlegar, and Dangan, there will be a severance impact on remaining communities which will be a significant long-term negative impact that will not be avoided, mitigated or otherwise addressed by means of condition.

There will be long-term positive impacts for some communities that are currently severed due to traffic volumes because traffic will reduce in villages, such as Bearna and Castlegar, thereby resulting in easier access for pedestrians and cyclists and improved amenities for more vulnerable persons.

Where minor roads are closed (e.g. Ann Gibbons Road), diverted or re-routed severing communities, there will be a significant medium to long-term negative impact depending on density of development and extent of re-route. This will not be avoided, mitigated or otherwise addressed by means of condition.

During construction there will be slight negative and short term severance issues caused by construction traffic which will be mitigated by measures outlined in the Construction Environmental Management Plan (CEMP) and the Schedule of Environmental Commitments.

- **General Amenities:** There will be slight to moderate short-term negative impacts during construction on general amenities in areas such as Rosan Glas, Gort na Bro and Bushypark church and school as a result of

construction traffic, noise and dust along haul routes. These will be mitigated by measures set out in the Schedule of Environmental Commitments as well as the CEMP. During operation there will be a slight negative impact on amenities.

During construction there will be significant negative impacts on the population using the **NUIG Sports campus** as a result of loss of pitches, modification to the sports pavilion as well as noise and visual impacts. These will be mitigated using standard construction practices as detailed in the Schedule of Environmental Commitments and the CEMP. During operation there will continue to be a long-term moderate impact on the general amenities of the sports campus that will be mitigated by the provision of the right of way and access to the lands under the viaduct as well as noise mitigation measures.

During construction there will be restricted access to the **riverside** in Dangan and there will be noise and visual impacts on both sides of the River Corrib. These will be mitigated using standard construction practices as detailed in the Schedule of Environmental Commitments and the CEMP. At no time will access to the riverside be completely restricted. Impacts during construction will be moderate negative and short-term. During operation mitigation measures include the retention of existing vegetation and noise barriers. Impacts will be long-term moderate to significant negative due to the general loss of amenity.

Construction impacts on **Galway Racecourse** can be avoided by measures including the provision of temporary stables and the cessation of works during festival seasons.

During the operation phase, a positive benefit will result for Galway Racecourse due to the mitigation measures including the construction of a permanent access off Parkmore Road and new state-of-the-art permanent stables.

- **Socio-Economic:** During construction there will be some negative short-term impacts for businesses as a result of noise and dust which will be mitigated by measures outlined in the CEMP. Where visibility to businesses is impacted,

mitigation measures includes additional signage. Demolition of some industrial and commercial properties will not be avoided, mitigated, or otherwise addressed by means of condition. During operation there will be significant positive impacts with respect to journey times, journey reliability and amenities.

- **Journey Characteristics:** During construction there will be some short-term temporary moderate negative impacts on journeys as a result of road closures or diversions which will be mitigated by the Traffic Management Plan. During operation the road will have significant permanent positive impacts in terms of improved journey times, journey times reliability and journey amenities. There will be improved connectivity across and beyond the city, releasing and freeing the existing city centre and inner suburbs from congestion.
- **Health:** During construction potential impacts on health arising from air, noise and water emissions will be mitigated using construction practices set out in the CEMP and commitments as set out in the Schedule of Environmental Commitments. During operation impacts will be avoided having regard to the project's compliance with air and noise standards set out in TII guidelines.

Biodiversity

- Significant residual effect on habitats as a result of the loss of priority Annex I habitat (outside of any European Site) comprising Limestone Pavement [*8240], active Blanket Bog [*7130], and a Petrifying Spring [*7220] which cannot be avoided, mitigated, or otherwise addressed by means of condition
- Significant residual effect on habitats as a result of the loss of Annex I habitat (outside of any European Site) including Annex I Wet Heath [4010], and other habitats of international to local value, including within areas designated as Local Biodiversity Areas, which cannot or will not be avoided, fully mitigated, or otherwise addressed by means of condition
- Significant residual effect as a result of the loss of, or damage to, a population of each of four plant species and one invertebrate species included in the Irish red data books, which will not be avoided, mitigated, or otherwise addressed by means of condition.

- Significant residual effect on lesser horseshoe bat, red squirrel and pine marten which will not be avoided, fully mitigated, or otherwise addressed by means of condition.

Land, Soil, Water, Air and Climate

- **Land and Soils:** There will be a significant negative impact on geology as a result of the loss of small areas of limestone pavement (Annex I habitat) outside of the Lough Corrib cSAC or any other Natura 2000 site. This impact will not be avoided, mitigated or otherwise addressed by means of condition. This loss is primarily associated with the construction of footings for a viaduct which will span over a larger area of limestone pavement.

There will be impacts associated with the loss of soil along the route and the use of natural resources, including aggregates, to construct the PRD. This will be mitigated by the re-use of excavated materials in the construction process and in the formation of material deposition areas for excess/unsuitable material and habitat creation. Other construction phase impacts including soil contamination, blasting impacts, tunnelling works, slope stability and earthworks impacts will be avoided, managed and/or mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures including the CEMP and Schedule of Environmental Commitments.

- **Hydrogeology:** There will be impacts on a number of existing wells which will be lost as a result of the proposed development. This will be mitigated by the provision of replacement wells, alternative water sources or compensation, as appropriate. Impacts on groundwater quality will be mitigated through the implementation of the CEMP, including the associated Karst Protocol and Sediment, Erosion & Pollution Control Plan during the construction phase, and in the operational phase through the design of the drainage system, which includes water attenuation and treatment ponds, wetlands and controlled discharge. Impacts on groundwater levels due to dewatering and recharge will arise but will be mitigated through the retention of run-off within the same water catchment area or groundwater body and in areas such as the Lackagh Tunnel, through the timing of construction works to avoid the need for dewatering. Structural impacts on properties in the vicinity of areas

where groundwater levels will be lowered will be mitigated and monitored with property condition surveys. Impacts on groundwater dependent habitats will be avoided through the alignment and design of the road development or mitigated through measures such as flow control and pollution control measures. There will be no groundwater lowering within groundwater bodies that support groundwater dependent habitats within a European site.

- **Hydrology:** Water quality impacts during the construction phase will be mitigated by the implementation of the CEMP, including the Incident Response Plan and Sediment Erosion and Pollution Control Plan as well as through obtaining necessary consents and consultation with prescribed bodies. Impacts on the water supply to the Terryland Water Treatment Plan will be avoided and mitigated through implementation of the CEMP, consultation and ongoing liaison with Irish Water and the carrying out of works in accordance with best practice construction methods and guidance.

During the operational phase, water quality impacts arising from road runoff or accidental spillages will be mitigated through the design of the drainage system for the PRD which is responsive to the differing geologies in the area, and in particular the use of attenuation ponds, settlement ponds, reed beds, infiltration basins, flow control mechanisms etc. Flood risk impacts near the N83 Tuam Road at Twomileditch will be mitigated by flood compensation storage, provision of storm drainage on the N83 at this location and a pumping station to discharge to the existing storm sewer.

- **Noise and Vibration:** Noise and vibration impacts will arise during the construction phase, including from blasting operations which has the potential to impact upon residential and other sensitive receptors. However, it is considered that these potential impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation and monitoring measures, through suitable conditions and noting the relatively short-term duration of the construction phase and the linear nature of the proposed development.

During the operational phase, the majority of noise sensitive receptors will be in compliance with the design goal set out in the TII Guidelines once noise

mitigation measures are incorporated, such as noise barriers and the low noise road surface. There will also be positive impacts on a large number of receptors on the existing road network, due to reductions in traffic volumes on existing roads. A limited number of properties will, however, experience a residual noise impact marginally in excess of the TII Design Goal. Noting the provisions of the TII Guidelines for such a scenario, and also noting the need to balance the provision and scale of noise barriers against other consideration, such as visual impact, I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative noise and vibration impacts.

- **Air Quality and Climate:** Potential air quality impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures such as the CEMP and the commitments set out in the Schedule of Environmental Commitments and through suitable conditions. The PRD, individually and cumulatively with other identified projects, is likely to result in a significant negative impact on carbon emissions and climate that will not be fully mitigated.

Material Assets – Traffic and Transportation

- Potential impacts associated with construction traffic will be avoided or mitigated by the Construction Environmental Management Plan, including the Construction Traffic Management Plan.

During the operational phase, the PRD will have positive impacts on traffic congestion, journey times on key routes, network statistics and the ratio of flow to capacity at key junctions. It will also facilitate the implementation of various measures contained within the Galway Transport Strategy (GTS) to increase active travel and public transport provision in the city and will have a positive impact on sustainable transport mode share when considered together with the other GTS measures that it will support. The PRD will assist in enabling the significant population and employment growth forecast for the city by adding additional links to the road network, including a new river crossing and linkages between various radial routes serving the city, thereby

improving accessibility and providing a basis for the compact growth of the city

Material Assets – Landscape and Visual

- The construction phase of the PRD will result in a range of landscape and visual impacts on certain landscapes and receptors, including significant and profound impacts. The mitigation measures proposed during this phase will have limited effect due to the scale and nature of the development, and negative landscape and visual impacts will continue during the construction phase.

During the initial operation stage, landscape and visual impacts will continue, but the significance and severity of these impacts will generally abate over time as the proposed landscape mitigation proposals become established and increasingly effective at screening the PRD and/or incorporating it into the landscape. However, significant and profound negative residual visual impacts will continue to arise for numerous residential properties located close to or adjoining the boundary of the PRD, and particularly in the vicinity of major engineering structures at post-establishment stage. Significant residual impacts on landscape character will also continue to arise at a number of locations. The proposed mitigation measures, and particularly the extensive and comprehensive landscaping planting proposals will not fully mitigate these significant or profound impacts, however they will ameliorate the impacts to a certain extent and this will increase over time as planting matures.

Significant residual visual impacts will also occur in the River Corrib valley at Menlo Castle and the NUIG Sporting Campus, primarily due to the visual intrusion associated with the proposed River Corrib Bridge and associated viaduct.

Material Assets – Archaeological, Architectural and Cultural Heritage

- There will be significant negative direct and indirect impacts on a number of archaeological and built heritage sites which will be mitigated by the undertaking of detailed photographic and written records prior to construction and the use of test trenching and monitoring. Potential impacts on unknown

archaeological features will be mitigated or avoided through monitoring of construction works by an archaeologist and excavation where appropriate. There will also be a profound impact on a protected structure (thatched cottage; BH12) which it is proposed to demolish and which will not be fully mitigated by the preparation of a record.

Material Assets – Agriculture

- The acquisition of the land required to construct the PRD will have a range of negative impacts, including significant and profound impacts on landowners. There will be significant or profound negative impacts on a number of farm enterprises and equine enterprises, due to issues such as severance, impacts on farm viability, disruption and impacts on the availability of services. The loss of land will not be avoided, mitigated or otherwise addressed by means of condition. There is no mitigation for this impact within the EIA process. Impacts due to land severance are mitigated to a degree through the proposed provision of alternative access arrangements and services, however the agricultural enterprises that are significantly or profoundly adversely affected are likely to require major changes to their operations, management and scale and there is no mitigation for this impact within the EIA process.

Material Assets – Non-Agriculture

- **Loss of dwellings:** There are 54 dwellings proposed for demolition or acquisition to make way for this project. This will result in a significant to profound permanent negative impact on homeowners. This impact will not be avoided, mitigated, or otherwise addressed by means of condition. There is no mitigation for this impact within the EIA process.
- **Commercial and Industrial buildings:** There is no mitigation for the loss of commercial and industrial buildings within the EIA process. This will result in a moderate to significant impact. This impact will not be avoided, mitigated, or otherwise addressed by means of condition. There will be construction impacts on some businesses which will be mitigated using standard construction practices as detailed in the EIAR Schedule of Environmental Commitments and the CEMP.

- **Public and Community buildings:** During construction noise and air emissions can be mitigated using standard construction practices as detailed in the EIAR Schedule of Environmental Commitments and the CEMP and by way of condition. During operation there will be positive impacts on Galway Racecourse by way of state-of-the-art stables and a permanent access from Parkmore Link Road.
- **Utilities:** The project will result in some relocation of utilities. This impact will be mitigated using standard construction practices as detailed in the EIAR Schedule of Environmental Commitments and the CEMP and by way of condition.

11 19.2. Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the significant negative residual impacts in respect of various environmental matters as set out above, it is considered that these environmental impacts would not justify a refusal, having regard to the overall benefits of the PRD including its identified strategic importance at European, National, Regional and local level, its role in alleviating congestion and underpinning the sustainable transport measures of the Galway Transport Strategy and its role in facilitating Galway to grow in a more compact manner, as identified in the National Planning Framework.

With regard to the significant adverse impact on carbon emissions and climate, it is noted that this arises due to the sensitivity of the receiving environment. Noting the role of the PRD in facilitating the implementation of active travel and public transport measures as set out in the GTS and its role in supporting the compact and more sustainable development of the city, it is not considered that the PRD would undermine, or be contrary to Ireland's climate obligations, given that climate action requires a broad sectoral and economy-wide approach. Ireland has committed to becoming climate neutral / zero emission by 2050, and carbon emissions associated with necessary infrastructural projects such as the PRD, which equates to c. 0.1% of Ireland's 2030 obligations, can be mitigated through reductions in other areas as mechanisms such as carbon tax and carbon budgets are developed and will be increasingly mitigated in the operational phase as electric vehicles are adopted.

12.0 Appropriate Assessment

12.1. Introduction

12.1.1. The requirements of Article 6(3) of the EU Habitats Directive as related to Appropriate Assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Screening the need for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of those European sites where likely significant effects are identified or could not be excluded.

12.1.2. As outlined in Section 9.5, the Board engaged a specialist ecologist to support the EIA and the Appropriate Assessment.

12.1.3. A complete and independent assessment of the N6 Galway City Ring Road (PRD) under the requirements of Article 6(3) of the Habitats Directive, both Screening and Appropriate Assessment stages, has been undertaken by Consultant Ecologist Mr Richard Arnold of Thomson Environmental Consultants to facilitate the final appropriate assessment determination by the Board.

12.1.4. The full Appropriate Assessment Report (the AA Report) has been prepared by Mr Richard Arnold of Thomson Environmental Consultants and is set out in Appendix 6 of this report. I concur with the conclusions in respect of both screening and the Appropriate Assessment which now forms part of this report. I have summarised the main findings of the Appropriate Assessment report for the convenience of the Board and highlighted differences with the applicant's Natura Impact Statement (and other supporting documents) as appropriate.

12.1.5. For the avoidance of any doubt the following matters have been taken into account in carrying out the appropriate assessment:

- The Screening Report and Natura Impact Statement (NIS) prepared by the Applicant:

- Provision of Information for Appropriate Assessment Screening for N6 Galway City Ring Road, Scott Cawley 2nd June 2017, the “Screening Report”; and
- N6 Galway City Ring Road Natura Impact Statement Vol. 2 Main Report, Arup September 2018, the “NIS”.

All supplemental information furnished in relation to the NIS including further information sought by the Board and responded to by the applicant in relation to the Natura Impact Statement and during the oral hearing;

- Request for Further Information Response Vols 1- 3 in particular, responses to items 3a through to 3o, 4a to 4c and 5a to 5b, the “RFI response”;
- Statement of Evidence: Responses to Appropriate Assessment Objection/Submissions dated 19th February 2020, the “AA Statement of Evidence”;
- Statement of Evidence: Responses to Hydrogeology Objection/Submissions dated 19th February 2020, the “Hydrogeology Statement of Evidence”;
- A Corrigenda dated 21st February 2020, and updated 11th March 2020, which corrects some details in previously submitted documents, the “Corrigenda”;
- Response to Queries raised in Module 2 [sic] of the N6 Galway City Ring Road Oral Hearing dated 10th March 2020, the “Module 1 response”;
- AA – In-combination Assessment Addendum Update Report (Dealing with proposed and permitted projects and plans since publication of the Natura Impact Statement) dated 10th March 2020, updated on 15th October 2020 and again on 3rd November 2020 and supplemented on 4th November, with the last two forming the complete assessment, the “in-combination assessment update”; and
- Additional Polygon 1.f Data submitted as (i) 2017 Field Notes relating to Polygon 1f together with map and photograph; (ii) Soil Depth measurements of various transects in Polygon 1.f, dated 10th March 2020 and (iii) Composite Map of all Relevé Locations in Polygon 1.f, the “Area 1.f update”.

Written submissions and observations made to the Board in relation to the application for consent for proposed development;

Oral submissions related to Appropriate Assessment made during the oral hearing,

The full and detailed Appropriate Assessment Report prepared by Mr Richard Arnold, Thomson Environmental Consultants (Appendix 6)

12.1.6. The introduction of the AA Report, prepared by Mr Arnold, sets out the proposed development, the legislative background, lists the information provided by the applicant including the Screening Report, the Natura Impact Statement (NIS), as well as information provided in response to the request for Further Information and the information provided at the oral hearing (as outlined above), the EIAR and site visits undertaken as well as the submissions and objections.

12.1.7. For the convenience of the Board, I have provided the location of various sections of the AA Report in brackets. The Board will note that Mr Arnold takes a more expansive approach in carrying out the AA than included in the applicant's NIS. Mr Arnold has considered additional potential impacts from the PRD and has screened in additional European sites to take forward for Appropriate Assessment than the applicant having regard to 'in-combination' effects. I concur with Mr Arnold's approach which I consider is in accordance with the precautionary principle.

12.2. Screening the need for Appropriate Assessment

12.2.1. The proposed road development is not directly connected with or necessary for the management of any European site and is, therefore, subject to the provisions of Article 6(3).

12.2.2. The AA Report includes the first test for Appropriate Assessment; screening the proposal for likely significant effects on European Sites. The Screening Assessment acknowledges the applicant's screening conclusion that *"it is not possible to rule out the possibility of significant effects on four European sites; Lough Corrib cSAC, Lough Corrib SPA, Galway Bay Complex cSAC and Inner Galway Bay SPA"* and, therefore, the proposed road requires an Appropriate Assessment (AA) under the Habitats Directive (section 3.1.1).

12.2.3. The screening assessment methodology followed by Mr Arnold in the AA Report is described, including detailing the characteristics of the Natura 2000 sites, which are listed in Table 1. (Note, the AA Report uses the term Natura 2000 site throughout, this term has the same meaning and is interchangeable with the term European Site). The AA Report notes the applicant's use of a 15km buffer but states that the applicant did not consider the potential for the PRD to act in combination with other plans and projects to boost tourism and recreation in Connemara where there are two further Natura 2000 sites beyond 15km. This is a wider consideration of potential impacts of the PRD than considered by the applicant and I am satisfied that this is an appropriate and precautionary addition to the consideration of likely effects.

12.2.4. The potential for impact on these sites is described. The AA Report summarises potential impact mechanisms (or pathways) on the Natura 2000 sites including those that were not explicitly identified by the applicant in its screening report (section 3.6.2). The potential impact pathways are summarised below – those in *italics* were not explicitly identified by the applicant in its screening report or were discounted:

- Habitat loss directly within the footprint of the proposed development
- Habitat loss indirectly through changes in hydrology/hydrogeology (water supply);
- Habitat fragmentation with larger habitat parcels divided in two by the proposed development;
- *Habitat isolation of habitat parcels to the north and south of the proposed development;*
- Habitat degradation as a result of chemical pollution, *noise*, dust, *light*, shading, spread of invasive species *including from construction traffic and site workers travelling to/from the construction site* and changes in hydrology/hydrogeology (water supply);
- Mortality, disturbance, displacement and habitat loss for species of flora and fauna, resulting in declines or local extinction;
- Disruption of migration, commuting routes or loss of seasonally occupied habitats for species with large home ranges or which are migratory;

- *Loss or decline of supporting populations of flora and fauna within habitats lost or degrading with knock on effects on habitats and populations that are retained; and*
- *Increase in recreational pressure resulting in damage to habitats and disturbance of wildlife if improvements to the road network bring in additional tourists or indirectly increase the resident population.*

12.2.5. The AA Report proceeds to assess the possible significance of those impacts as well as in-combination effects. It is noted that there is broad agreement from all parties that the project should be subject to appropriate assessment and that the assessment should include consideration of the effects on Lough Corrib cSAC SPA, Galway Bay Complex cSAC and Inner Galway Bay SPA. Mr Arnold states that considering the additional pathways and the potential for in combination effects, some further consideration should be given to all the other Natura 2000 sites identified in Table 1. A summary of the screening assessment is presented in Table 2 and states that *'It is now not permissible to consider mitigation measures at the screening stage if mitigation is required specifically in relation to Natura 2000 sites. Therefore, any Natura 2000 site for which mitigation is proposed or could be required, must be screened in for appropriate assessment. This results in longer list of sites being screened in for assessment than might historically have been the case'*. (section 3.9.4).

12.2.6. Table 2 identifies the following list of sites whereby likely significant effects cannot be ruled out and must be taken forward for Appropriate Assessment:

- Lough Corrib cSAC;
- Galway Bay Complex cSAC;
- Lough Corrib SPA; and,
- Inner Galway Bay SPA.

12.2.7. The AA Report has identified uncertainty regarding possible effects on the following sites which are additional to those identified by the Applicant:

- Gregganna Marsh SPA;
- Connemara Bog Complex cSAC;

- Connemara Bog Complex SPA;
- Lough Fingall Complex cSAC;
- Ross Lake and Woods cSAC;
- Black Head Poulsallagh cSAC;
- Rahasane Turlough cSAC;
- Rahasane Turlough SPA;
- Kiltiernan Turlough cSAC;
- Castletaylor Complex cSAC;
- Gortnandarragh Limestone Pavement cSAC;
- Ardrahan Grassland cSAC;
- Moneen Mountain cSAC;
- East Burren Complex cSAC;
- Maumturn Mountains cSAC; and
- Twelve Bens/Garraun Complex cSAC.

12.2.8. I concur with the AA Report's conclusion that the likelihood that the project could have a significant effect on these European sites in view of their Conservation Objectives cannot be ruled out in the absence of further analysis or the application of mitigation measures. As such the project should be subject to a Stage 2 Appropriate Assessment.

Screening Statement

12.2.9. The proposed development has been considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually could result in significant effects on European Sites Lough Corrib cSAC; Galway Bay Complex cSAC; Lough Corrib SPA; Inner Galway Bay SPA; in view of those site's Conservation Objectives, and Appropriate Assessment is therefore required.

12.2.10. In addition, it has been concluded that the project in combination with other plans or projects could give rise to significant effects or effects are uncertain for the following European Sites and these are also included for more detailed assessment as part of the Appropriate Assessment:

- Gregganna Marsh SPA;
- Connemara Bog Complex cSAC;
- Connemara Bog Complex SPA;
- Lough Fingall Complex cSAC;
- Ross Lake and Woods cSAC;
- Black Head Poulsallagh cSAC;
- Rahasane Turlough cSAC;
- Rahasane Turlough SPA;
- Kiltiernan Turlough cSAC;
- Castletaylor Complex cSAC;
- Gortnandarragh Limestone Pavement cSAC;
- Ardrahan Grassland cSAC;
- Moneen Mountain cSAC;
- East Burren Complex cSAC;
- Maumturn Mountains cSAC; and
- Twelve Bens/Garraun Complex cSAC.

12.3. Stage 2 Appropriate Assessment

12.3.1. The AA Report (Section 4) states the following: In the NIS, the applicant completed a detailed assessment of the potential for the proposed road to undermine the conservation objectives for Lough Corrib and (Inner) Galway Bay Natura 2000 sites, covering nearly 400 pages in the main document, with associated mapping (16 Figures) and 15 appendices (mainly survey reports). The applicant concluded that, considering avoidance and mitigation measures, the proposed road, either alone or

in combination, will not undermine the conservation objectives of any Natura 2000 site and, therefore, poses no risk to the integrity of any Natura 2000 site. (section 4.1.1). The AA Report goes on to state that information presented at Further Information stage and during the oral hearing did not change the applicant's conclusion.

12.3.2. The Appropriate Assessment methodology relied upon the same guidance used in the screening assessment. Detailed information on the conservation objectives and qualifying features of the Natura 2000 sites is provided in Table 3 (Lough Corrib cSAC and SPA) and Table 4 (Galway Bay Complex cSAC and Inner Galway Bay SPA). Other Natura 2000 sites are briefly described along with their qualifying interests as per Table 1 and in Appendix 3 of the AA Report.

12.4. Potential for adverse effects

12.4.1. The potential for adverse effects on the Natura 2000 sites in view of their Conservation Objectives are described (section 4.4). The AA Report considers the impact of the PRD 'Alone' and states:

"What follows is a re-examination, analysis and evaluation of the potential impacts of the proposed road on the qualifying interest features of the identified Natura 2000 sites, using the data provided by the applicant and informed by two site visits and information presented by others in written submissions and at the oral hearing. The objective is to independently identify, in the light of the best scientific knowledge in the field, all aspects of the development project which could adversely affect any Natura 2000 site in light of its Conservation Objectives. Any uncertainty in the assessment is also expressed (as a level of risk), to ensure that the conclusion is sound." (section 4.5.2).

12.4.2. The AA Report proceeds to consider the potential impact on the qualifying interest features for each of the Natura 2000 sites at both construction and operation stage.

Lough Corrib cSAC 000297 and Lough Corrib SPA 004042

12.4.3. During construction stage habitat loss directly within the Natura 2000 sites is considered and assessed. Direct loss of habitat is detailed and it is stated that the applicant's assessment is that there would be no loss of qualifying interest Annex I habitat within the Lough Corrib cSAC. The four main areas where the development

boundary overlaps with the cSAC (but not the SPA) are detailed. Within these four areas where overlap occurs the applicant has set out which polygons overlap (areas of land attributed to a particular habitat by the applicant). There are 27 polygons in total although 15 merely touch the road boundary or are included in mitigation areas. The remaining 12 polygons have a greater degree of overlap and are, therefore, considered further. The AA Report states that of the 12 polygons they only part overlap with the road boundary. Table 5 assesses the seven which appear to be directly impacted as it is considered critical to know if any of these seven areas are Annex I habitats or could have been when the site was designated.

12.4.4. At the hearing Area 1.f was subject to much discussion as to whether this limestone outcrop constitutes the Annex I priority habitat of limestone pavement. The area comprises beech woodland with limestone outcropping. It is located to the east of the River Corrib and where the bridge supports are to be placed. The AA Report details that, at the hearing, both the applicant and the NPWS were in agreement that the limestone outcrop in Area 1.f does not constitute limestone pavement (section 4.5.12). Following this discussion Mr Arnold states in the AA Report that it can be concluded that the seven areas where direct habitat loss occurs are not Annex I habitat.

12.4.5. The AA Report proceeds to consider whether any of the areas subject to direct impacts were Annex I habitats at the time that the site was initially designated as a cSAC. Mr Arnold states this relates to specifically Annex I habitats for which the relevant objective is to restore favourable conservation condition. From examination of aerial imagery from 1995 to 2000 there are two areas where a change in the habitat type was evident or likely. The first is Mr Arnold's Area B1 (applicant's 1e). Mr Arnold concludes that the aerial imagery indicates that this may have been unimproved grassland and therefore potentially Annex I type 6210 in 1995 but had been agriculturally improved, so in its current condition, by 2000. Despite this, the published conservation objectives for Lough Corrib indicate the objective is to maintain rather than restore this habitat which indicates there is no imperative to restore this area of grassland to the Annex I type 6210. The second area where a change in habitat type was evident is in Area M/4.a where an increase in scrub or tree cover has occurred replacing an unknown grassland type. This is the area of the disused railway embankment and therefore most unlikely to have supported any

Annex I grassland type at the time the cSAC was designated. It is noted that the PRD does not overlap any part of the Lough Corrib SPA and therefore no habitat loss would occur within the SPA.

12.4.6. Indirect habitat loss in the sites through changes in hydrology/hydrogeology are assessed. In the AA Report Mr Arnold refers to the work carried out by Mr James Dodds Consultant Hydrogeologist appointed by the Board (see Appendix 5) to assist with the assessment. With respect to habitat fragmentation and possible effects on the conservation objectives it is stated that the PRD would divide just one land parcel within the cSAC – the area known as Area 1.f. It is noted that the road includes five culverts at this point which may partially mitigate the effects of habitat fragmentation. The PRD does not fragment any part of the SPA.

12.4.7. The AA Report addresses possible habitat isolation and the effects that may arise to qualifying interest habitats should habitat isolation occur. Mr Arnold considers that the provision of the Lackagh tunnel avoids this potential issue between the Menlough/Ballindooley and Menlough/Coolagh areas of the cSAC at this location and the Menlough viaduct maintains ecological connections also. Despite the retained connections described above, the Menlough/Coolagh element of the cSAC would experience some additional degree of isolation. The road development does not isolate any part of the Lough Corrib SPA.

12.4.8. Habitat degradation is considered and assessed in terms of chemical pollution, noise, dust, light and spread of invasive species including from construction traffic and site workers travelling to/from the site. The AA Report addresses each of these topics from site run-off to the potential effect of dust from construction activities and processing of rock (section 4.5.31).

12.4.9. Mortality, disturbance, displacement and habitat loss for species of flora and fauna which form part of the qualifying interest populations of Natura 2000 sites are addressed and assessed. Qualifying interest Annex II species (SAC) and Annex I birds (SPA) are described in detail.

12.4.10. The possible disruption of migration, commuting routes or loss of seasonally occupied habitats for species with large home ranges or which are migratory and form part of the qualifying interest populations of the Natura sites are examined and assessed. In addition, the loss or decline of any supporting populations of flora and

fauna (not part of the qualifying interest population) within areas of habitats loss or degradation, and any knock-on effects on the qualifying interest habitats and populations of Natura 2000 sites are also examined and assessed. It is considered and reasonable to assume that there would be no increase in recreational pressure during the construction stage.

12.4.11. The same suite of potential impacts are addressed and assessed for the operational stage (section 4.5.77) in view of the qualifying interests and conservation objectives of the SAC. Of note, it is considered that the air quality would improve during the short term with cars spending less time in queuing traffic. However, it would bring cars closer to the cSAC but it is noted that vehicle emissions associated with the proposed road would not be sufficient to cause an appreciable change in the vegetation within the cSAC. With respect to chemical water pollution it is noted that the design for the proposed road includes the treatment for road run-off prior to discharge into the ground and surface water, to meet the standards set by Transport Infrastructure Ireland (TII). Noise and vibration are addressed and assessed followed by light, and shading of habitats. Mortality, disturbance, displacement and habitat loss for species of flora and fauna which form part of the qualifying interest populations, resulting in declines or local extinction are addressed, as is disruption of migration, commuting routes or loss of seasonally occupied habitats for species with large home ranges or which are migratory and form part of the qualifying interest populations of Natura 2000 sites. The potential for loss or decline of supporting populations of flora and fauna (not part of the qualifying interest population) within habitats lost or degrading with knock on effects on the qualifying interest habitats and populations are as for the construction phase. It is further stated that the road may serve to increase the accessibility of Lough Corrib as a recreational destination; boating and fishing being popular activities at the Lough. The Lough condition is currently unfavourable due to mainly agricultural activities in the lake catchment, however boating development is also cited as a current threat.

Galway Bay Complex cSAC 000268 and Inner Galway Bay SPA 004031

12.4.12. During the construction stage there will be no direct impacts on the cSAC or the SPA. Indirect impacts are addressed and assessed under the headings as summarised below (section 4.5.111). The AA Report states that there will be no indirect habitat loss through changes in hydrology/hydrogeology and refers to Mr

Dodds' report. Habitat isolation and habitat degradation are also addressed. It is noted that, as with Lough Corrib cSAC, there is a risk of potential pollution of watercourses during the construction phase, both chemical and, more likely, suspended solids due to site run-off entering the watercourses which feed into the Bay.

12.4.13. The AA Report states that there is no risk of mortality, disturbance, displacement or habitat loss during construction for typical/positive indicator species on Annex I habitats. The risk to the Annex II species is limited to otter when ranging outside of the Galway Bay Complex cSAC and potentially reaching the construction site at the watercourse crossings. The potential for impacts on Annex I qualifying interest bird species are also detailed (section 4.5.121).

12.4.14. Potential disruption of migration, commuting routes or loss of seasonally occupied habitats for species with large home ranges or which are migratory and form part of the qualifying interest populations of Natura 2000 sites are described as are loss or decline of supporting populations of flora and fauna (not part of the qualifying interest population) within habitats lost or degrading with knock on effects on the qualifying interest habitats and populations of Natura 2000 sites.

12.4.15. Potential indirect impacts at the operation stage are described. With respect to habitat isolation it is stated that, as for construction stage, there would be no appreciable effect on qualifying interest Annex I habitats within Galway Bay Complex cSAC arising from habitat isolation. In terms of habitat isolation Galway Bay is too distant from the proposed road to experience negative effects from chemical air pollution, noise, dust, light, spread of invasive species during the operation of the road. However, there is the potential for road run-off containing chemical pollutants from vehicles to make its way into Galway Bay via the watercourses crossed by the PRD.

12.4.16. Potential disruption of migration, commuting routes or loss of seasonally occupied habitats for species with large home ranges or which are migratory and form part of the qualifying interest populations of Natura 2000 sites are detailed. The potential for loss or decline of supporting populations of flora and fauna is addressed. As for construction stage, the conclusion is that there would be no appreciable effect on qualifying interest habitats and populations of (Inner) Galway Bays (Complex) cSAC

or SPA arising from loss of supporting populations. The new road could result in increased recreational pressure if improvements to the road network brings in additional tourists and facilitates an increase resident population.

Other Natura 2000 sites

- 12.4.17. The other Natura 2000 sites included in Appropriate Assessment are addressed from section 4.5.136 onwards. The potential indirect impacts of the construction stage are addressed under the same headings – Habitat Degradation, and loss or decline of supporting populations of flora and fauna. The potential indirect impacts identified in the AA Report during the operation phase are a potential increase in recreational pressure on Natura 2000 sites if improvements to the road network bring in additional tourists and increase local resident population.
- 12.4.18. Following the assessment of the project ‘alone’ the AA Report turns to consider the impact prediction ‘in combination’ with other plans and projects (section 4.6). In the Report, Mr Arnold notes that the applicant’s assessment was updated in the light of new projects during the oral hearing, with an updated assessment provided in the AA – In combination assessment addendum update report, dated 10th March 2020, was then replaced on 3rd November 2020 with a supplement to this covering Burkeway Bearna on 4th November 2020. These last two form the “2020 in-combination update”. This included seven new or updated plans and sixteen new projects, as set out in Table 1 and Table 2, respectively, plus the supplement. The applicant’s conclusion remains unchanged despite the new information. The AA Report describes the plans and projects and states *‘For all of these, it is possible to reduce the potential impact through mitigation measures at the project level and it is expected that this will be done in line with the policies set out in the relevant Plan. However, these measures are unlikely to have eliminated the potential impact completely and there remains, without broader mitigation measures or environmental improvements, a risk that incremental losses or worsening of environmental conditions would eventually combine to either hinder restoration or have a significant impact on qualifying interest features of a cSAC or SPA’*. (section 4.6.20).

12.5. Conservation Objectives

12.5.1. Section 4.7 of the AA Report assesses the identified potential impact pathways, along with consideration of the risks that conservation objectives (COs) would be undermined both for the proposed road alone and in combination with other plans and projects. Tables 6 to 9 of the report detail the risks of undermining the conservation objectives of the Lough Corrib and Galway Bay cSAC and SPAs in the absence of mitigation. With respect to the other Natura sites, it is considered that *'Three potential pathways have been identified for impacts on other Natura 2000 sites, these are (i) effects on qualifying interest Annex I habitats arising from recreational activities potentially affecting Ross Lake and Woods, the Maumturk Mountains, the Twelve Bens/Garraum Complex cSAC, and Connemara Bog Complex cSAC SPA; (ii) spillage/leakage of fluids and materials from construction vehicles travelling in proximity to Natura 2000 sites; and (iii) losses of supporting populations of Annex II species such as marsh fritillary and lesser horseshoe bat. These pose a very low risk to the conservation objectives to these sites when the road is considered alone. However, the risk is elevated but still low when the road is considered in combination with other plans and projects, especially those leading to population growth and additional construction'*. (Section 4.7.3). Specific risks to the conservation objectives are identified in section 4.7.4.

12.6. Mitigation Measures

- 12.6.1. Mitigation measures are addressed in section 4.8 of the AA Report. The report states that *'the applicant describes the relevant design requirements and mitigation measures in the NIS p278 to p302, which is supported by the Construction Environmental Management Plan, provided in Appendix C of the NIS, and the Schedule of Environmental Commitments (SoEC) originally submitted with the EIAR, as Chapter 21, and then added to, the additions being last updated in November 2020. The relevant measures are summarised below, with references to further detail'*. (section 4.8.1).
- 12.6.2. *Avoidance and mitigation measures included in the applicant's design:* In the AA Report Mr Arnold identifies *designed in* measures as well as those included in the design but not itemised by the applicant in the NIS.

12.6.3. *Mitigation at the project level:* Of note, the AA Report refers to the applicant's mitigation measures and identifies some further mitigation measures which Mr Arnold considers are required at the project level to reduce impacts on Natura 2000 sites to a non-significant level in light of their conservation objectives (section 4.8.3). The *additional mitigation* measures are clearly highlighted in the report and for the avoidance of doubt are repeated herein under the relevant heading.

Habitat loss directly within the Natura 2000 Sites:

Additional mitigation: the area fenced off from construction to include the River Corrib and its fringing vegetation, as this may also be Annex I habitat, with the fringing vegetation maintained.

Habitat degradation within Natura 2000 sites as a result of chemical pollution, noise, dust, light, shading and spread of invasive species including from construction traffic and site workers travelling to/from the construction site:

Additional mitigation: The mitigation area 6210 R1 should be restored by management, using the existing seed bank, rather than topsoil stripping or translocation of turves to reduce the risk of suspended solid pollution of the River Corrib from this location;

Additional mitigation: install the highest standard of treatment facilities specified in the TII guidelines, suitable for discharge directly into an SAC watercourse, for road run-off during the operation of the road, with regular maintenance of silt traps, including dredging and removal of trapped silt for disposal in sealed landfill;

Additional mitigation: ensuring mud is not allowed to build up on haul roads and public roads where it could wash in to the cSAC including the River Corrib;

Additional mitigation: dust control during blasting events and dust monitoring within the cSAC during construction, especially following blasting events, and with revisions to working methods/frequency of blasting if required;

Additional mitigation: reduction of lighting on the western approach to the Lackagh tunnel to the absolute legal minimum to maintain existing light levels within the Lough Corrib cSAC;

Additional mitigation: the scope of the NISMP must be broadened to include species which are a potential threat to limestone pavement and other Annex I habitats, including, cotoneaster (all species), buddleia, red valerian and wild clematis;

Additional mitigation: the seed/planting mix not to include negative indicator species for limestone pavement or calcareous grassland within 250m of the cSAC including perennial rye grass, white clover, sycamore, beech and conifers, plus control of other negative indicator species within 100m of the cSAC as listed by Wilson and Fernandez (2013), such as creeping thistle and ragwort, while the vegetation is establishing on the soft estate (for two years post-seeding);

Additional mitigation: monitoring and management of non-native invasive species along the route corridor in proximity to Lough Corrib cSAC between Ch. 9+100 and Ch. 11+400 during the operation of the road, including the additional species listed above;

Additional mitigation: construction traffic travelling to/from Galway to primarily use recently constructed roads with a modern drainage design (pollution control) or avoiding the R458, N67 and N84 where these pass Natura 2000 sites;

Mortality, disturbance, displacement and habitat loss for species of flora and fauna which form part of the qualifying interest populations of Natura 2000, resulting in declines or local extinction

Additional mitigation: add a pond within the barn owl/lesser horseshoe bat habitat enhancement area in proximity to Menlo Castle which will be suitable for breeding coot.

Additional mitigation: ensure that safe passage exists for otters along all watercourses bisected by the proposed road during construction, to include mammal ledges within the culvert or two dry 600mm culverts parallel to the watercourse, one each side.

Loss or decline of supporting populations of flora and fauna (not part of the qualifying interest) within habitats lost or degrading with knock on effects on the qualifying interest habitats and populations of Natura 2000 sites

Additional mitigation: the population of *Rhynchospora fusca* should be identified, mapped and protected during the construction phase.

12.6.4. *Mitigation at the Plan Level:* The AA Report acknowledges that the PRD is a major and integrated component of both the Galway City Development Plan and the Galway County Development Plan which have been subject to AA and include mitigation measures in their policies to enable the conclusion of no adverse effect on the integrity of any Natura 2000 site. The AA Report identifies the relevant policies and objectives (section 4.8.5 and 4.8.6). Of particular importance among the mitigation measures included in the Plans are: Preparation and implementation of an Integrated Management Plans for Lough Corrib cSAC, Ross Lake and Woods cSAC, (Inner) Galway Bay (Complex) cSAC SPA (especially Rusheen Bay and Lough Atalia), the Twelve Bens/Garraun Complex and Maumturk Mountains cSAC; The development of an ecological network within Galway City, to include the protection of and the implementation of measures to control of non-native invasive species within the City; and Improvements in air and water quality, including water quality at Lough Atalia.

12.6.5. I have considered the mitigation measures identified in the applicant's NIS as well as the additional mitigation measures as proposed by Mr Arnold in the AA Report. Taking into consideration the information presented, which I consider the best scientific information available, the measures detailed will be effective and reliable in avoiding and reducing any effects to a non-significant level. The timing of the application of measures has been considered and will be applied as detailed. The integration of all these measures including the additional measures (see conditions) into the CEMP and the ecological supervision of the project will ensure that they will be delivered as designed and achieve their objectives which is to ensure no adverse effects on the site integrity of the suite of European Sites as detailed below

12.7. **Conclusions on Site Integrity**

12.7.1. The AA Report prepared by Mr Arnold concludes as follows (section 9):

Without mitigation, there is a risk but not a certainty that the conservation objectives for several Natura 2000 sites would be undermined, with the highest risk being for Lough Corrib cSAC and (Inner) Galway Bay (Complex) cSAC and SPA, both during construction and operation of the proposed road. Through proper implementation of the mitigation at the project level, undermining of the conservation objectives can be avoided for the project 'alone'.

Despite the mitigation at the project level, the proposed road would still result in the loss of biodiversity, light pollution, noise pollution, emissions to air and release of other materials from vehicles into the environment in proximity to Lough Corrib cSAC and with potential for the last two to reach (Inner) Galway Bay (Complex) cSAC. These could combine with the effects from other proposed developments and associated population growth, to create a further risk that the conservation objectives would be undermined. Added to this would be the increased mobility of the enlarged population, which expose parts of the same and other Natura 2000 sites in the vicinity of Galway City to the risk of unintentional damage from recreational activities. The risk of undermining the conservation objectives is heightened because some of the Annex I habitats exposed to risk are in unfavourable condition.

The risks of undermining the conservation objectives through in combination effects can also be fully mitigated, as provisionally indicated in the appropriate assessment for the two most relevant development plans. With the implementation of the Project and Plan level mitigation, a conclusion of no adverse effect on the integrity of any Natura 2000 site can be reached with respect to the proposed road, both alone and in combination with other plans and projects.

12.8. Response to submissions

- 12.8.1. Appendix 2 of the AA Report addresses the third-party submissions. Mr Arnold addresses all the issues raised by the various parties, including the National Parks and Wildlife Service (NPWS), both in written format and as raised at the oral hearing. Mr Arnold succinctly addresses those issues and, where relevant, points to his response as addressed in the AA Report. Other issues raised that have not been specifically addressed within the report are fully responded to in the table presented. I am satisfied that all submissions and concerns raised have been adequately addressed in the AA Report and that these can be adopted in full by the Board in its Appropriate Assessment.

12.9. Conclusion and Appropriate Assessment Determination in relation to Site Integrity

- 12.9.1. Having regard to the AA Report, prepared by Mr Richard Arnold of Thomson Environmental Consultants (on the request of the Board), I accept and concur with the report's conclusion. I am satisfied that the proposed development has been considered in light of the requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. I consider that the Board can be confident that the information and assessment before them is complete, precise and definitive for the purpose of Appropriate Assessment.
- 12.9.2. Having carried out screening for Appropriate Assessment of the proposed development, it was concluded that it would be likely to have a significant effect on:
- Lough Corrib cSAC;
 - Galway Bay Complex cSAC;
 - Lough Corrib SPA;
- 12.9.3. In addition, the proposed development in combination with other plans or projects could give rise to significant effects or effects were considered uncertain for the following European Sites:
- Inner Galway Bay SPA;
 - Gregganna Marsh SPA;
 - Connemara Bog Complex cSAC;
 - Connemara Bog Complex SPA;
 - Lough Fingall Complex cSAC;
 - Ross Lake and Woods cSAC;
 - Black Head Poulsallagh cSAC;
 - Rahasane Turlough cSAC;
 - Rahasane Turlough SPA;
 - Kiltiernan Turlough cSAC;
 - Castletaylor Complex cSAC;

- Gortnandarragh Limestone Pavement cSAC;
- Ardrahan Grassland cSAC;
- Moneen Mountain cSAC;
- East Burren Complex cSAC;
- Maumturn Mountains cSAC; and
- Twelve Bens/Garraun Complex cSAC.

12.9.4. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

12.9.5. Following an Appropriate Assessment, informed by a Natura Impact Statement, all supplementary reports, information gathered at the oral hearing, submissions and observations and including the full application of mitigation measures it has been determined that the N6 Galway City Ring Road, individually or in combination with other plans or projects, would not adversely affect the integrity of the Lough Corrib cSAC; Galway Bay Complex cSAC; Lough Corrib SPA or Inner Galway Bay SPA in view of the Conservation Objective of those sites.

12.9.6. Further, any possibility of adverse effects on the integrity of other European sites in the wider area due to in- combination effects has been firmly excluded with the application of mitigation measures specific to the proposed road development and those measures already set out and committed to in the Galway City Development Plan and the Galway County Development Plan. The relevant European sites are:

- Gregganna Marsh SPA;
- Connemara Bog Complex cSAC;
- Connemara Bog Complex SPA;
- Lough Fingall Complex cSAC;
- Ross Lake and Woods cSAC;
- Black Head Poulsallagh cSAC;
- Rahasane Turlough cSAC;

- Rahasane Turlough SPA;
- Kiltiernan Turlough cSAC;
- Castletaylor Complex cSAC;
- Gortnandarragh Limestone Pavement cSAC;
- Ardrahan Grassland cSAC;
- Moneen Mountain cSAC;
- East Burren Complex cSAC;
- Maumturn Mountains cSAC; and
- Twelve Bens/Garraun Complex cSAC.

12.9.7. This conclusion is based on a complete assessment of all aspects of the proposed road project including consideration of the following against the full catalogue of qualifying interest habitats and species of the European Sites considered in the assessment:

- Direct loss and damage of habitats, reduction in groundwater quality and quantity, reduction in surface water quality, smothering of vegetation by dust, disruption of otter movements, disturbance of birds from rock blasting and direct mortality of certain qualifying species during construction and operation, habitat isolation, habitat degradation due to noise and light. Additional impact pathways assessed included emissions from construction traffic travelling along older roads immediately adjacent to Natura 2000 sites; the possible loss and decline of populations of certain species outside the Natura 2000 network reducing the resilience of populations of species inside the Natura 2000 network; and increasing recreational pressure on certain Natura 2000 sites due to increased mobility of an expanding human population.
- It has been scientifically proven through detailed survey and analysis that there will be no loss of Annex I priority habitat that conforms to *Limestone Pavement* [8240] where the road intersects with the Lough Corrib cSAC directly and no loss of supporting habitats and species required to maintain the functioning of this habitat or other Annex I habitats that form the qualifying interests of that site or other European Sites.

- The N6 Galway City Ring Road will, through the design and application of mitigation measures, ensure the preservation of the favourable conservation status of habitats characterised as being in favourable status and ensure that habitat characterised as being in unfavourable status will not be further harmed or rendered difficult to restore to favourable status.
- The N6 Galway City Ring Road will, through the design and application of mitigation measures as detailed and conditioned ensure the lasting preservation of the essential components and characteristics of European Sites.
- The mitigation measures which follow the mitigation hierarchy of avoidance, design and direct measures to reduce impacts have been assessed as effective and fully implementable.

Therefore, the appropriate assessment has demonstrated beyond reasonable doubt that there will be no adverse effects on the integrity of any European Site.

13.0 CPO

13.1. Format of CPO and Schedule

13.1.1. The PRD comprises two Schemes, a Protected Road Scheme and a Motorway Scheme. The Protected Road Scheme incorporates the single carriageway portion of the GCRR from the Bearna West roundabout (R336) to Ballymoneen Road junction, and the dual carriageway portion from Ballymoneen Road to the proposed N59 Junction. The Motorway Scheme comprises the dual carriageway portion of the GCRR from the proposed N59 Junction to the existing N6 at Coolagh.

13.1.2. The format of both Schemes is the same. It is proposed to:

- (a) compulsorily acquire the land or substratum of land described in **Schedule 1**,
- (b) compulsorily acquire the rights in relation to land described in **Schedule 2**,
- (c) extinguish over the land referred to in subparagraphs (a) and (b)–
 - (i) the public rights of way described in **Part 1 of Schedule 3**, and
 - (ii) the private rights of way described in **Part 2 of Schedule 3**,
- (d) prohibit, close, stop up, remove, alter, divert or restrict a means of direct access to or from the proposed protected road, in respect of the land described in **Schedule 4**,
- (e) prohibit, close, stop up, remove, alter, divert or restrict a means of direct access to or from the proposed protected road, in respect of land used for a specified purpose described in **Schedule 5 (Not Applicable)**,
- (f) prohibit or restrict the use of the proposed protected road or a particular part thereof by the types of traffic or the classes of vehicles specified in **Schedule 6 (Not Applicable)**,
- (g) revoke the planning permissions for the development of land described in **Part 1 of Schedule 7**, and
- (h) modify the planning permissions for the development of land described in **Part 2 of Schedule 7** to the extent specified in that Part.

- 13.1.3. The land or substratum of land described in Schedules 1, 2, 4 and 7 and the rights of way described in Schedule 3 are individually numbered and identified on the Deposit Maps for the two Schemes.
- 13.1.4. Numerous alterations were made to the CPO Schedules in the course of the oral hearing, for example to address changes/additions to owners/occupiers, to clarify certain matters with regard to rights of way etc. and to remove certain plots of land. I note, in this regard, the proposed modification relating to the realignment of the proposed Parkmore Link Road.
- 13.1.5. The Board is referred to the revised final versions of the Schedules and Deposit Maps associated with the Motorway and Protected Road Schemes which were submitted by the applicant on the final day of the oral hearing. These are referred to as 'Issue 3' and are dated 4th November 2020. Copies of the final Schedules with tracked changes were also submitted by the applicant for ease of reference.

13.2. Overview of Objections

- 13.2.1. A total of 211 No. written objections were received by the Board. Of these, 54 No. were withdrawn before or during the course of the oral hearing and are listed in Table 13.1 below. The remaining objectors are listed in Appendix 2 and are addressed individually below. It should be noted that a number of parties submitted two or more objections in respect of the same plot and these have been grouped in the assessment below. It should also be noted that a number of parties affected by the proposed CPO paid the appropriate fee to make a submission, and are therefore included in the list of observers, rather than the list of objectors. The issues raised in those submissions in relation to land acquisition and other CPO matters are addressed below, as appropriate.
- 13.2.2. The following new objectors (i.e. who had not previously made a written objection) appeared at the oral hearing and are included in the list of objectors in Appendix 2:
- Ross Tobin (Plot 504).
 - Richard Keane/Caiseal Geal Teoranta/Castlegar Nursing Home (Plot 656).
 - Vantage Towers Ltd. (Plot 226).
 - Tuam Road Developments Ltd. (Plot 766).

13.2.3. The 'objection reference' numbering system was utilised at the oral hearing by the applicant in responding to the issues raised. It generally runs from west to east and is in the format 'Ob_Plot number'. I will utilise the same numbering system in this section in the interests of clarity and for the Board's ease of reference.

Name	Objection Reference	Name	Objection Reference
Thomas Barrett	Ob_249_467	Oliver T. Hernan	Ob_102.2
Boston Scientific Limited	Ob_695.1, Ob_695.2	Oliver Hemon	Ob_102.1
Rita Burke	Ob_492	Michael Higgins	Ob_575
Larry and Concepta Carter and Others	Ob_563.01	John Hynes	Ob_632
Clada Group Limited	Ob_602_698_699_704.1, Ob_602_698_699_704.2	Edward Kelly	Ob_620_624
Patricia Clancy	Ob_251	Jarlath and Mary Kemple	Ob_589
Mary Cloherty	Ob_211	John Kenny	Ob_208
Martin G. Concannon	Ob_207	Kenny Galway Ltd.	Ob_668
Oliver Concannon	Ob_205	John King	Ob_754
Michael P. Conneely	Ob_167	Mike Lawless	Ob_553_561
Sean and Mary Conneely	Ob_108_125	Eamonn Mahoney	Ob_105
Gerald Connell		Thomas McDonagh and Sons	Ob_452
Donnacha Coyne	Ob_230	Michael McGuire	Ob_468_501
Winifred Cuddy	Ob_493	Eamonn Naughton	Ob_217
Larry Curran	Ob_168	NUI Galway	Ob_528_541_543_557
Jimmy Donohoe	Ob_255_256	Bernadette O'Connor	Ob_156
Paddy and Nora Dooley	Ob_561_562	Denis and Margaret O'Neil	Ob_663.01, Ob_663.02
Patrick Duggan	Ob_570	Tommy Reardon	Ob_233_234_235

Martin Feeney	Ob_ 688	Mary Regan	Ob_ 523
Mary Francis	Ob_ 571_ 579_ 592_ 600	Emer Ryan and Paddy Cunningham	Ob_ 641
Peter Gill	Ob_ 212	William Silke	Ob_ 716
Goodbody Stockbrokers Nominees Ltd and Padraic McHale	Ob_ 713	Anita Sullivan	Ob_ 607
Kathleen Greaney	Ob_ 729	Rita Trayers	Ob_ 187
Bartley Griffin	Ob_ 254	Margaret Walsh	Ob_ 147
Angela Griffin	Ob_ 259_ 463	Michael Walsh	Ob_ 115
Thomas Heffernan	Ob_ 499	Kevin and Marion Watters	Ob_ 131_ 132
Joseph and Eileen Hernon	Ob_ 103	Gerard and Ann Winters	Ob_ 666.1

Table 13.1: Objectors who withdrew prior to or during the oral hearing.

13.3. Assessment

13.3.1. 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”³⁰. Legal commentators³¹ have stated that this phrase requires the following minimum criteria to be satisfied:

- There is a community need that is to be met by the acquisition of the lands in question,
- The particular lands are suitable to meet that community need,

³⁰ Para. [52] of judgement of Geoghegan J in Clinton v An Bord Pleanála (No. 2) [2007] 4 IR 701.

³¹ Pg. 127 of Compulsory Purchase and Compensation in Ireland: Law and Practice, Second Edition, by James Macken, Eamon Galligan, and Michael McGrath and published by Bloomsbury Professional (West Sussex and Dublin, 2013).

- Any alternative methods of meeting the community needs have been considered but are not demonstrably preferable (taking into account environmental effects, where appropriate), 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.

13.3.2. I will address each of these criteria in turn below, along with other issues arising from the objections. The Board will note that the criteria have also been addressed in preceding sections of this report and, therefore, this Section should be read in conjunction with same, where relevant.

13.4. Community Need

13.4.1. As detailed in Section 10.4 and 11.13 above, it is considered that the need and justification for the PRD has been adequately established. The need for the PRD arises from the necessity to address the very serious transport issues facing Galway City and its environs, and the PRD is considered to form an essential part of the transport solution, which will also facilitate the full implementation of the GTS measures to improve public transport and active travel infrastructure.

13.4.2. It is considered that the current road network in Galway is under-developed along its northern half which results in Galway lacking the connected road network which would facilitate more direct travel. As a result of this missing link all traffic has to come into the city to access the spine road before it then moves around the city or bypasses the city. The PRD provides the required outer edge route developing the road network of the northern half of the city which will facilitate more direct journeys and divert through traffic away from the central spine, allowing for the reallocation of road space to more sustainable modes of transport and facilitating the compact growth of Galway in line with the significant population and economic growth forecast under the NPF.

13.4.3. It is considered, therefore, that the PRD will benefit the community as a whole. While there will be impacts, including significant and profound impacts, for individual landowners, businesses and people whose houses are to be acquired, it is considered that the CPO can be justified by the exigencies of the common good. I conclude, therefore, that the community need for the scheme has been established.

13.5. Suitability of the Lands

13.5.1. I refer to Section 10.5 of this assessment and to the conclusions that the proposed road design, specification, cross-section and junction strategy are appropriate. The extent of land that would be acquired under the compulsory purchase order is determined by the specifications for same, with additional lands also required for various purposes in connection with the PRD (e.g. biodiversity mitigation, attenuation ponds, material deposition areas etc.). It is considered reasonable to conclude that, having regard to the development of the route as proposed, the lands proposed to be acquired are necessary to facilitate the provision of the PRD. It is, therefore, accepted that there is a requirement for all of the lands included in the CPO, excluding those proposed by the applicant to be removed/adjusted (refer to final version of the Motorway and Protected Road Scheme Schedules submitted at the oral hearing on 4th November 2020). Many of the objections contend that the extent of proposed acquisition is excessive. These individual objections will be considered below and a number of changes to the Schedules are recommended. Other than these modifications, however, it is considered that all other lands identified in the CPO are required in connection with the PRD and that they are suitable for such use.

13.5.2. With regard to the proposed Parkmore Link Road modification, which was presented at the oral hearing, the Board will note that the proposed modification results in a reduction in the extent of land to be compulsorily acquired, with lands for the revised alignment instead to be acquired by agreement with Boston Scientific Ltd. Boston Scientific Ltd. withdrew their objection following the submission of the proposed modification.

13.6. Accordance with Planning Policy

13.6.1. As detailed in Section 10.3 above, the PRD has support in principle at European, national, regional and local policy levels, with the proposal being fully in accordance with those plans.

13.6.2. At a European level, the PRD forms part of the Ten-T Comprehensive Network, which seeks to provide high quality transportation links across the Continent. At a national level, the PRD is identified as a key growth enabler for Galway in the

National Planning Framework, and it is explicitly referenced in National Strategic Outcome 2, which relates to enhancing regional accessibility and supporting compact growth. The National Development Plan 2018 – 2027 seeks the delivery of major national infrastructure projects in the interest of regional connectivity and the PRD is one such project.

- 13.6.3. At a Regional level the Regional Spatial and Economic Strategy, under the heading of 'Connected City', states that it is an objective to improve the road network around the city and in particular to support the delivery of the Galway Transport Strategy (GTS) including the PRD. The road is identified as a main transportation component of the Metropolitan Area Strategic Plan (MASP). The road is further identified in policy objective 6.6 which lists projects to be delivered in the short term and before 2027.
- 13.6.4. At a local level, the route corridor for the PRD is referred to in written statements and identified on maps in both the Galway City and Galway County Development Plans, as well as the Ardaun Local Area Plan. With regard to potential conflicts with other land use zonings and objectives, the over-arching comment contained in Section 11.2 of the City Development Plan is noted:
- “Priority will be given to the reservation of the N6 GCRR Preferred Route Corridor and the associated land requirements over other land use zonings and specific objectives.”*
- 13.6.5. I am satisfied, having regard to this clear statement in the Development Plan, that the land required for the PRD takes precedence over other land use zonings and specific objectives.
- 13.6.6. The PRD is a key component of the GTS which was adopted as part of the Development Plans for the City and County.
- 13.6.7. On the basis of the above, and the more comprehensive assessment of planning policy contained in Section 10.3 above, I am satisfied that the PRD is consistent with all applicable planning policy and, more particularly, is supported by and in accordance with the objectives of the Galway County Development Plan and the Galway City Development Plan.

13.7. Use of Alternative Methods

- 13.7.1. The consideration of alternatives was addressed in Chapter 4 of the EIAR and is assessed in Sections 10.6 and 11.3 above. These include an evaluation of Do-Nothing and Do-Minimum scenarios; Do-Something road based alternatives; Light rail alternative; other alternatives to a road; alternative route options; and optimisation alternatives within the preferred route corridor.
- 13.7.2. There was much opposition to both the principle of the PRD and the route selected and the matter was debated at length during the oral hearing, as detailed in the abovementioned sections of this report. However, it is considered 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 route chosen is the one which best meets these objectives. I also accept that the consideration of options within the selected route corridor and the strategy for key junctions was a rigorous process, which had regard to environmental considerations and to the Project Objectives. I generally concur with the reasons for choosing the preferred alternatives as presented in the EIAR and revised during the oral hearing.

13.8. CPO Issues Common to Multiple Objectors

- 13.8.1. Objections submitted by landowners, occupiers and residents have identified potential impacts on properties and lands, as well as planning and environmental issues including impacts on human health, noise, air, climate, visual impacts and on biodiversity. The planning and environmental issues have been addressed in detail in the preceding sections of this report. It is acknowledged that the PRD will result in significant or profound impacts on many residential property owners, as well as agricultural operations and a lesser number of commercial operations. These impacts will, in many cases, be permanent impacts notwithstanding the mitigation measures proposed. Issues relating to severance and loss of lands arising are primarily matters to be addressed by way of compensation.

Acquisition of Dwellings

- 13.8.2. Of the 54 No. dwellings that it is proposed to acquire (of which 44 are to be demolished), a total of 24 No. objections remain, representing 26 No. dwellings. The

applicant's Project Lead, Ms McCarthy, in response to a question from Mr Kevin Gill, stated at the oral hearing on 4th March 2020 that there were 123 people in the 54 homes to be acquired.

- 13.8.3. While I am satisfied that the applicant has demonstrated that the CPO "is clearly justified by the exigencies of the common good" and has satisfied the minimum criteria as outlined above, the number of dwellings that it is proposed to acquire is notable and would appear to be unparalleled in recent times. It, therefore, warrants very careful consideration given the constitutional protection afforded to property rights, and the principle of proportionality must be considered.
- 13.8.4. The Board will note the legal submission made by Jarlath Fitzsimons SC on behalf of the applicant at the oral hearing on 21st February 2020 (Ref. 31), which sets out the applicant's legal response to the objections against acquisition and the issues of the common good and the proportionality test.
- 13.8.5. To some degree I consider that the number of dwellings affected is a function of the extensive ribbon development and one-off housing development that has occurred on the rural fringes of Galway City over a prolonged period. This low density and scattered development, combined with the geographical and natural heritage constraints of the city, renders it extremely difficult to design a route which meets project objectives without impacting on individual dwellings, as can be seen from the route option analysis undertaken by the applicant.
- 13.8.6. In a number of instances, such as to the north of Bearna (7 No. homes to be acquired), at the N59 Moycullen Road crossing (9 No. homes to be acquired) and in the vicinity of the N83 to N84 (14 No. homes to be acquired on the N84, 6 No. at School Road and 3 No. at the N83), clusters of houses forming parts of long-established communities are to be acquired. At the oral hearing a number of objectors noted the stress and anxiety they were experiencing due to the proposed acquisition, the uncertainties associated with same, and whether they would be able to find a similar house in the locality, with a number noting that they may not qualify under 'local needs' requirements in the county area or that the number of people seeking alternative houses in the local area would inflate property prices. A number of objectors also unfavourably contrasted the proposed provision of replacement stables at Galway Racecourse and the rehousing of bats etc. with the failure to

similarly mitigate the impact on persons whose dwellings are to be acquired. Comparison was also made with famine-era evictions due to the number of houses that it is proposed to acquire.

13.8.7. In responding to the objections at the oral hearing, the applicant's position is that the home owners will be suitably compensated and that they will seek to agree compensation at an early stage. Given that c. 50% of dwelling owners have either not objected, or have withdrawn their objections, it would appear that the proposed compensation approach may be acceptable to some parties.

13.8.8. Notwithstanding the above, it is considered that, as assessed in Section 10.4, the applicant has demonstrated a need that will advance the common good and which will be met by the PRD and facilitated by its associated CPO. It is further considered that the acquisition of the identified dwellings³² is necessary to deliver the PRD, that the extent of acquisition is proportionate to the identified need and that a thorough consideration of alternatives, including alternative route alignments has taken place over a prolonged period. While the acquisition will have significant and profound impacts on individual properties and the people residing therein, the delivery of the PRD will be of strategic importance at a local, regional, national and European level, and will be of significant benefit to the common good of the population and economy of Galway and the Western Region in terms of traffic management, economic development and facilitating the considerable level of compact growth forecast for the city under the NPF.

8.9. With regard to the comparison to famine-era evictions, I would note that all affected parties will receive compensation and that the applicant has entered into negotiations with homeowners with a view to agreeing compensation amounts at an early stage in order to reduce stress and uncertainties for affected parties. While matters relating to compensation are not within the remit of the Board, I note the statement made by the applicant at the oral hearing that 51 of the 54 No. homeowners have engaged with this on-going process to date.

13.8.10. This is not to discount the significant and profound negative impacts on affected homeowners, where they arise and, particularly, where multiple houses within long-

³² As addressed in Section 13.9.10 below, it is recommended that the proposed acquisition of 1 No. dwelling on Plot 123 be removed from the CPO Scheme.

established communities are to be acquired and demolished and where remaining homeowners will also experience a loss of community. This is a difficult case for the Board to determine. Ultimately, however, I consider that the significant benefits of the PRD for the common good of the city, county and region outweigh the profound impacts on affected homeowners and, on that basis, I consider the proposed acquisition of dwellings to be generally acceptable.

Noise, Dust, Light and Air Pollution, Drainage

13.8.11. Many of the objections raised issues in relation to noise, dust, air and light pollution, drainage and other planning and environmental issues. These issues are addressed in detail in the preceding sections of this report, and to avoid undue repetition, the assessment of these matters is not repeated in this section, other than where necessary. The objectors who raised these issues are, however, identified, to aid the Board.

Inadequate Consultation

13.8.12. Many of the written objections and the submissions to the oral hearing contended that there had been insufficient consultation with property owners, that the consultation undertaken was inadequate or perfunctory or that the applicant had not taken sufficient account of issues raised. Related to this issue was the contention in many objections that insufficient details had been provided by the applicant in relation to various topics that affected them, such as road levels, drainage, boundary treatments etc. These issues are addressed in the Planning and EIA sections above, where it is concluded that the applicant has generally provided comprehensive and clear information regarding these issues.

13.8.13. The applicant responded to this issue in Section 4.9 of the Main Brief of Evidence. They note that the HSE commended the level of consultation undertaken during the course of the project and requested that good consultation is maintained during the construction stage.

13.8.14. Details of the public consultation phases and periods are outlined in Chapter 4 of the EIAR. In addition to these public information sessions, the applicant noted that over 950 meetings with landowners have taken place since May 2014. A project website was also created, and a project office, located in Ballybrit, was set up for consultation

purposes, with a dedicated land liaison officer in place to answer queries or concerns.

13.8.15. The applicant stated that all property owners identified as owning lands to be acquired to facilitate the construction of the PRD received written correspondence in October 2016 with a copy of the design with respect to their property. As part of the final non-statutory consultation process, written communication was issued to all property owners again in May 2018 with a copy of the final design with respect to their property and an explanation of the next steps. The statutory consultation process then followed, after the publication of the EIAR.

13.8.16. It is clear from the applicant's response, from the EIAR, the Design Report, and from submissions made at the oral hearing by both the applicant and objectors that there has been a very extensive and comprehensive consultation process over a prolonged period, both in terms of 'macro' scale issues such as route alignment and road design issues as well as 'micro' scale issues such as boundary treatments and landscaping at particular properties. While many objectors are of the view that the consultation was inadequate, I do not concur, and I consider that the consultation process was adequate and proportionate to the scale of acquisition proposed and the associated impacts on landowners and occupiers.

Proposed Access to Agricultural Lands Through The Heath Estate

13.8.17. A number of residents in The Heath estate object to the proposed acquisition of their internal estate road and the extension of this road via proposed private Access Road AR 07/10. The estate road is currently privately owned, with the residents having rights of access over it.

13.8.18. Proposed Access Road AR 07/10 would be constructed on lands acquired from Plot 504 (Ross Tobin lands) and would provide access to Plot 504 and to lands in Plot 506, which would be severed by the PRD. Both Plots 504 and 506 are currently zoned agricultural, and the severed portion of Plot 506 that would be served by the Access Road extends to c. 1.14 ha.

13.8.19. The objectors contend that the internal estate road is in no way suitable for agricultural traffic, that it was designed only for light traffic loading for a small number of dwellings and that safety issues would arise from its use by agricultural machinery and livestock. They contend that an alternative means of access should be provided

to Plot 506, or that it should be acquired in its entirety, given its small size relative to the extent of acquisition required to provide access to it. Gerald Lawless, in his submission to the oral hearing on 28th October 2020, suggested that the land be acquired and planted with trees in the interests of ecology and visual screening.

13.8.20. The applicant, in their Main Brief of Evidence note that the existing internal estate road already serves agricultural zoned lands, namely Plot 504 which extends to c. 3.09 ha, and the western part of Plot 510 (Gerald and Neasa Lawless), which extends to c. 0.41 ha. As the portion of additional agricultural lands which will be accessed via the internal estate road is only 1.14 ha, the applicant contends that the internal estate road will have the capacity to cater for it and that this is the correct access point for the severed lands, due to its proximity, rather than rerouting it via the neighbouring serviced roadway to the south.

13.8.21. As the severed portion of Plot 506 is not necessary for the construction or operation of the PRD, the applicant contends that its acquisition is not justified. In any event, I would note that it is not open to the Board to direct the acquisition of additional lands beyond those identified in the CPO Schedules and maps.

13.8.22. One of the objectors contends that the proposal will disproportionately benefit the owners of Plots 504 and 506 by providing a basis for the further development of the plots. I note in this regard that the owner of Plot 506 also objects to the proposed access road arrangement, on the basis that it would not be suitable for the future development of the Plot. The proposed Access Road AR 07/10 has been designed to TII standard Construction Details and includes a 4.0m wide road with a 1.0m wide grass verge either side, and the applicant states that it has been designed to facilitate the existing use and zoning of these lands (Agricultural) and not for potential future development, noting that any future development of these lands will be subject to a planning permission. I consider the width and alignment of AR 07/10 to be suitable for agricultural use and do not consider it necessary or appropriate to provide a road that would cater for development of Plot 506, given its zoning. Any future development of Plot 506 would be a matter for the planning process.

13.8.23. Plot 506 will be significantly impacted by the PRD mainline, with residual portions left to the north and south of the mainline. In the absence of an access road, the severed portion to the south of the mainline would be landlocked.

13.8.24. Mr Tobin, the owner of Plot 504 and the estate road, appeared at the oral hearing on 27th October 2020, at which he stated that he was not opposed to the PRD, or the acquisition of the north western edge of Plot 504 for the mainline, but that he was opposed to the acquisition of the estate road and the lands for AR 07/10 on the basis that it was not for the greater good or for the construction of the road. He stated that the response given at the oral hearing by the applicant was incorrect, as the access to his lands in Plot 504 is from an access road to the south west, and not through The Heath, and he stated that while there is a right of way through The Heath, this is specifically not for livestock and is not an agricultural right of way.

13.8.25. Mr Tobin stated that his intent was to build a family home for himself on the southern portion of Plot 504, accessed from The Heath and adjacent to his parents home, with any future development on the remaining lands to be accessed from the south west.

13.8.26. Mr Tobin stated that he had approached the applicant and offered additional lands to the rear of Plot 504 in order to extend Access Road 07/08 as an alternative means of access to Plot 506, but that this had been refused. He noted that the total acquisition from him (estate road + AR 07/10 area) was greater than the extent of land that would be served by the proposed access road.

13.8.27. Mr Tobin also raised issues regarding a waste of public funds and that the value of his lands to be acquired greatly exceeded the value of the agricultural lands to be serviced. I would note that these are compensation matters, which are not in the remit of the Board.

13.8.28. Mr Fitzsimons SC, on behalf of the applicant, stated that no-one was getting special treatment, while Ms McCarthy stated that Mr Tobin's proposal had been considered, but that Access Road 07/08, which is accessed from the N59 Link Road South, immediately to the south of the proposed N59 Letteragh Junction is intended to solely serve a planting area with access only by the Council for maintenance approximately twice a year. She stated that would be an undesirable location to allow access.

13.8.29. I would agree with the applicant that providing additional agricultural access from what will be a heavily utilised N59 Link Road South, very close to a major grade-separated junction, would not be appropriate in the interests of traffic safety and preserving the strategic function of the Link Road.

- 13.8.30. The Inspectors queried whether access to Plot 506 could alternatively be provided from the south, via the boithrín serving Plot 457 (where two houses are to be acquired, with one to be demolished). Ms McCarthy stated that this had been considered but had been discounted as the boithrín was very narrow and would require upgrading, with impacts on additional parties and additional acquisition required.
- 13.8.31. With regard to the issue of proportionality, the Inspectors asked the applicant if they agreed with Mr Tobin's contention that the extent of the land to be acquired from him exceeded the area of the land to be served by the proposed access road. Ms McCarthy stated that the applicant was attempting to treat all parties fairly and equally and that the owner of Plot 506 wanted to get their retained lands back and to get access to them.
- 13.8.32. Mr Fitzsimons, in responding to the submission of Gerald Lawless, made reference to land folio GY35183F which relates to the access road, and over which access through The Heath is achieved. This is subject to a right of way for vehicles but with a restriction for livestock on foot. He stated that there will be no change to the current rights of access. The applicant will acquire the plot and grant rights of way to the houses in The Heath and there will be no diminution of access for residents.
- 13.8.33. It appears that the only feasible means of providing access to Plot 506 is either via the access road proposed by the applicant, from the boithrín to the south, or via an extension to AR 07/08 onto the N59 Link Road South. I consider that the applicant has provided adequate justification for discounting these alternative options.
- 13.8.34. I consider the applicant's approach of limiting acquisition to lands required for the PRD and providing alternative access to severed lands to be the appropriate approach for such an intrusive project. While Mr Tobin may access Plot 504 from the south west, as he stated, I note that there is also access to these lands from The Heath currently, and as noted by the applicant agricultural traffic, but not livestock on foot, can utilise the estate road currently. Having regard to the fact that agricultural lands can already be accessed through The Heath, I consider that the very limited extent of additional agricultural lands that will be accessed via the estate road (i.e. 1.14 ha) is such that any additional agricultural traffic is likely to be negligible. I, therefore, consider the proposed acquisition to be reasonable and appropriate, and

that the alternative of leaving the residual lands at Plot 506 landlocked would not be appropriate. With regard to Mr Tobin's stated desire to develop Plot 504, I note that it is agriculturally zoned, and any future development proposals will have to proceed through the planning process.

13.8.35. I note that the final version of the Schedule of Environmental Commitments submitted at the oral hearing (Ref. 112A) includes the following at Items 1.29 and 1.30, respectively:

- A right of way will be provided over The Heath's existing access road (excluding the newly constructed access road AR 07/10) by Galway County Council in favour of the properties at the Heath.
- An agricultural right of way (to pass and repass with or without vehicles but without livestock on foot) will be provided over The Heath's existing access road and the newly constructed access road AR 07/10 by Galway County Council in favour of the landowners of Plots 504 and 506.

13.8.36. A number of the objectors in The Heath also expressed concern regarding the use of the estate road by construction traffic. The applicant confirmed at the oral hearing that there will be no access via this road to the mainline construction site and that the only construction traffic will be the traffic required to construct the Access Road AR 07/10 (stated to be c. 250 truck movements over a 4-week period). Given the short duration of the works, I do not consider that any significant issues arise from this limited level of construction traffic.

Aughnacurra Estate

13.8.37. Aughnacurra is a mature estate of 14 No. detached houses arranged around an oval, with extensive mature tree planting which benefit from a high level of residential and visual amenity currently. It is proposed to acquire 6 No. houses within the estate, of which 5 No. are to be demolished. The purpose of the acquisition is to accommodate the PRD mainline and associated embankments, attenuation ponds etc.

13.8.38. Objections were received from a number of individual residents of Aughnacurra, as well as from Aughnacurra Residents Association (ARA). There is also some overlap between membership of the ARA and the Galway N6 Action Group.

13.8.39. The proposed acquisition of dwellings is addressed separately above.

13.8.40. The houses remaining within the estate will experience negative impacts, particularly landscape and visual impacts and residential amenity impacts, arising from the changes to the character of the estate due to the demolition of numerous houses and the insertion of the PRD on an embankment through the area. These impacts are addressed elsewhere in this report.

13.8.41. The proposed acquisition that affects the remaining houses within the Aughnacurra estate relates to the internal estate road (Plot 531), which is a private road in the ownership of the residents. It is proposed to acquire this road, and to construct a new Access Road 08/03, to move the access point from the estate road further north along the N59 Moycullen Road, as the existing entrance will be severed by the PRD mainline.

13.8.42. A number of additional commitments were made by the applicant at the oral hearing in relation to Aughnacurra and are included in the final Schedule of Environmental Commitments (Ref. 112A). I also note Appendix A.21.2 of the final SoEC which includes details of the revised planting plan for Aughnacurra, taking account of the additional commitments. These commitments include:

- 15.14: The existing decorative historic gates at the entrance to the Aughnacurra Estate will be removed, stored and erected at the front entrance upon completion, noting that they currently do not close and that they will not close and span the new entrance width.
- 15.16: The residual lands at property 539 and 540 will be sloped from the rear of the retained existing estate wall up to the embankment of the proposed road development.
- 12.41: A grass verge with birch tree planting will be established to either side of the new entrance avenue into Aughnacurra Estate to match the character of the existing entrance.
- 12.42: Except where the existing wall is retained, a new stone wall will be constructed to the front of properties 539 and 540 (west of proposed road development) along the side of the existing / realigned avenue within

Aughnacurra Estate to match the character of existing stone walls within the estate.

- 12.43: Ground levels within the residual lands at properties 539 and 540 shall be raised back towards the proposed road development and planted with 1000 no. trees of between 1.0 and 2.0m in height in accordance with the details set out on Figure GCRR-SK-OH-652 in Appendix A.21.2.

13.8.43. Further commitments were made in relation to rights of access over the acquired road and the new Access Road AR 08/03:

- 1.31: A right of way will be provided over Aughnacurra's newly constructed access road AR 08/03 by Galway County Council in favour of the properties at Aughnacurra.
- 1.32: A right of way will be provided over Aughnacurra's existing retained access road by Galway County Council in favour of the properties at Aughnacurra.

13.8.44. These additional commitments are reflected in the updated version of Table 9.3 'Private Access Roads' included in the final SoEC. The Table lists the plot numbers/folio numbers of the properties in Aughnacurra which will have rights of way over both the new access road AR 08/03 and the remaining portion of the loop road which will tie into this.

13.8.45. In his submission at the CPO hearing on 28th October 2020 on behalf of the Aughnacurra Residents Association, Stephen Meagher queried whether an undeveloped piece of overgrown open space land in the centre of the estate was included in the CPO. Ms McCarthy confirmed that it was not included. Mr Meagher stated that most of the residents questions with regard to the acquisition of the internal road had been dealt with and that they were withdrawing their objection to the acquisition of the road. However, a letter was subsequently received from the Residents Association on the final day of the hearing, reiterating that they remain resolutely opposed to the PRD and associated CPO.

13.8.46. Michael Murphy, another resident of Aughnacurra, also made a submission at the CPO hearing on 28th October 2020, in which he contended that limited regard had been had to Aughnacurra in the EIAR, and queried landscaping and visual impacts

on the estate. In response Ms McCarthy, the applicant's project lead, and Mr Burns, the applicant's landscape consultant, outlined how Aughnacurra had been considered in the EIAR and the landscaping proposed. This issue is addressed elsewhere in this report. Mr Murphy queried if the applicant had considered acquiring the remaining homes in Aughnacurra. Ms McCarthy confirmed that consideration had been given, but that the separation of the remaining homes from the PRD was adequate and sufficient screening was available or proposed with the result that acquisition of the homes was not justified. Ms McCarthy and Mr Burns presented the photomontages of Aughnacurra in support of their position.

13.8.47. I consider that the applicant has provided adequate justification for the acquisition of the estate road in Aughnacurra, and that the commitments made with regard to provision of rights of ways, retention of gates, replacement tree planting, stone walls etc. will mitigate the impacts of the acquisition to an acceptable degree. There will, nevertheless, be significant negative impacts on the remaining homes in Aughnacurra, as addressed elsewhere in this report. However, the level of impact would not be so significant as to warrant the acquisition of the remaining homes within the estate, in my opinion.

Joyce Mackie Lougheed Clients

13.8.48. A total of 14 No. of the remaining objections, relating to 11 No. objectors³³, were submitted on behalf of the objectors by Joyce Mackie Lougheed (JML). Mr Owen Kennedy of JML appeared at the oral hearing on 28th October 2020 where, instead of making site-specific submissions, he made a general submission in relation to the scheme as a whole. The issues he raised were as follows:

- He expressed dissatisfaction with the remote format of the hearing.
- This would be the largest eviction in Irish history. No mention is made of what will happen to these people, or what has been done by the applicant to facilitate these people.

³³ Two objections were submitted in respect of each of the following objectors: Catherine Dolly (Plot 686), Patrick & Helena Francis (Plot 457) and John & Kathleen McCarthy (Plot 511).

- Applicant has dealt with flora and fauna in great detail and provided tunnels etc. to minimise effects on nature but has not addressed the people affected in any detail.
- GCOB required less houses to be demolished.
- No-one has asked questions about the people affected. The Board should not make the same mistakes as made in previous cases.
- Galway County Council should have put in place mechanism at an early stage whereby people who would lose their house could seek and get planning permission for a replacement house. People cannot move a short distance as they do not have close ties as required for rural housing under the Development Plan.
- Time period from the date that notice to treat is served should be limited to two years.
- No information on the number of people within the houses affected.
- The Board should include a requirement that the applicant should not enter into any private property unless they have purchased it.

Jarlath Fitzsimons SC, on behalf of the applicant, responded that legal matters with respect to what would happen if the CPO was confirmed had been addressed in his legal submission and that exhaustive consideration had been given the matters raised by Mr Kennedy.

The proposed acquisition of dwellings is addressed separately above.

I do not consider it appropriate that the Board would seek to impose time restrictions or other requirements on aspects of the CPO process beyond the planning process, as sought by Mr Kennedy.

I do not consider that any further matters arise from Mr Kennedy's submission.

13.9. Site-Specific CPO Issues

- 13.9.1. As noted previously, a total of 211 No. written objections were received by the Board, with a further 4 No. new objectors, who had not previously made a written

objection, appearing at the oral hearing. At the time of completion of this report, a total of 161 No. objections remain, with the remainder having been withdrawn.

- 13.9.2. Each of the remaining objections, and the issues arising, will be considered in this Section. For the Board's ease of reference I will generally use the same numbering system for objectors as utilised by the applicant at the oral hearing in their responses to the issues raised. It should be noted that this numbering system generally runs from west to east and is in the format 'Ob_Plot number'.
- 13.9.3. It should be noted that a number of parties submitted several objections. This is identified where relevant and I have amalgamated the issues raised. Similarly, where more than one party has raised objections in respect of the same lands (for example where several members of a family have made objections), I have amalgamated the issues raised in my assessment. I have also identified the objections which relate to the proposed acquisition of a house or commercial premises within the relevant headings.
- 13.9.4. The following sections relate to site-specific objections to the acquisition of particular lands or rights over lands. As noted previously, many of the objections raise broader planning and environmental issues, such as noise, air and light pollution, traffic issues etc. These issues are considered in detail in the preceding sections of this report.

13.9.5. Mary Costelloe (Ob_106)

A written objection was submitted on behalf of the objector by JML. No particular issues were identified in the objection, other than a reference to the loss of a considerable proportion of her lands. Mr Owen Kennedy of JML made a general submission at the oral hearing on 28th October 2020 (see Section 13.8) but did not raise any specific issues relating to this plot.

Plot 106 is a roughly rectangular plot, located immediately to the west of the PRD's proposed roundabout junction with the R336. I note that proposed Access Road AR 0/02 will provide access to the retained lands and to the proposed attenuation ponds which will be partly located on this plot. It is clear to me that the applicant is proposing to acquire these lands to facilitate the proposed R336/N6 GCRR junction,

and the provision of attenuation ponds and an access road to serve the ponds and lands severed by the PRD.

In the absence of any specific objections to the proposed acquisition, it is not possible to discuss this objection any further.

13.9.6. Pat Duane & Joy Bolster (Ob_111)

An objection was submitted on behalf of the objectors by JML. Issues raised include road is too close to city centre; inadequate engagement and consultation; uncertainties with regard to construction timing and mitigation measures; light, dust and noise pollution; security concerns; structural damage from blasting; if the proposed development is approved, the objectors' home should also be acquired due to severe effects. Mr Owen Kennedy of JML made a general submission at the oral hearing on 28th October 2020 (see Section 13.8) but did not raise any specific issues relating to this plot.

Plot 111 is a roughly L-shaped plot located to the north of the PRD's proposed roundabout junction with the R336 and it is proposed to acquire part of the plot for the PRD mainline.

With regard to engagement and consultation, the applicant stated in Section 4.9.11 of their Main Brief of Evidence that, during the consultation process, four meetings were held with these objectors, two of which were at their home, in addition to communication by telecom, email and letters.

The applicant contends that the potential impacts on this dwelling do not meet the requirements for its inclusion within the proposed land acquisition, as the PRD is located c. 100m west of the home and at an elevation 2m lower than the home, with a landscape berm provided to mitigate the visual impact. Having reviewed the relevant drawings and assessment contained in the EIAR I agree that the acquisition of the dwelling would not be warranted.

The other issues raised in this objection are addressed elsewhere in this report and I consider that no further issues arise in respect of this objection.

13.9.7. Peter and Michelle Connolly (Ob_116.1 and Ob_116.2)

Written objections were submitted by Mr and Mrs. Connolly at application stage and following the RFI response and elaborated upon at the CPO hearing on 27th October 2020, with earlier submissions having been made in Modules 1 and 2 on the 24th February 2020 and 6th March 2020, respectively. Issues raised included: alternative route should have been chosen or GCOB route; prioritisation of nature over people; severing impact in Barna; loss of stone walls; loss of half of land and stream; loss of sites for children; security and privacy concerns; sustainable transport option should be pursued.

Plot 116 is an agricultural plot located in Furrymelia West/Forramoyle West, Barna. It is proposed to acquire the western portion of the plot, which is bounded by the Sruthán na Líberirtí stream, for the PRD mainline and a compensatory habitat area.

With regard to boundary treatments and screening, I note that a mammal resistant fence (timber post and rail fence with wire mesh) is proposed on the boundary between the PRD and the rear of the property, with screen planting at a minimum width of 3.0m provided between the fenceline and the PRD. As addressed elsewhere in this report, I consider that timber post and rail fencing with landscaping planting is a suitable boundary treatment for agricultural lands, and is commonly used on national roads projects throughout the country. With regard to security and privacy impacts, the proposed screening will prevent views into the objectors' home from the PRD, and no access to the property will be provided from the PRD mainline.

There will, however, be a significant impact on these objectors and their property due to the extent of acquisition proposed and the loss of access to the stream. Having regard to the design of the PRD and the characteristics of this plot, I do not consider that excessive land is being acquired. With regard to the stated loss of sites, I note that these are agricultural lands, and any future development potential would be a matter for zoning or a planning application. Ultimately, given that the need and justification for the PRD and the associated CPO has been established, I consider that the loss of land within this plot is a matter that can only be addressed by way of compensation.

The other issues raised in this objection are addressed elsewhere in this report and I consider that no further issues arise in respect of this objection.

13.9.8. Dermot & Patricia Curran (Ob_117)

An objection was submitted on behalf of the objectors by Gaynor Miller. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised included: severance of landholding; loss of residential sites for their children; noise and visual mitigation; availability of water on severed lands; drainage; uncertainty regarding boundary treatments and access arrangements; access and services must be maintained at all times.

Plot 117 is an agricultural plot located in Furrymelia West, which will be severed by the PRD mainline, with additional land acquisition for an attenuation pond, access roads and a compensatory habitat area.

With regard to boundary treatments, the applicant responded that a mammal resistant fence (timber post and rail fence with wire mesh) will be provided on the boundary of the PRD, and that a Paladin security fence is proposed around the ponds on the west side of the PRD mainline. The access arrangements to the retained lands are addressed in Section 4.14.10 of the applicants Main Brief of Evidence, which states that the retained lands to the west of the PRD will be accessed via access road AR 0/04, a private road with a private right of way provided to specified parties. A field access and a single field gate will be provided from Access Road AR 0/02 at the location shown on Figure 4.1.01 in Appendix A.9.1 to the RFI Response. An additional Access Road AR 0/03 located on the plot provides access to the proposed attenuation pond from the mainline. However, no access will be provided to the retained lands from this access road, which I consider to be appropriate in the interests of traffic safety. The applicant has committed to maintain access to all properties at all times during construction and to reinstate all services, with advance notification to be given of any disruption.

With regard to the stated loss of residential sites for the objectors' children, I would agree with the applicant's position that the future development potential of any site is a matter for zoning under the Development Plan and/or a planning application to the planning authority. The issues of noise, drainage and visual impacts are addressed elsewhere in this report.

I consider that the applicant has adequately addressed the issues raised in the objection and that no further issues arise.

13.9.9. Ursula and Kevin McDonagh (Ob_119)

A written objection was submitted on behalf of the objectors by Rooney Property Consultants, and the issues raised were reiterated and elaborated upon by Ronan Rooney at the oral hearing on 13th October 2020.

The objection states that, on foot of a separation arrangement, a Circuit Court Order requires the house to be sold in 2023. It is contended that the CPO process will render such a sale impossible or that its value will be adversely affected by the timing of the forced sale. The objectors, therefore, consider this to be an exceptional situation and seek that the entire property be included in the CPO, with the house to be acquired by the applicant and resold following road construction.

The applicant considers that the potential impacts on the dwelling do not meet the requirements for its inclusion within the CPO, as the N6 GCRR would be c. 50m west of the home, would not block southerly views and that only a small amount of land is to be acquired from the plot. Mr Fitzsimons SC, acting for the applicant, stated at the hearing that this is not a matter for the Board, and that it will instead be the subject of a separate legal process, and that impacts on value are a compensation matter, not within the Board's remit.

I concur with the applicant that the issues raised in the objection relate to matters of compensation and other matters more properly dealt with by a property arbitrator, should the Board confirm the CPO. I therefore recommend no change to the CPO Schedule.

13.9.10. **Se Greenan and Marian Cunningham (Ob_123) – Proposed House Acquisition**

The issues raised in this objection and elaborated upon by Mr Greenan at the CPO hearing on 27th October 2020, included a request that the road design revert to the GCOB proposal and a request that only the triangular portion of land (Ref. 123.a.101) be acquired, with the objectors allowed to retain ownership of the remainder of the plot, including their house.

The applicant's written response was that "the potential impacts on the dwelling, particularly during construction, are deemed significant and the entire property is included within the proposed land acquisition. Photomontage taken from the front garden/patio area presented in Figures 1.1.1 to 1.1.3 of Appendix A.12.3 of the EIAR

show the proximity of the road to the home". At the oral hearing, Ms McCarthy stated that the applicant, following a meeting with the objectors, had sought to keep the road as far back as possible, but that the construction phase impacts and post-construction impacts warranted the acquisition of the entire property. Mr Burns, the applicant's landscape consultant, reiterated these points with reference to the photomontages, stating that the residual visual impacts could not be adequately mitigated. Mr Greenan responded that he only wished that the minimum area of land required to construct the road be acquired. He stated that the visual impact would be mitigated as planting matured and that he would undertake additional screening planting on his side of the boundary.

I note that the applicant is proposing to acquire the objector's house, but not demolish it, indicating that it will ultimately be re-used as a dwelling when the PRD is operational.

As can be seen from the Protected Road Scheme deposit maps, only a small triangular portion of the objectors' rear garden is required for the protected road. The remainder of the plot, incorporating the objectors house, comprises lands proposed to be acquired not forming part of the protected road.

The PRD in the vicinity of this plot comprises a single carriageway road on a c. 1.5 - 3m high embankment and it is not in close proximity to any major junction works, construction compound or other large-scale engineering works. While the house will be very close to the working area, such works will be transient in nature, due to the linear nature of the proposed development. I do, however, note that Figure 7.201 indicates possible blasting along this portion of the mainline. The plot is adjacent to Construction Section S1, and Table 7.1 of the EIAR estimates a 6 – 9 month construction time for this section, although the mainline will also be used as a haul route.

With regard to operational phase noise, I note from Table 1 of Appendix A.8.2 of the RFI Response that the predicted residual noise level at this location in the 2039 Design Year is 59dB L_{den} , which is below the TII design goal.

I note that this property is located within an area identified by the applicant as an 'area of notable visual impact'. Two belts of 3m deep screen planting are proposed at this location, in addition to the noise barrier. Although the applicant has not

assigned a significance rating to the visual impact, due to it being a property they seek to acquire, I consider that there would be a significant negative residual visual impact at this property. Given that the applicant is not proposing to demolish this house, once acquired, it would appear that the impacts in the operational phase would not be so significant as to prevent the residential occupation of the property.

Given the constitutional protections afforded to private property and the onerous imposition on such rights that the acquisition of a dwellinghouse represents, I do not consider that the applicant has satisfactorily demonstrated the need to acquire the entirety of this plot on a permanent basis.

I note that the applicant, at the oral hearing, offered to provide alternative accommodation for the Kerin family for the 9 month duration of earthworks adjacent to their dwelling and included this within the final Schedule of Environmental Commitments (Item 1.33 refers). Given the likely construction phase impacts, I consider that a similar commitment should be imposed on the applicant in relation to these objectors.

In conclusion, I do not consider that the acquisition of the entirety of this plot has been adequately justified. I recommend that the portion of the plot which incorporates the objectors' house and entrance (Plots 123a.202 and 123b.201) should be omitted from the CPO Schedule, with only the triangular portion of land (Plot 123.a.101) to the rear (south) of the plot, which is required to provide the protected road, included in the Schedule.

I also recommend that an additional commitment be added to the Schedule of Environmental Commitments, stating that:

“Galway County Council will offer to provide or pay for similar alternative accommodation for the occupants of plot 123 for the duration of earthworks in Construction Section S1.”

13.9.11. **Gerard and Susan O'Dell (Ob_134)**

A written objection was submitted on behalf of the objectors by Patrick J. Newell Engineers. (No submission was made at the CPO hearing by or on behalf of the objectors). Issues raised included: loss of 58% of lands will seriously injure value and enjoyment of property; loss of potential site; no measures proposed to address

'significant' visual impact; proposed fence rather than stone wall is out of character; screening planting will block views over Galway Bay; impact of elevated link road on property; safety issues with proposed open drainage channel; noise impacts; dead end of Na Foráí Maola Road will attract antisocial behaviour/camping; dewatering impact on foundations; impact on wastewater treatment system; impact on existing gully at south western corner of property; maintenance of compensatory habitat area.

The loss of a potential site was addressed by the applicant in Section 4.21.3 of the Main Brief of Evidence, where it is stated that the future development potential of any site is a matter for zoning under the Development Plan and an application to the planning authority for planning permission. I agree with this position, noting also that the planning permission referenced by the objectors is expired.

Thomas Burns, the applicant's Landscape consultant, addressed landscaping measures at this plot in his submission, noting that a 3m wide mixed screen planting belt is proposed along the property side of the PRD. Mr Burns notes that this planting will have some impact on longer views south from the property but that the design approach for the planting is to provide dense low level screening of the PRD. It is also proposed to provide a 6m wide mixed screen planting belt along the embankments on Na Foráí Maola to Troscaigh Link Road and a new tree-lined boundary hedgerow along the fenceline of the PRD. The PRD is close to the objectors' dwelling and I consider that the screening of the road is of more importance to the protection of residential amenity than the preservation of long-range views. The landscaping proposed is extensive and will screen the PRD reasonably effectively once established, albeit that a significant residual visual impact will remain as noted by the objectors.

The elevated Na Foráí Maola to Troscaigh Overbridge Link Road will be located to the south of the objectors' dwelling, on the opposite side of the PRD mainline, while the objector's dwelling faces west. As a result, the principal views from the dwelling will not be towards the link road, and the separation distances are considered to be adequate.

With regard to boundary treatments, I note that the existing front boundary along Na Foráí Maola Road will be retained. As addressed elsewhere in this report, I consider

that a mammal resistant timber post and rail fence along the boundary of the PRD, with screening planting as outlined above, is an appropriate secure boundary for a national road.

Anthony Cawley, the applicant's Hydrologist, addressed the open drain adjacent to the objectors' property in Section 4.2.4.6 of his submission to the oral hearing. He noted that this is a pre-earthwork drain, and that open drains are standard construction practice for land drainage. The open drain will be located inside the PRD boundary, is relatively shallow, will convey overland flow, and that it should not represent a significant health and safety risk as it will be located inside the PRD boundary and will be secured by fencing. I consider this open drain arrangement to be a typical construction detail and do not consider that any particular health and safety issues arise due to the use of fencing.

The 'dead-end' segment of Na Foráí Maola Road was addressed in Section 4.14.10 of the applicant's Main Brief of Evidence, where it is stated that it will perform as the turning head for any large delivery vehicles accessing the homes in the cul-de-sac road to the west of this junction and that any excess space will be planted, landscaped and fenced off to prevent unauthorised access and to prevent these areas becoming an unauthorised dump. There are a number of houses in the vicinity of the 'dead-end', and I do not consider that it is particularly high risk in terms of anti-social behaviour or dumping.

The potential impact on the objector's wastewater treatment system was addressed in Section 4.6.8 of the applicant's Hydrogeology submission to the oral hearing, where it was stated that the location of the percolation area is within granite and will likely partially lie within a zone of groundwater drawdown. As the groundwater table will be lower in the area, the applicant contends that the operation of the percolation area will not be impacted. I agree with this assessment, noting that an increased unsaturated zone would be beneficial to the operation of the percolation area.

With regard to the potential impact of groundwater drawdown on the structural stability of the property, the applicant, in section 4.9 of their Hydrogeology submission, stated that while it is unlikely groundwater levels may drop beneath this property to cause instability, a property condition survey will be undertaken to ensure that any changes that may occur can be identified and repaired if necessary. This

commitment was added to the final SoEC submitted at the oral hearing (Item 17.19 refers). I note that the Board's consultant Hydrogeologist, James Dodds, agreed that the risk of settlement is very low at this property. I consider that the proposed property condition survey is an appropriate and proportionate commitment.

This property will be negatively affected by the PRD, due to the loss of a stated 58% of the land. The impact of this loss on the value of the property is ultimately a matter for arbitration and compensation outside of the planning process.

The other issues raised in this objection are addressed elsewhere in this report. Noting the additional commitment to undertake a property condition survey, I consider that the applicant has adequately addressed the issues raised in the objection and that no further issues arise.

13.9.12. **Padraig & Imelda Burke (Ob_135)**

An objection was submitted on behalf of the objectors by O'Donnell Waters Solicitors, and a submission was subsequently made by Gerard O'Donnell on behalf of the objectors in Module 2 on 3rd March 2020.

The issues raised included: land to rear of property will be used to deal with surface water resulting in flood risk to property and undermining of foundations; community severance/detour to reach Barna village; noise impacts; increased traffic passing the home; landscape impacts.

Plot 135 is located on the eastern side of Na Foraí Maola Road, a short distance to the north of the PRD mainline. The proposed acquisition at this plot relates to the road bed only and the existing boundary wall and access will remain unaffected.

At the oral hearing Mr O'Donnell queried whether there would be water storage on Plot 144, to the rear of his clients' property, which it is proposed to acquire, and whether a flood risk would consequently arise. Mr Cawley responded that the acquired lands were to be used for Dry Heath habitat formation, and as such would be free-draining with no associated flood risk. I would concur with this conclusion.

With regard to the detour to reach Barna village, this will be an additional c. 1.0km, due to the location of the Na Foraí Maola to Troscaigh Link Road North to the north of this home. The applicant contends that this is a balanced compromise with the priority being to limit further demolitions and impacts on homes at the PRD crossing

point of Na Foráí Maola Road. While this will inconvenience the objectors, I consider it a reasonable compromise in the interests of minimising what is a substantial amount of land acquisition, and noting that the Link Road will be of a high quality.

With regard to traffic, I note that contrary to what is stated in the objection, there will be a reduction in traffic passing the home, since Na Foráí Maola Road will become a cul-de-sac to the south of this property, therefore reducing passing traffic.

The other issues raised in this objection are addressed elsewhere in this report. Given that the proposed acquisition relates to the road bed only, I consider that the applicant has adequately addressed the issues raised in the objection and that no further issues arise.

13.9.13. **Barbara Flaherty (Ob_136)**

A written submission was submitted by this party. (No submission was made at the CPO hearing by or on behalf of the objector). I note that while this party is a person affected by the CPO, they paid the appropriate fee to become an observer. I will nevertheless address CPO issues in this section. Issues raised included: health impacts; traffic pollution; climate change; impact of blasting on property; visual impact; devaluation of property; closure of local road and loss of access; safety and security concerns; CPO will landlock the objector; impact of CPO on ability to sell the property; road is not needed and will not address traffic issues.

Plot 136 is located on the eastern side of Na Foráí Maola Road, a short distance to the north of the PRD mainline. The proposed acquisition at this plot relates to the road bed only and the existing boundary wall and access will remain unaffected.

The applicant notes, in Section 4.13.5 of their Main Brief of Evidence that, whilst the roadbed to the front of the property is to be acquired, there are no construction works proposed on this land and access will be maintained at all times during the works. I am satisfied that the property will not be landlocked by the PRD.

With regard to the detour to reach Barna village, this will be an additional c. 1.0km, due to the location of the Na Foráí Maola to Troscaigh Link Road North to the north of this home. The applicant contends that this is a balanced compromise with the priority being to limit further demolitions and impacts on homes at the PRD crossing point of Na Foráí Maola Road. While this will inconvenience the objector, I consider it

a reasonable compromise in the interests of minimising what is a substantial amount of land acquisition and noting that the Link Road will be of a high quality.

The other issues raised in this objection are addressed elsewhere in this report. Given that the proposed acquisition relates to the road bed only, I consider that the applicant has adequately addressed the issues raised in the objection and that no further issues arise.

13.9.14. John Dempsey (Ob_139)

A written objection was submitted on behalf of the objector by Vincent Costello. (No submission was made at the CPO hearing by or on behalf of the objector). The issues raised were: aesthetics; construction impacts (noise, dirt, inconvenience, safety and access); uncertainties with regard to road level; and inadequate landscaping.

Plot 139 is located on the western side of Na Foráí Maola Road, some distance to the north of the PRD mainline.

The proposed acquisition at this plot relates to the road bed only and the existing boundary wall and access will remain unaffected. The plot is located on the portion of Na Foráí Maola Road which will become a cul-de-sac as a result of being severed by the PRD mainline. Consequently, there will be a significant reduction in traffic on this portion of the road and an improvement to safety and access. Given the distance of the objector's property from the PRD mainline, I do not consider that any significant construction-related impacts will arise.

The Na Foráí Maola to Troscaigh Overbridge Link will be elevated c. 7m above the PRD, however, the objector will be located at a considerable distance from the elevated portions of the link road and I do not consider that there is any uncertainty with regard to road levels or landscaping.

Given that the proposed acquisition relates to the road bed only and that there will be no direct impact on the objector's dwelling, boundary treatments or access, I consider that no further issues arise in respect of this objection.

13.9.15. Angela Silke & Raymond Skelton (Ob_141.1, Ob_141.2, Ob_141.3)

An objection was submitted on behalf of the objectors by Vincent Costello and two additional objections were submitted by the objectors. The issues raised in the Vincent Costello objection were: the impact on the garden; construction impacts (noise, dirt, inconvenience, safety and access); uncertainties with regard to road level; and inadequate landscaping. The issues raised in the other two objections were: the loss of the existing stone wall and hedging which are of sentimental value to her; impact on property value; privacy impacts; loss of views and tranquil setting; noise and light pollution; additional traffic adjacent to house.

Plot 141 is located on the eastern side of Na Foráí Maola Road, immediately north of the junction with the proposed Na Foráí Maola to Troscaigh Overbridge Link Road.

The existing access to this property will be unaffected by the PRD. The portion of the existing front boundary to the south of the existing entrance will be removed, and the applicant states that the stones will be retained and the wall reconstructed to match existing. The stated purpose of the wall set-back is to provide safe sight lines to the proposed priority junction to the south.

With regard to landscaping proposals at this property and on the PRD, Mr Burns stated, in Section 4.2.21 of his submission to the oral hearing, that this would include a 3m wide mixed screen planting belt along both sides of the PRD and Na Foráí Maola to Troscaigh Link Road North, a 6m wide mixed screen planting belt along the embankments on Na Foráí Maola to Troscaigh Link Road, as well as a new tree-lined boundary hedgerow along the fenceline of the PRD.

The extent of acquisition at this property is minimal and relates to the road bed/setback and 12 sq m of the front garden. The impacts are primarily related to the loss of a portion of stone wall and hedging which are of personal and sentimental value, impacts associated with the proximity of the proposed Na Foráí Maola to Troscaigh Overbridge Link Road and changes to the setting of the property.

I consider the proposed landscaping arrangements and the commitment to retain the stone and rebuild the wall to match the existing wall to be acceptable in terms of mitigating the impacts to some degree. However, the setting and character of the dwelling will be unavoidably changed to some degree by the PRD, and more particularly, the proximity of the Na Foráí Maola to Troscaigh Overbridge Link Road. Given that the community need and justification for the PRD has been established,

and that the examination of alternatives has been robustly assessed, these negative impacts are regrettable. However, they are not considered to be unacceptable given that the property will continue to enjoy a high level of residential amenity. The issues of noise and light pollution are addressed elsewhere in this report. Residual impacts on the property are a matter for arbitration/compensation as appropriate.

Finally, with regard to Mr Costello's objection, I do not consider that there is any uncertainty concerning proposed road levels in this area.

I consider that the applicant has adequately addressed the issues raised in these objections and that no further issues arise.

13.9.16. Frank Carter (Ob_145.1)

A written objection was submitted on behalf of the objector by Corr Property Consultants. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised included: surplus land acquisition; drainage of retained lands; noise; lack of detail regarding access; inadequate boundary treatment and landscaping details; planning and environmental concerns (unspecified).

The lands to be acquired are primarily for the construction of the PRD mainline and the Na Foráí Maola to Troiscaigh Link Road. Having reviewed the drawings and details submitted by the applicant, I do not consider that any surplus land acquisition is proposed in respect of this plot.

Section 4.14.10 of the applicant's Main Brief of Evidence outlines access arrangements. Access to the home will be retained as per the existing, access to the retained lands to the north of the PRD will be via a proposed field gate, and access to the retained lands to the south of the PRD will be via access road AR 1/03.

Boundary treatment and landscaping details in respect of this plot were outlined in Section 4.2.21 of Thomas Burns Landscape and Visual Aspects submission to the oral hearing. They include a 3m wide mixed screen planting belt along both sides of the PRD and Na Foráí Maola to Troiscaigh Link Road, 6m wide mixed screen planting belt along the embankments on Na Foráí Maola to Troiscaigh Link Road, a new tree-lined boundary hedgerow along the fenceline of the PRD and reconstruction of any impacted section of the residential property boundary wall.

The issue of noise is addressed elsewhere in this report. With regard to drainage of retained lands, no specific details of the objector's concerns have been provided. As addressed in Section 11.10 of this report, the applicant's drainage proposals across the PRD are considered to be acceptable.

I consider that the applicant has adequately addressed the issues raised in the objection and that no further issues arise.

13.9.17. Genevieve Carter (Ob_145.2/Ob_145.3)

A written objection was submitted by the objector. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised included: lack of detail regarding access; drainage concerns; inadequate noise mitigation detail; planning and environmental concerns (unspecified).

This objection relates to the same plot as addressed in Section 13.9.16 above (Frank Carter), and generally raises the same issues. Therefore my assessment in respect of that objection also applies in this instance and no further issues arise.

13.9.18. Maura & Dermot O'Connell (Ob_151)

A written objection was submitted by the objectors, and Ms O'Connell made a joint submission in Module 2 of the oral hearing on 3rd March 2020 with Audrey Dineen (Ob_152). Issues raised include: community severance due to new slip road and hemming in of house by embankments and drainage ponds; visual impacts and health and safety issues with ponds; flood risk due to ponds; light pollution from traffic due to elevated orientation of slip road facing objectors' property; overlooking from traffic; noise and air pollution.

Plot 151 is located on the eastern side of Troscaigh Road (L5387), a short distance to the south of the PRD mainline. The proposed acquisition at this plot relates to the road bed and setback. The drawings indicate that the existing boundary wall and entrance will remain unaffected.

With regard to community severance and the walking route used by local residents, the applicant contends that the objectors will be able to continue their daily 4km walking circuit, albeit it will be approximately 1km longer due to the need to walk

to/from Na Foráí Maola to Troscaigh Overbridge Link to cross the PRD, and that this connection will enable residents to continue to engage with their community.

Access to this plot will be via Access Road AR 1/06 which connects the cul-de-sac to the realigned Troscaigh Road. AR 1/06 will be a private road, in the ownership of Galway County Council, with a private right of way provided to a number of parties, including the objectors.

With regard to landscaping proposals at this property, Mr Burns stated in Section 4.2.21 of his submission to the oral hearing that this would include 6m wide mixed screen planting belt along both sides of the PRD and Na Foráí Maola to Troscaigh Link Road South, 3m wide mixed screen planting belt along both sides of the Link Road where it ties into the existing road and around the side of the proposed attenuation pond facing the property, a new tree-lined boundary hedgerow along the fenceline of the PRD and that any impacted section of the residential property boundary wall will be reconstructed to match existing. With regard to lighting impacts, I note that no road lighting is provided in the vicinity of this property. I consider that the significant planting proposed will be effective in mitigating lighting or glare from road traffic on the property.

Issues with regard to the proposed attenuation ponds to the west of this plot were discussed at the oral hearing on 3rd March 2020. The applicant's Hydrologist, responding to the objectors, stated that the ponds were appropriately sized with regard to climate change and run-off and noted that an overflow spillway to a watercourse is proposed which, in the event of a blockage to the flow control outlet, will take excess water to control flood risk to nearby properties. With regard to maintenance, he stated that the Council would be responsible for the ponds. I note that the ponds will be securely fenced with paladin security fencing and will be extensively landscaped. As such I do not consider that they present any unacceptable health and safety or visually intrusive impacts on this property.

The other issues raised in this objection, such as noise and air pollution are addressed elsewhere in this report.

I consider that the applicant has adequately addressed the issues raised in the objection and that no further issues arise.

13.9.19. Sean and Audrey Dineen (Ob_152)

A written objection was submitted by the objectors, and Ms Dineen made a joint submission in Module 2 of the oral hearing on 3rd March 2020 with Maura O'Connell (Ob_151). Issues raised include: impact on walking route; quality of life impacts; natural spring well in grounds of property will be destroyed or damaged; run-off pollutant and vermin due to proposed retention ponds; flooding due to elevated PRD; visual and noise impacts; devaluation of property.

Plot 152 is located on the eastern side of Troiscaigh Road (L5387), immediately to the south of the PRD mainline. The proposed acquisition at this plot relates to the road bed and setback. The drawings indicate that the existing front boundary wall and access will remain unaffected, while a timber fence will be erected along the northern boundary.

The issues raised in this objection, the applicant's position and my assessment are generally the same as set out in respect of the adjacent Plot 151 above.

The issue of the spring was addressed in Section 4.3.10 of the applicant's Hydrogeology submission at the oral hearing. It was stated that the spring/well (identified as W50-16) lies within the footprint of a side road and will need to be decommissioned as part of the PRD. The applicant states that where wells are removed as part of the PRD then an alternative equivalent supply will be provided such as a replacement well.

The extent of acquisition in respect of this property is limited, and any impact on property value is a matter for the property arbitrator, should the CPO be confirmed.

The other issues raised in this objection, such as noise and water pollution are addressed elsewhere in this report.

I consider that the applicant has adequately addressed the issues raised in the objection and that no further issues arise.

13.9.20. Finbar McCarthy (Ob_155)

A written objection was submitted by the objector and a submission was made at the oral hearing on 5th March 2020. Issues raised include: alternative routes are

available; fumes and noise; removal of part of front garden; right of way to access septic tank will be commandeered.

Plot 155 is located on the eastern side of Troscaigh Road (L5387), to the north of the PRD mainline.

The applicant, in Section 4.12.22 of their Main Brief of Evidence state that the acquisition of this portion of garden is to provide forward visibility on the realigned Troscaigh Road, as currently there is sub-standard visibility around this bend which forms the front boundary of this plot. I note that a replacement stone/block boundary wall is proposed.

In relation to the septic tank, the applicant states at Section 4.19.3 that it is accessed via a narrow track (unregistered land, plot 182) immediately adjacent to the northern boundary of this property. It is proposed to terminate all public and private rights of way on this access track between OB1 and OB2, as the proposed realigned Troscaigh Road will be constructed on these plots (182a.201 and 182b.201). Post-completion of construction, access to the septic tank via the retained portion of the access track will be as per the existing situation.

The issues of noise, fumes and alternatives are addressed elsewhere within this report.

I consider that the applicant has provided a reasonable justification for the proposed acquisition, and that issues with regard to access to the septic tank have been properly considered. I consider that no further issues arise in respect of this objection.

13.9.21. **Niamh Dooley and Damian King (Ob_158)**

A written objection was submitted on behalf of the objectors by John Mooney & Co. Engineers. (No submission was made at the CPO hearing by or on behalf of the objectors). Issues raised included: air emissions, health impacts, community severance, traffic hazard, impact on visual and residential amenities, inadequate details of accommodation works.

Plot 158 is located on the western side of Troscaigh Road (L5387), to the north of the PRD mainline. It is proposed acquire the road bed and set back and a portion of the objectors' front garden.

With regard to community severance and the walking route used by local residents, the applicant contends that the objectors will be able to continue their daily 4km walking circuit, albeit it will be approximately 1km longer due to the need to walk to/from Na Foráí Maola to Troscaigh Overbridge Link to cross the PRD, and that this connection will enable residents to continue to engage with their community.

With regard to accommodation works, it is proposed to remove the existing front boundary wall and construct a 1.2m high stonework wall in a setback location and a standard domestic entrance. The need for this acquisition is related to the proposed realignment of Troscaigh Road, due to its severance by the PRD, and is reasonable and not excessive, in my opinion. A high quality replacement stone wall and entrance will be constructed, which is an appropriate mitigation measure, in my opinion.

The applicant, in Section 4.14.10 of their Main Brief of Evidence, states that junction visibility at the proposed new entrance will be in accordance with relevant TII standards, and notes that the property immediately to the south is being acquired as the widening to provide the requisite forward visibility around this bend encroaches significantly on their property. Having reviewed the information submitted, I am satisfied that no significant traffic hazard arises at the new entrance.

The other issues raised in this objection, in relation to health impacts, air quality, alternatives etc. are addressed elsewhere in this report.

I consider that the applicant has adequately addressed the issues raised in the objection and that no further issues arise.

13.9.22. **Mark McDonagh (Ob_159)**

A written objection was submitted by the objector. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised include: privacy concerns; drainage concerns; blasting and noise; and increased traffic impacts on the L5387 Troscaigh Road.

Plot 159 is located on the western side of Troscaigh Road (L5387), to the north of the PRD mainline. It is proposed to acquire the road bed and set back and a portion of the objector's front garden.

With regard to privacy, a 1.2m high stonework wall is proposed along the front boundary on Troscaigh Road. Section 4.11.8 of the Main Brief of Evidence states that this will prevent overlooking of passing traffic into the dwelling. A domestic entrance will also be constructed in accordance with the standard detail drawing. The need for this acquisition is related to the proposed realignment of Troscaigh Road, due to its severance by the PRD, and is reasonable and not excessive, in my opinion. A high quality replacement stone wall and entrance will be constructed, which is an appropriate mitigation measure in my opinion.

The issues of drainage, noise, blasting and traffic are addressed elsewhere in this report.

I consider that the applicant has adequately addressed the issues raised in the objection and that no further issues arise.

13.9.23. Estate of Eileen Jennings (Ob_170)

A written objection was submitted on behalf of the objector by Gaynor Miller which states that the estate has written to the Council and Arup to advise them that the estate may be the registered owner of the lands but they do not have any interest in them due to occupation by a third party.

The applicant, in section 4.17.20 of their Main Brief of Evidence state that no further correspondence in respect of this plot will be issued to the individual identified on the folio.

I consider that no further issues arise in respect of this objection.

13.9.24. Mary Conneely (Ob_177)

A written objection was submitted on behalf of the objector by Vincent Costello. (No submission was made at the CPO hearing by or on behalf of the objector). The issues raised were the impact on the remaining lands, construction impacts (noise, dirt, inconvenience, safety and access), uncertainties with regard to road level and inadequate landscaping.

Plot 177 is a agricultural plot on the eastern side of Ann Gibbons Road (L13215) in Truskey West. It is proposed to acquire a number of portions of the plot, comprising the road bed on the L13215, and a triangular area at the northernmost part of the

plot for the PRD mainline and an Access Road 2/01, which will be an extension of the severed L13215 to provide access to the severed portion of adjacent plot 176.

I note that access to this plot will remain unchanged and will continue to be off the L13215. With regard to road levels, I note that there is no change to the existing level of the L13215 in the vicinity of this plot and that the levels of the PRD mainline in this area are clearly identified on the submitted geometry drawings. I, therefore, do not consider that there are any uncertainties with regard to road levels.

With regard to the impact on the remaining lands, I note that there will be no severance and that the areas to be acquired are c. 2% of the overall area (Ref. Appendix A.14.1 of EIAR). I do not consider that there will be a significant impact on the agricultural or other use of the remaining lands. Noise, dust etc. are addressed elsewhere in this report.

I consider that no further issues arise in respect of this objection.

13.9.25. **Fintan Monahan and Therese Joyce (Ob_179)**

A written objection was submitted on behalf of the objectors by Desmond Fitzgerald & Co. Solicitors. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised included: the development will result in the Ann Gibbons Road (L13215) beyond their house becoming a cul de sac which may attract overnight campers and unauthorised users. It is requested that an overhead bar be placed on the road to limit access.

The applicant's response in Section 4.14.10 of the Main Brief of Evidence was that the issue of unauthorised parking/overnight camping will be monitored by the residents living along it, with reporting back to Galway County Council in the future should an issue arise. I consider that this is a local authority operational issue that does not relate to the proposed CPO. No further issues arise in respect of this objection.

13.9.26. **Máirtín Ó Curraoin (Ob_194)**

A written objection was submitted by the objector in Irish. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised included: not opposed to the road project in general; roundabout has been shifted further south

and as a result has taken more of his land than previously; this change is not reasonable without notification to him as an affected landowner and it should be reverted back to its previous position; satisfied for the land to be made available for purchase, subject to conditions being met. These include: no other land should be taken and the roundabout should be moved back to the position that it was in previously; entire boundary ditches and walls should be put back as traditional dry stonewall ditches; land should be drained appropriately without flooding of lands; it should be confirmed that there would not be any ditch, trench or gully or a level change between the new road and retained land; a legal right of way in the observer's name and his successors should remain, in order to ensure access to each part of the land, as is currently the case; PRD should not restrict an opening licence to the land in future or restrict new development on the lands for detached housing or more in the future.

This is an agricultural landholding, on the eastern side of the Bearna to Moycullen Road (L1321), to the south of the PRD mainline. It is proposed to acquire part of the landholding and roadbed for the purposes of constructing the Bearna East Roundabout and the associated realignment of the L1321.

The objector wishes the proposed Bearna East Roundabout to be moved further north. This would reduce the impact on the objector but would increase the impact on other landowners. I consider the proposed location to be adequate, having regard to topography, horizontal alignment and the tie-in with the L1321.

With regard to the development potential of the lands, the applicant's response was that the impact on any future planning applications will be a matter for the planning process and that there is no evidence that such development is possible at this location as it is not currently zoned residential. I concur with this assessment, and do not consider that the PRD would necessarily prevent the lands from being developed in the future, should such development be deemed appropriate.

With regard to the right of way, the applicant stated that a search of land registry and folios shows no registered right of way as indicated on this objection. They note that the remaining lands can be accessed through the existing Boithrín located south east of the proposed Roundabout. As the objector did not appear at the oral hearing,

the basis for his contention that a right of way exists is unclear. I am satisfied that the retained lands would remain accessible and would not be landlocked by the PRD.

With regard to boundary treatments, a mammal-resistant timber fence is proposed, and I consider this form of boundary treatment to be acceptable and appropriate for the existing use of the lands.

The other issues raised in this objection are addressed elsewhere in this report.

I consider that the matters raised in this objection have been adequately addressed and no further matters arise.

13.9.27. James & Tracy Gavin (Ob_195)

A written objection was submitted on behalf of the objectors by Gaynor Miller and elaborated upon by Kevin Miller at the CPO hearing on 13th October 2020. Issues raised included: privacy and security impacts; residential amenity impacts; loss of part of front garden; loss of sites for children; insufficient detail on boundary treatment, road levels, landscaping and drainage; object to permanent acquisition of plot 195a.202 and want it to be taken as temporary acquisition; additional works outside of CPO boundary may be required as part of accommodation works; proximity of proposed new entrance to new roundabout junction; noise and lighting impacts; and access and services to maintained at all times. At the oral hearing Mr Miller read a short personal statement from the objectors regarding their family history in the area and the impact of the PRD on their property and their lives.

This plot is located on the eastern side of the Bearna to Moycullen Road (L1321), immediately north of the proposed Bearna East Roundabout junction (Ch. 2+800). Lands are being acquired from the objectors for the purposes of constructing the roundabout, part of the mainline and the realigned L1321, all of which will be on embankments. The objectors' house is recently built.

With regard to the loss of part of their front garden and existing entrance, this is regrettable. However, I consider that the need and justification for the PRD has been established and the loss of land will, therefore, be a compensation matter. As the applicant has noted with respect to loss of sites/development potential, the future development potential of any site is a matter for zoning and an application for planning permission.

With regard to boundary treatments, a new 1.2m high stonework wall is proposed along the front boundary on the Bearna to Moycullen Road L1321 with a domestic entrance. The applicant contends that this wall will restore a level of privacy to the property. I consider this boundary treatment to be acceptable.

Ms McCarthy confirmed to Mr Miller at the oral hearing that the proposed new entrance would be located at a safe distance from the roundabout from a traffic engineering and TII compliance perspective. She stated in her Main Brief of Evidence that the proposed landtake in Plot 195a.202 is required to regrade the entrance to this property and that, in circumstances where this plot cannot be returned to the landowner in the condition in which it was acquired, it is necessary to acquire it on a permanent basis. At the oral hearing she acknowledged that the proposed new entrance could be better tied in to the driveway that is now in place and stated that this would be done as accommodation works or by compensation.

With regard to road levels at this location, the applicant stated in their Main Brief of Evidence that the Bearna East Roundabout is located on fill of c. 2.5m on the western boundary of this property. While the objectors are concerned that levels may change during detailed design, the applicant's response was that the design presented in the EIAR is the design for which they are seeking planning permission. They noted that the roundabout was moved further south to reduce impacts on the planning permission for this dwelling and that this arose from discussions with the property owners as the house was not constructed at that time. As a result, the distance between the fill embankment and home was increased. Ms McCarthy outlined the contact that the applicant had with the objectors over the process to date, with 66 interactions with them over the years, including 5 meetings.

Lighting is proposed at the Bearna East Roundabout for safety reasons. The assessment indicates that the property is outside the light spill area and the applicant considers that the light level at this property will be less than 1 lux (moonlight from a full moon).

Thomas Burns, in his submission to the oral hearing outlined landscaping at this location and, noting the lighting control and significant planting (up to 6m deep) proposals, acknowledged that the impact of the PRD on the setting of this property is significant. He reiterated this conclusion at the oral hearing in response to Mr Miller's

submission. He also stated to Mr Miller that the density of vegetation is more important than its height and acknowledged that there would be residual impacts on views. In response to a request from Mr Miller, the applicant agreed to liaise with the objectors regarding planting species and layout at their boundary, and I note that an additional commitment was added to the SoEC, agreeing "to consult with the owners of Plot 195 in relation to the planting proposals to be established along their property boundary". Given the significant impact on this property, I consider this to a welcome additional commitment, although I do not consider that it will change the significance of the impact.

Noise and drainage issues are addressed elsewhere in this report.

I consider that the applicant has adequately addressed the issues raised in the objection and that no further issues arise.

13.9.28. **Martin Concannon (Ob_197.1 and Ob_197.2)**

Two objections were received in relation to this plot, submitted by Gaynor Miller (Ob_197.1) and JML (Ob_197.2), respectively.

Gaynor Miller (Ob_197.1)

Issues raised included: stone wall sought rather than timber fence; objection to closure of right of way on bóithrín (see annotated map included in objection); incorrect CPO notification was received; drainage of retained lands; lack of information regarding access arrangements, visual mitigation and landscaping; access must be fully maintained. (No submission was made at the CPO hearing on behalf of the objector.)

With regard to the CPO notification, the applicant responded to this in Section 4.17.22 of the Main Brief of Evidence. They stated that certain lands that had been transferred to Martin Concannon (Jnr), were included in the schedules and maps served on Mr Concannon (Snr) which suggested that he was still the owner of those particular lands. The plots in question are 197a.204, 197b.203 and 197d.201. Part of four other plots, (i) Plot 197a.102, (ii) Plot 197b.101, (iii) Plot 197c.101, (iv) Plot 197c.202, shown in the server map served on Mr Concannon (Snr) were also transferred to Martin Concannon (Jnr), with parts of those plots remaining in Mr Concannon (Snr)'s ownership. The applicant stated that amended schedule extracts

from, Schedule I Part 1, Schedule 1 Part 2 and Schedule Part 4 of the Protected Road Scheme and server map N6-SM-197.1_I2 have been issued to Mr Concannon (Snr) showing all of the lands in Mr Concannon ownership including those parts of the four plots mentioned above that have remained in his ownership, which are now depicted with the following plot references (i) Plot 197y.101, (ii) Plot 197x.101, (iii) Plot 197w.101 and (iv) Plot 197w.202. The errata for the Protected Road Scheme submitted at the Oral Hearing noted these amendments. I consider that this matter has been adequately addressed by the applicant.

With regard to what the objector contends is a right of way, the applicant's response was that a search of land registry and folios shows no registered right of way as indicated on this objection. They note that there is no existing field gate, existing entrance or existing access currently visible or evident on the existing Bearna to Moycullen Road L1321 at the point at which this right of way intersects it. The applicant states that the right of way, if it is proven, will remain as it currently is to the point at which it reaches the L1321 and that the closure of the right of way will be a matter for compensation, if proven. I consider that the applicant's approach is reasonable and appropriate, based on the information before the Board.

The proposed provision of timber fencing on agricultural lands are addressed elsewhere in this report, but are considered to be generally acceptable. The applicant states that where stone walls are removed on Mr Concannon's property, the stone will be retained and made available for re-use by Mr Concannon for the construction of a new stone wall on his side of the proposed development boundary if he wishes. The proposed boundary landscaping has been clearly identified and includes 3m screen planting and a tree-lined boundary hedgerow along the PRD. Drainage issues are addressed elsewhere in this report.

With regard to maintenance of access, the applicant has given an undertaking in the EIAR, repeated at the oral hearing on numerous occasions, that access to properties will be maintained at all times. This is included in the Schedule of Environmental Commitments and I consider this commitment to be adequate.

I consider that no further issues arise in respect of this objection.

JML (Ob 197.2)

The JML objection did not identify any particular issues, simply stating that the objector would be seriously impacted upon by the loss of a portion of the land.

Mr Owen Kennedy of JML made a general submission at the oral hearing on 28th October 2020 (see Section 13.8) but did not raise any specific issues relating to this plot. As there are no specific details in the objection, it is not possible to discuss this objection any further.

13.9.29. John Concannon (Deceased) (Ob_198)

A written objection was submitted on behalf of the objector by JML. The objection did not identify any particular issues, simply stating that the objector would be seriously impacted upon by the loss of a portion of the land.

Mr Owen Kennedy of JML made a general submission at the oral hearing on 28th October 2020 (see Section 13.8) but did not raise any specific issues relating to this plot. As there are no specific details in the objection, it is not possible to discuss this objection any further.

13.9.30. Thomas Concannon (Ob_199)

A written objection was submitted on behalf of the objector by Gaynor Miller. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised include: it was the objector's intention to build a house on this plot in order to retire in Galway, however the residual lands will be less than the minimum standard area of 0.5 acres for a one-off house; impact on property value; lack of information regarding noise mitigation and landscaping; noise, light and air pollution; lack of clarity on boundary treatments; surplus lands in adjacent plots 198a.203 and 203a.201 may be used for unauthorised purposes; ecological impacts; community severance; services and access must be fully maintained.

Plot 199 is located on the western side of An Chloch Scoilte, to the north of the PRD mainline, close to the realigned junction with Aille Road (L5384).

The applicant, in Section 4.11.8 of their Main Brief of Evidence, state that the land acquisition is limited to roadbed and that the existing boundary to the front and the southern boundary of the property will be maintained, and there will be no interference with the existing stone walls. The lands which are acquired from Plot

198 to the south of this property will be fenced off with a timber post and rail fence in addition to the existing boundary provision along this shared boundary.

In response to the query regarding the lands included in plot 198a.203 and 203a.201, the applicant states that they are required to facilitate the construction and operation/maintenance of the PRD and have been identified as material deposition area MDA DA-09, which is required to facilitate the creation of ecological habitat.

Impacts on development potential and property values are compensation matters, where appropriate, and are not within the Board's remit. Noise, light and air pollution impacts are addressed elsewhere in this report.

I consider that no further issues arise in respect of this objection.

13.9.31. **Martina Concannon & Alan Giblin (Ob_201)**

A written objection was submitted on behalf of the objectors by Gaynor Miller. (No submission was made at the CPO hearing by or on behalf of the objectors). Issues raised include: road is in wrong location; climate change impacts; impact on curlews; blasting and rock breaking impacts on property; planting to south should not interfere with views of the sea and the Burren; planting should be evergreen and increased in height and depth; noise pollution; light pollution from cars at realigned An Chloch Scoilte junction; property devaluation; uncertainty with regard to use of adjoining lands to be acquired in Plots 203a.201, 168a.210 and 198a.203 and what measures will be taken to prevent unauthorised use and disrepair.

This plot is located to the north of the proposed An Chloch Scoilte Junction (c. Ch. 3+350) and the proposed acquisition relates to road bed only.

With regard to proposed landscaping provision, Mr Burns, on behalf of the applicant, noted the proposed provision of between 3m and 6m wide mixed screen planting belt along the PRD and the realigned section of An Chloch Scoilte junction and the proposed tree-lined boundary hedgerow to be established along the fenceline of the PRD. He noted that the proposals include for a range of native species and plant sizes which seek to provide an adaptable quick establishing mix and which includes for 35% of evergreen species and 10% of trees at up to 3.0m in height at planting. The applicant accepts that the planting will have some impact on longer views south from the property but contends that the design approach for the planting is to provide

dense low level screening of the PRD. I agree with the applicant that the provision of dense and suitable screening planting of this large new piece of infrastructure is of greater importance to the protection of residential and visual amenities than the preservation of long-range views.

In response to the query regarding the lands included in plot 168a.210, 198a.203 and 203a.201, the applicant states that they are required to facilitate the construction and operation/maintenance of the PRD and have been identified as material deposition areas (MDAs) DA-08 and DA-09, respectively, which are required to facilitate the creation of ecological habitat. I consider the creation of such habitat areas to be an important biodiversity mitigation measure, as addressed elsewhere in this report, and I do not consider that excessive or surplus acquisition is sought at these locations.

Impacts on development potential and property values are compensation matters, where appropriate, and are not within the Board's remit. I note that the proposed acquisition in respect of this property relates to road bed only. The other issues raised, such as alternatives, climate change, impacts on curlews, noise, light and air pollution impacts are all addressed elsewhere in this report.

I consider that no further issues arise in respect of this objection.

13.9.32. Leo & Jo-Anne O'Hara (Ob_204)

A written objection was submitted on behalf of the objectors by Gaynor Miller. (No submission was made at the CPO hearing by or on behalf of the objectors). Issues raised include: lack of information regarding boundary treatments; loss of high quality stone wall; impact on percolation area; will adjoining land be sold by Council to objectors or if not, will it be planted with conifers; GCOB route was preferable; public transport system is required; planting should be evergreen, not deciduous; taller planting is required; noise pollution; adjacent house being acquired on Plot 203a.201 should be maintained or demolished; objectors do not want unauthorised parking or halting on Plots 203a.201 and 198a.203; services and access must be maintained at all times.

This plot is a residential plot on the western side of Aille Road (L5384), a short distance to the north of the proposed An Chloch Scoilte Junction (c. Ch. 3+350). The lands included in plot 204b.201 are road bed and set-back

With regard to the boundary issue, the applicant stated in their Main Brief of Evidence that the existing boundary wall along the front of the property will be retained over the extent of the front garden and a new 1.2m high stone wall will be constructed at the front boundary of their additional plot of land to the south of the garden, to tie-in with the existing garden stone wall. The existing boundary on the southern side of the property will be maintained and a new timber post and rail fence will be constructed on the proposed road side of the boundary.

In response to the objectors' query regarding the purpose of lands included in the nearby Plots 198a.203 and 203a.201, the applicant responded that the lands in Plot 198a.203 are identified as material deposition area DA-09, required to facilitate the creation of ecological habitat. With regard to Plot 203a.201, the dwelling is to be acquired due to construction impacts but not demolished. Following completion of the construction the applicant stated that the dwelling will be disposed of by Galway County Council in accordance with the requirements of the Local Government Act. The applicant also stated that there will be no redundant portion of public road remaining on An Cloch Scoilte Road that may attract parking or antisocial behaviour, as a gate will be positioned off access road AR 3/01 restricting access.

The applicant advised that the sale of the adjoining land to be acquired to the objectors would not be possible due to the creation of the proposed MDA.

Mr Burns, in his Landscape and Visual submission to the oral hearing, outlined the landscaping in the vicinity of this property. He stated that it included: retention of the existing southern boundary, 6m wide mixed screen planting belt along the PRD, 3m wide mixed screen planting belt along the realigned section of An Chloch Scoilte junction and the tree-lined boundary hedgerow along the fenceline of the PRD. I consider the landscaping proposals to be acceptable in this area, noting that the PRD mainline is in a cut in this area, and will be well screened.

With regard to the potential impact on the percolation area serving the objectors house, I note that the acquisition in respect of this property relates to the road bed

and set back only, and therefore I do not anticipate that any impact on the percolation area is likely to arise.

The other issues raised in these objections are addressed elsewhere in this report and I consider that no further issues arise.

13.9.33. Maura Conneely (Ob_209)

A written objection was submitted on behalf of the objectors by MKO. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised include: impact of PRD on development potential of lands, uncertainty regarding access to retained lands to east of PRD, landscape and visual impacts on retained lands, uncertainty regarding stages when night-time works will be undertaken.

The objector's lands comprise an elongated plot accessed from Aille Road L5384, to the north of Barna. It is proposed to acquire a portion of land for the PRD mainline, which will sever the landholding east and west of the PRD.

With regard to access to the retained lands to the east of the PRD, no access from the mainline will be provided, with access instead provided from Aille Road via access road AR 3/02 which runs parallel to the PRD mainline and which is designed to provide agricultural access. Access to lands to the west of the PRD will be retained from Aille Road as per existing.

Impacts on development potential are compensation matters which are not within the Board's remit. The lands are currently agricultural and I consider the proposed access arrangements to be suitable.

With regard to landscaping and visual impacts, I noted that the mainline is in cutting through this Plot, and that a new tree-lined boundary hedgerow is proposed along the fenceline of the PRD. I consider these proposals to be acceptable.

Night-time works have been identified as being necessary at certain stages and are addressed elsewhere in this report.

I consider that no further issues arise in respect of this objection.

13.9.34. Michael Conneely (Ob_213)

A written objection was submitted on behalf of the objector by Mulroy & Company Solicitors. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised include: objects to loss of 6 acres, as opposed to 4 acres under the previous proposal; uncertainty regarding boundary fencing and noise barriers; drainage; lack of information regarding set back for development access on feeder roads; closure of Boleybeg Boithrín will prevent access to land on the north side of the PRD; overbridge sought as walking animals on Cappagh Road cannot be done safely; uncertainty regarding changes of levels on Cappagh Road; opposed to street lighting; all services and access to be maintained at all times.

This plot is a roughly rectangular plot on the western side of Cappagh Road. It is proposed to acquire land along the northern part of the plot to accommodate the PRD mainline, parts of two attenuation ponds and an access road AR 4/02. Having reviewed the development proposals, I do not consider that any surplus land acquisition is proposed.

With regard to boundary treatments, it is proposed that the current boundary wall at the front of the dwelling will be partially removed and a new 1.2m high stone wall will be constructed to tie into the existing wall. It is also proposed to provide a new domestic entrance, while the existing boundary on the southern portion of the plot will be maintained. A mammal resistant timber post and rail fence is proposed along the boundary between the PRD mainline and the retained lands. I consider these boundary treatments to be appropriate.

Noise barriers and drainage are addressed elsewhere in this report, while no significant light spill is anticipated at this location. Figure 5.3.03 of the EIAR presents the existing and proposed road levels of the Cappagh Road and indicates that the level change will be minimal at this location.

Access to the severed Boleybeg Boithrín will be provided via access road AR 4/05, located to the north of the proposed Cappagh Road Junction. This arrangement represents a negative impact on the objector, given the need to cross the Cappagh Road Junction. However, impacts on farm management practices (e.g. transport of animals by trailer rather than by foot), are matters for the property arbitrator and the compensation process, where appropriate.

I consider that no further issues arise in respect of this objection.

13.9.35. Michael and Geraldine Flaherty (Ob_215)

A written objection was submitted by Rooney Property Consultants and elaborated upon by Ronan Rooney in a submission at the oral hearing on 13th October 2020. The objection states that the house was originally to be acquired but it is not now proposed to acquire it due to a design change at the proposed Cappagh Road Junction from a roundabout to a signalised junction. The objectors request that the house be acquired due to the damage that would be caused and there is minimal difference between the two junction designs.

Mr Fitzsimons SC, on behalf of the applicant, stated that the objector's argument is predicated on the false premise that there is minimal difference when there is actually a substantial difference. Ms McCarthy outlined the design evolution and noted that an original elevated overbridge proposed over Cappagh Road had been dropped to an at-grade junction, which was originally a roundabout, then reduced to a signalised junction. The extent of acquisition would be greater for the roundabout option, due to difficulty providing access to objector's dwelling. The change to a DMURS signalised junction changed the impacts, and allows for landscaping, footpaths etc.

This position is reiterated in Section 4.18.3 of the applicant's Main Brief of Evidence, which states that the impacts of the current design on the property are considerably less and as such it is not necessary for the entire property to be included in the land acquisition. It states that the front boundary of the property is 28m from the edge of the proposed carriageway, with landscaping provided in this area. The home is then a further 11m from their southern boundary.

Having reviewed the proposed junction design, landscaping proposals, the photomontages of Cappagh Road Junction and the environmental assessments undertaken, I concur with the applicant that the acquisition of the objector's house would not be justified. I consider that no further issues arise in respect of this objection.

13.9.36. Shane Kelly (Ob_216)

A written objection was submitted by Mr Kelly and elaborated upon by Peadar Ó Maolain BL at the CPO hearing on 29th October 2020, with earlier submissions

having been made in Modules 1 and 2 on the 24th February 2020 and 3rd March 2020, respectively. Issues raised included: loss of right of way access to cottage to rear of objector's dwelling; proposed access road should not be a public right of way; loss of stone walls; impact of PRD on planning permission for objector's house and query whether modification of permission required; recurring flooding on Cappagh Road; destruction of elements of mature garden; impact on horse breeding and agricultural operations; visual and landscape impacts; noise and pollution impacts; antisocial behaviour on access road, which should be limited to landowners; lighting impacts; TB risk to livestock due to disturbance of badgers; additional access gates required on AR 4/05; loss of land held for generations; impacts on drains; inadequate landscaping; loss of development potential; lack of accommodation works details.

This plot is located on the eastern side of Cappagh Road, a short distance to the north of the proposed Cappagh Road Junction of the PRD, and comprises two houses, outbuildings and agricultural lands. It is proposed to acquire a strip of land along the southern part of the plot to facilitate construction of Access Road AR 4/05, which provides access to the severed portion of Boleybeg Bóithrín. It is also proposed to acquire road bed and part of the front garden area to facilitate the connection of the Access Road to Cappagh Road.

With regard to boundary treatments and the loss of stone walls, the applicant, in Section 4.11.8 of their Main Brief of Evidence, stated that a 1.2m high stonework wall shall be provided to the property boundary with Access Road AR 4/05, that the existing entrance to the dormer dwelling shall be retained and that a new domestic entrance shall be provided to the cottage dwelling to the rear of the property. They clarified that it is not proposed to create a public right of way, and I note that Table 9.3 'private access roads' sets out the landowners who will have access rights to Access Road AR 4/05. This includes the objector and other parties whose current access via Boleybeg Bóithrín is severed by the PRD. I also note that an additional commitment was added to the final SoEC, that "an additional field entrance gate will be provided from AR4/05 to service the farm yard in plot 216" (Item 15.25). I consider the proposed access arrangements and boundary treatments to be acceptable.

With regard to the potential impact on the development potential of the lands, the applicant contends that there is no evidence that such development is possible at

this location as it is not currently zoned residential. I would agree with this assessment and note that any diminution of property value would be a matter for the property arbitrator. I consider the width of Access Road AR 4/05 to be appropriate to its agricultural use by the objector and other owners of lands on Boleybeg Bóithrín.

The objector queried whether his property, which is served by a septic tank, may require a connection to the public system given the reduction in site size. The applicant's response at the oral hearing was that the Site Layout Plan provided with the planning application for this home indicated the septic tank and percolation area to the north of the dwellings on the site. As proposed access road AR 4/05 is not located in or near the percolation area or septic tank utilised by the dwellings at the property, the applicant contends that it will not alter or interfere with them. I agree that the PRD is not likely to impact on the existing wastewater treatment arrangements for the objector's house. I do not consider that the proposed land acquisition would require any modification of the objector's long-implemented planning permission.

With regard to the shed to the rear of the house, Mr Con Curtin, the applicant's agricultural advisor, confirmed in his submission to the oral hearing that it will not be demolished, and that Access Road AR 4/05 will be located approximately 15m from the shed.

The other issues raised in this objection, and particularly the issue of flooding which was raised by the objector's representative on a number of occasions, are addressed elsewhere in this report. I consider that the applicant has adequately addressed the issues raised in this objection and that the extent of the proposed acquisition is proportionate to the identified need and that no excess lands are to be acquired. I consider that no further matters arise in respect of this objection.

13.9.37. Tom and Yvonne Gill (Ob_219)

A written objection was submitted on behalf of the objectors by Sheehan & Co. Solicitors. (No submission was made at the CPO hearing by or on behalf of the objectors). Issues raised include: vacant farmland on the opposite side of the road should have been acquired which would not impact on their property; loss of mature trees, stone boundary wall and entrance gates; no provision for connection of objectors' property to sewer; disturbance.

This plot is located on the eastern side of Cappagh Road, a short distance to the north of the proposed Cappagh Road Junction and comprises a house and gardens.

With regard to the widening of Cappagh Road, the applicant states at Section 4.12.30 of the Main Brief of Evidence that the existing Cappagh Road geometry is sub-standard to facilitate the proposed junction to the south of the property, that the cross-section is constrained due to the existing property boundaries and that it is, therefore, proposed to widen both sides of the road.

Construction-related impacts that may result in disturbance are addressed elsewhere in this report but I note the applicant's statement that construction in the area will last for a period of 6-9 months.

With regard to the loss of trees and boundary wall, Mr Burns, the applicant's landscape consultant, outlined the specific landscape measures in the vicinity of this property, which include: reconstruction/replacement of the impacted sections of the residential property boundary to match existing; provision of 3m wide mixed screen planting belt along the PRD south of the property; and a tree-lined boundary hedgerow to be established along the fenceline of the PRD.

I consider that the applicant has justified the proposed acquisition of this plot, with regard to providing an improved road alignment on Cappagh Road and that suitable accommodation works and landscaping proposals have been identified to address the direct impacts on the objectors. I consider that no further issues arise in respect of this objection.

13.9.38. Kevin Gill (Ob_220)

A written objection was submitted by Mr Gill and family and elaborated upon at the CPO hearing on 30th October 2020, with earlier submissions having been made in Modules 1 and 2 on the 24th February 2020 and 3rd March 2020, respectively. The objector is also a member of the Galway N6 Action Group, represented at the hearing by Stephen Dowds.

This plot is located on the eastern side of Cappagh Road, a short distance to the north of the proposed Cappagh Road Junction and comprises a house and gardens.

I note that the proposed acquisition affecting the objector relates to the road bed and set back only. The existing boundary and entrance to the objector's property will be maintained.

The issues raised by this objector generally related to broader planning and environmental matters rather than matters associated with the proposed acquisition of lands and are addressed elsewhere in this report, where appropriate.

I consider that no further matters relating to proposed land acquisition arise from this objection.

13.9.39. Patrick & Ann Farrell (Ob_222)

A written objection was submitted on behalf of the objectors by Gaynor Miller. (No submission was made at the CPO hearing by or on behalf of the objectors). Issues raised include: loss of privacy and security; impact on mature trees; insufficient detail on boundary treatments and entrance; object to acquisition of Plot 222a.201, as the existing wall serves as a retaining wall; object to acquisition of Plot 222b.201 as it is part of their driveway, not part of the public road, and should be omitted; object to changes in road levels on Cappagh Road; noise impacts and mitigation measures; light pollution; acquisition reduces the area of their property below one house to the acre, which was a condition of planning. A letter of comfort is sought that the property is still in compliance with planning; services and access must be maintained at all times.

This plot is a residential plot located on the eastern side of Cappagh Road, a short distance to the south of the proposed Cappagh Road Junction (c. Ch. 4+450). It is proposed to acquire road bed and set-back and a small part of the objectors garden.

With regard to boundary treatments, the applicant stated in their Main Brief of Evidence at the oral hearing that the existing wall along the front of the property will be demolished and a new 2.5m high stonework wall will be constructed, with a retaining wall (identified as R04/01) at the northern section of the front boundary. This will replace the existing retaining boundary wall. I consider this to be a suitable replacement boundary treatment.

With regard to Plot 222b.201, the applicant stated that the Protected Road Scheme Schedule described the plot as part of public road and set back to take cognisance

that the portion of lands within the setback are part the property entrance. The plot is required for the regrading of the entrance to tie-into the realigned Cappagh Road while the existing pedestrian access will be reinstated, using the existing pedestrian gate with the access steps to be rebuilt.

The existing and proposed road levels are indicated on Figure 5.2.04 and 5.3.03 of the EIAR and I am satisfied that there is no lack of clarity with regard to levels.

With regard to the impact of the land acquisition on the existing planning permission for the objectors' dwelling, the applicant stated at the oral hearing that approval of the PRD will not compromise the planning permission. Given that the permission has been implemented, I would concur with the applicant's position.

Lighting is proposed at Cappagh Road for reasons of safety, and the predicted light level at the edge of the objectors' dwelling is between 1 and 2 lux (1 lux being the equivalent of moonlight from a full moon).

The other issues raised in this objection are addressed elsewhere in this report. I consider that the applicant has adequately addressed the issues raised in this objection and I consider that no further matters arise.

13.9.40. **Galway City Council (Ob_223)**

A statement was submitted by Galway City Council, recognising the strategic importance of the PRD and stating that they do not object to the CPO.

In light of this statement, no issues arise in relation to this submission.

13.9.41. **Mary Feeney (Ob_226)**

A written objection was submitted on behalf of the objector by Gaynor Miller. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised include: no reasoning given for acquisition of plot 226a.205 (location of mobile phone mast); lack of detail on fencing and access road widths; drainage of retained lands; access and services must be maintained at all times.

Section 4.12.58 of the Main Brief of Evidence states that Plot reference 226a.205 is required as part of the decommissioning of the mast structure. Once this mast has been decommissioned and the concrete foundation removed these lands will be re-

grassed and returned to the landowner (refer also to Section 13.9.163, which assesses the objection of Vantage Towers Ltd.).

With regard to boundary treatments, Section 4.11.8 states that the existing boundary will be maintained as much as practicable with a replacement 1.2m high stonework wall constructed in front of the property. The proposed boundary along the mainline of the PRD will be a Mammal Resistant Fence (timber post and rail fence with wire mesh) in accordance with TII Standards. Maintenance of the existing boundary and new stonework wall will be the responsibility of the landowner, whereas the maintenance of the mammal resistant fencing will be the responsibility of the local authority or their agents

Sections 4.13.5 and 4.20.6 confirm that access to all properties will be maintained at all times during construction and that all services will be reinstated, with advance notification to be given of any disruption. Post-construction, access to retained lands to the north and south of the proposed N6 GCRR will be provided through AR4/05 and AR4/06 respectively. Both access roads are designed to TII standards and include a 4.0m wide road, with a 1.0m wide grass verge either side.

I consider that the applicant has adequately addressed the issues raised by the objector, that the extent of the proposed acquisition is justified and that the proposed accommodation works are adequate. No further issues arise in respect of this objection.

9.42. **Bartley and Marguerite Keane (Ob_228_229_540) – Proposed House Acquisition**

A written objection was submitted by John Mooney & Co. Consulting Engineers on behalf of the objectors. (No submission was made at the CPO hearing by or on behalf of the objectors). Issues raised include: loss of community within Aughnacurra; alternative route should have been chosen that would not affect family homes; impact on NUIG sports grounds; difficulty finding an alternative site with similar amenities; lands at Ballinahowen East/Ballyburke are zoned recreational and amenity and their amenity value will be diminished; land value, should it be rezoned for development, will be diminished.

This objection relates to lands at Ballinahowen East/Ballyburke and a dwelling house located within the Aughnacurra estate, off the N59 Moycullen Road. It is proposed to acquire and demolish the dwelling.

The acquisition of dwellings is addressed in Section 13.8 above. While the acquisition of the objectors' dwelling is regrettable, I consider that the applicant has adequately demonstrated the need and justification for the PRD, that alternative means of meeting the identified need have been adequately examined, and that the lands in question are suitable and are required to construct the PRD. Having regard to the particular characteristics of the lands and the design of the PRD in this area, I consider that the extent of acquisition is proportionate to the legitimate aim being pursued and I do not consider that the applicant is seeking to acquire any excess or surplus lands.

With regard to the impact on land value or rezoning and development potential, the applicant states that there is no evidence that such development is possible at this location as it is not currently zoned residential. I agree with this assessment and consider that potential impacts on land values or future development of lands are matters for the property arbitrator.

The impact on the NUIG sports campus are addressed elsewhere in this report.

I consider that no further issues arise in respect of this objection.

13.9.43. NAMA/Statutory Receivers c/o GVA Donal O'Buachalla (Ob_229)

A written objection was submitted by MKO on behalf of NAMA c/o GVA Donal O'Buachalla and a submission was made by Pamela Harty of MKO at the CPO hearing on 27th October 2020. Ms Harty had previously made a submission in Module 2 on 3rd March 2020.

Ms Harty stated that her clients support the PRD and noted that it would bisect her client's lands. She drew the Board's attention to the Strategic Housing Development permission granted under ABP-304762-19 in October 2019 for 238 units on the southern portion of the lands and advised that a planning application for 58 units on the northern portion of the lands would be submitted in the coming weeks.

Ms Harty stated that the objector was seeking clarification on the treatment of surplus lands, and whether they would be returned. She also queried the

landscaping and maintenance of this area, and whether additional planting and buffering could be provided in this area which would be of benefit to the housing development.

Thomas Burns, on behalf of the applicant, responded that there was no objection to additional planting in this area, other than that maintenance access would be required. Subsequently, an additional environmental commitment (Ref. 12.45) was added to the final Schedule of Environmental Commitments, stating that "In accordance with measures provided for under Section 12.6.3.1 Project-wide Landscape Measures and associated Table 12.7 of Chapter 12 of the EIAR, any post-construction remnant areas within acquired portions of Plot 229 will be planted to locally appropriate native woodland species".

Given that Plot 229 will be the subject of substantial residential development, I consider that this additional landscaping commitment will have a positive impact in terms of mitigating the visual impact of the road as it passes through this plot. I consider that no further issues arise in respect of this objection.

13.9.44. **Tom and Clare Cunningham (Ob_236)**

A written objection was submitted on behalf of the objectors by Rooney Property Consultants. (No submission was made at the CPO hearing by or on behalf of the objectors). The issues raised related to the potential loss of a house site that the objectors had intended for their children due to the reduction in road frontage, which would reduce development potential of retained lands.

The applicant, in Section 4.21.3 of the Main Brief of Evidence, stated that the proposed Access road AR 0/04 overlays one of the two existing entrances currently located along the road frontage of the curtilage of this plot. AR 0/04 is a private access road to access severed lands with a right of way for property owners of plots 114 and 117, as per Table 9.3 of Section 9.4 of the RFI Response. The applicant has undertaken to also provide a right of way on this access road to the objectors, to replace the existing entrance lost and to avoid any impacts on the remaining road frontage.

I note that the updated Table 9.3 included in the final Schedule of Environmental Commitments submitted prior to the close of the oral hearing includes Plot 236 as

one of the plots to be provided with a right of way over Access Road 0/04. I consider the applicant's proposal to be acceptable in terms of maintaining existing levels of access to the objectors' lands.

With regard to the development potential of the site, I would agree with the applicant that this is a matter for zoning under the Development Plan and an application to the planning authority for planning permission.

I consider that no further issues arise in respect of this objection.

13.9.45. **John Concannon (Ob_238)**

A written objection was submitted on behalf of the objector by Corr Property Consultants. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised included: surplus land acquisition; drainage of retained lands; lack of detail on access, noise mitigation, boundary treatments and landscaping; planning and environmental concerns (unspecified).

The lands to be acquired are primarily for the construction of the PRD mainline which is on an embankment in this area, and an attenuation pond. Having reviewed the drawings and details submitted by the applicant, I do not consider that any surplus land acquisition is proposed in respect of this plot.

Section 4.14.10 of the applicant's Main Brief of Evidence outlines access arrangements and states that the existing access to plot 238 from the Clybaun Road will be maintained as per existing and will provide access to all retained lands.

A Mammal Resistant Fence (timber post and rail fence with wire mesh) in accordance with TII Standards is proposed along the property boundary adjacent to the PRD.

Boundary treatment and landscaping details in respect of this plot were outlined in Section 4.2.21 of Thomas Burns Landscape and Visual Aspects submission to the oral hearing. They include a 6-12m wide mixed screen planting belt along the south side of the PRD, 3-12m wide mixed screen planting belt along Ballymoneen Road and a new tree-lined boundary hedgerow along the fenceline of the PRD.

The issue of noise is addressed elsewhere in this report. With regard to drainage of retained lands, no specific details of the objector's concerns have been provided. As

addressed in Section 11.10 of this report, the applicant's drainage proposals across the PRD are considered to be acceptable.

I consider that the applicant has adequately addressed the issues raised in the objection and that no further issues arise.

13.9.46. Ann Codyre (Ob_239)

A written objection was submitted on behalf of the objector by Gaynor Miller. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised include: severance of landholding and access to retained lands; road will be elevated and views will be of embankment rather than Galway Bay; privacy and security concerns; lack of commitment in relation to condition/structural surveys; impact on well; query provision of service ducts under PRD to enable future development of her lands; drainage issues; lack of detail regarding boundary wall replacement; uncertainty regarding noise and landscape mitigation measures; access and services must be maintained at all times.

This plot comprises a dwelling and a number of discrete areas of agricultural lands located in the Ragoon area. The largest area is on the southern side of the Ragoon Road, which will be severed by the PRD mainline, which will be elevated on an embankment as it crosses the lands (c. Ch. 6+000 – 6+300). A further area to the north east will also be severed by the PRD mainline (c. Ch. 6+700 – 6+800).

While the PRD splits the landholding at two locations, access will be provided to all retained lands. Access to plot 239b.409 is proposed through access road AR 06/03 while access to the remainder of the plot, 239b.410, will be retained as existing.

With regard to services, two 150mm diameter service ducts are to be provided beneath the PRD connecting the landowner's retained lands to the east and west.

With regard to boundary treatments, the applicant states that the existing boundary wall will be retained as much as practicable. A mammal resistant timber fence is proposed along the PRD mainline as it crosses the lands. Such fences are commonly used on national roads across the Country, and I consider it to be a suitably secure and adequate boundary treatment.

Landscaping details in respect of this plot were outlined in Section 4.2.21 of Thomas Burns Landscape and Visual Aspects submission to the oral hearing. They include

retention of existing boundaries where possible, mixed screen planting belts, and a new tree-lined boundary hedgerow along the fenceline of the PRD. The embankments will also be landscaped.

The remaining issues raised in this objection are addressed elsewhere in this report. I consider that the applicant has adequately addressed the issues raised in the objection and that no further issues arise.

13.9.47. Pat Codyre (Ob_241_245)

An objection was submitted on behalf of the objector by John M. Gallagher, Consulting Engineer and Town Planner, and elaborated upon at the CPO hearing on 28th October 2020. Issues raised included: alternative routes available; new road will become planning boundary for development to west of Galway City and limits future development potential; objector's lands, while zoned for agriculture, are suitable for rezoning to residential in the short to medium term and development potential deferred or eliminated by PRD; severance impacts; north west part of objector's lands are isolated by PRD, with no access provided from realigned Clybaun Road and curve on this road and its low level make it difficult or impossible to achieve sight lines for residential development.

Plots 241 and 245 are agricultural lands located in the Ragoon area. It is proposed to acquire a number of pieces of land to construct the PRD mainline and its embankments, access roads and attenuation ponds.

The applicant's response, as set out in their Main Brief of Evidence, was that Plot 241a.209 is a full acquisition to facilitate the construction of access road AR 06/03 which provides access to retained lands north of the mainline and, therefore, that plot will not be isolated. Existing access to the retained lands west of the PRD will be retained. The proposed level of the realigned Clybaun Road is approximately 1.5m below the ground level of the landowner's Plot 241 along the boundary of the realigned Clybaun Road. There is no direct access proposed for this section of land to the Clybaun Road.

With regard to future development potential, the applicant responded that the development potential of any site is a matter for zoning under the Development Plan and an application to the planning authority for planning permission. They stated that

there is no evidence that such development is possible at this location as it is not currently zoned residential.

Mr Gallagher, in his subsequent submission to the oral hearing, reiterated the issues raised. He also presented what he contended to be a viable alternative route, further to the north. The issue of alternatives is addressed elsewhere in this report.

Mr Gallagher queried the width of Access Road AR 06/03 which is intended to provide access to the severed portions of Plots 241 and 245 to the north of the PRD mainline and queried whether development would be permitted on this road in the future. Mr Fizzsimons, on behalf of the applicant, stated that it was not appropriate for the acquiring authority to comment on development potential or rezoning potential of lands.

Ms McCarthy confirmed that AR 06/03 was a 4m wide access track with a 1m verge on each side, and that Mr Codyre would have a right of way over it. Mr Gallagher queried whether this was wide enough to cater for future residential development on the lands to the north, in response to which Ms McCarthy stated that the width was based on the existing agricultural use.

I consider that the applicant has justified the need and extent of acquisition sought and I do not consider that surplus or excessive lands are sought to be acquired. The applicant has proposed alternative access arrangements to all of the objector's retained lands, which will reduce the severance impact and I consider the proposed access arrangements to be suitable to the existing agricultural use and zoning of the lands. Should the lands be rezoned in the future, then access arrangements would be a matter to be considered in any subsequent development proposal.

I consider that the applicant has adequately addressed the issues raised in the objection and that no further issues arise.

13.9.48. **Nora Codyre (Ob_243)**

An objection was submitted on behalf of the objector by John M. Gallagher, Consulting Engineer and Town Planner, and elaborated upon at the CPO hearing on 28th October 2020. Issues raised included: alternative routes available; new road will become planning boundary for development to west of Galway City and limits future development potential; objector's lands, while zoned for agriculture, are suitable for

rezoning to residential in the short to medium term and development potential together with Pat Codyre's lands has been deferred or eliminated by PRD; majority of lands will be acquired for PRD or will be outside of the PRD and will lose their development potential.

The issues raised in this objection are generally the same as raised on behalf of Pat Codyre in respect of the adjacent Plots 241 and 245. The same assessment applies to this objection, and I consider the proposed acquisition to be acceptable.

13.9.49. Matthew and Mary Burke (Ob_246)

A written objection was submitted on behalf of the objectors by Gaynor Miller and elaborated upon by Paul Gaynor at the CPO hearing on 4th November 2020. Issues raised included: objection to the acquisition of Plot 246a.203 for construction of an attenuation pond. The pond should run parallel with the ring road, rather than perpendicular to reduce its impact; inadequate drainage details; flood risk; stone walls should be replaced on a like-for-like basis, rather than timber fences; uncertainty regarding fencing and landscaping of attenuation pond; services and access must be maintained at all times.

Mr Gaynor made a joint submission and questions at the oral hearing on behalf of these objectors and Matthew and Eileen Burke (Ob_311). This primarily related to the attenuation ponds, drainage outfall and the associated acquisition of Plot 246a.203 as well as construction phase noise impacts.

Plot 246 is an agricultural landholding in the Ragoon area, and it is proposed to acquire the northern portion of the plot to accommodate the PRD mainline and its embankments, an access road AR 06/03, attenuation ponds and an outfall.

With regard to boundary treatments for the retained lands, I note that a mammal resistant timber post and rail fence is proposed along the northern boundary of the retained lands with the PRD. The applicant does not propose to reconstruct the stone walls to be removed at this boundary but has undertaken to make the stone available for re-use for the construction of a new stone wall on the objectors side of the proposed boundary if they wish. As addressed elsewhere in this report, I consider that timber post and rail fencing with landscaping planting is a suitable and secure boundary treatment for agricultural lands and such boundary treatments are

commonly used on national roads projects throughout the country. With regard to security and privacy impacts, the proposed landscaping screening will generally prevent views into the objectors' lands from the PRD, and no access to the property will be provided from the PRD mainline.

As noted elsewhere, paladin security fencing is proposed around all attenuation ponds with dense screening planting, which I am satisfied will be generally successful in screening these elements of the PRD. At the hearing, Mr Gaynor queried access arrangements to the ponds, and whether this would require access through the objectors lands. Ms McCarthy confirmed that access to the ponds would be from the mainline only, and not through the objectors' lands. I note the pond access gate indicated at c. Ch. 6+800.

Mr Gaynor queried what would happen with the stream in this area which passes through the objectors' lands and whether it would present a flood risk. He also queried the nature of the outfall from the attenuation ponds, and whether it would be an open drain or piped. If piped, he contended that it should be installed by means of a wayleave agreement rather than through acquisition.

Anthony Cawley, the applicant's Hydrologist, stated that a culvert would carry water from north of the PRD mainline to south, but that the PRD drainage would be isolated from this. He stated that the culvert under the PRD was appropriately sized to reflect the capacity of the stream, and no flood risk would arise. With regard to Mr Gaynor's query regarding the number of ponds and their orientation, Mr Cawley stated that the reason for the 3 No. Ponds was to provide a spillage containment facility, with flow then into a wetland pond to achieve settlement of silts/pollutants and flow then into an attenuation pond to achieve greenfield run off rates. He stated that the ponds were appropriately sized to allow for climate change and a suitable freeboard allowance and that no flood risk arose. The reason the ponds are perpendicular rather than parallel to the mainline was stated to be due to the outfall location to the south, and Mr Cawley confirmed that the outfall would be piped, not an open channel.

With regard to why the permanent acquisition of the piped outfall area was sought, rather than a wayleave agreement, Ms McCarthy stated that it was necessary to permanently acquire the lands in order to construct the PRD as the lands would be in

a changed state post-construction. She stated that there may be an opportunity to put a wayleave in place and return this piece of land in the future but that it had to be acquired by the applicant in the first instance in order to construct the PRD. She stated that this situation existed across the scheme area.

I consider that the design and layout of the attenuation ponds on this Plot have been adequately justified by the applicant and that the extent of land acquisition is proportionate to the drainage need and that no excess lands are being acquired. I note in this regard the statement that the area within which the outfall pipeline is located may be returned post-construction with a wayleave agreement in place.

Issues regarding construction phase noise, air pollution etc. are addressed elsewhere in this report.

I consider that the applicant has adequately addressed the issues raised in this objection and that no further issues arise.

13.9.50. Helena Duffy (Ob_250_466)

A written objection was submitted on behalf of the objector by Gaynor Miller. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised include: proposed access road does not extend far enough, leaving objector land-locked; width of access road is inadequate for future development; inadequate drainage details; access and services must be maintained at all times.

The applicant, in Section 4.14.10 of their Main Brief of Evidence, states that the access road AR 07/04 has been designed to provide a safe agricultural access to the severed lands on this property and will extend over the stream diversion, with the stream diversion piped beneath the access road. Having reviewed the accommodation works drawings included in Appendix A.9.1 of the RFI Response, it is clear that access to the retained lands is provided as outlined by the applicant.

The access road is designed to TII standards and includes a 4.0m wide road with a 1.0m wide grass verge either side. I consider this width to be sufficient for the existing agricultural use and zoning of these lands. Any future development of the retained lands will be subject to a planning permission from the local authority and upgrading of access arrangements could be addressed at that stage.

Drainage issues are addressed elsewhere in this report. With regard to maintenance of access and services, the applicant has given an undertaking in the EIA, repeated at the oral hearing on numerous occasions, that access to properties will be maintained at all times. While services may be interrupted at points during the construction works, the applicant has undertaken to reinstate all services and to notify service users in advance of temporary disruption/outages. These measures are included in the Schedule of Environmental Commitments and I consider them to be adequate.

I consider that no further issues arise in respect of this objection.

13.9.51. **Nora Clancy (Ob_252)**

A written objection was submitted on behalf of the objector by Gaynor Miller. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised include: proximity of CPO boundary to house; house should be acquired; lack of commitment regarding condition surveys; no commitment to return lands after construction; no detail on boundary treatment or noise mitigation; drainage; access and services must be maintained at all times.

This plot is located on the western side of the Letteragh Road (L1323) in the Ragoon area, to the south of the PRD mainline. It is proposed to acquire a small area of agricultural land and road bed to facilitate realignment of the Letteragh Road.

In response to the objector's request that her house be acquired, the applicant's response, as given in Section 4.18 of their Main Brief of Evidence, is that the extent of lands required are to facilitate the reconstruction of the boundary wall after the Letteragh Road is realigned. The applicant considers that there is no requirement to demolish the dwelling. Having regard to the separation distance of the dwelling from the PRD mainline, I concur with the applicant.

With regard to the boundary treatment, the applicant, in section 4.11.8 of their Main Brief of Evidence note that the existing boundary wall at the front of the property to Letteragh Road will be removed and a new 1.2m high stonework wall will be set back and constructed. A new domestic entrance will be provided, as will a field access and a single field access gate at the south east corner. I consider these proposals to

provide a suitably high quality boundary treatment for a residential property and to maintain the existing level of agricultural access.

With regard to the return of lands, section 4.12.34 of the Brief of Evidence states that once the new boundary wall is constructed there is a process post-completion of construction whereby the lands inside the wall can be returned to the landowner. In circumstances where this plot cannot be returned to the landowner in the condition in which it was acquired, it is necessary to acquire it on a permanent basis. Having reviewed the CPO maps, I note that a thin sliver of roadside land is to be acquired to facilitate realignment works to Letteragh Road and I do not consider the extent to be excessive.

With regard to condition surveys, there is a commitment in the Schedule of Environmental Commitments to offer property condition surveys for all buildings within 50m of the PRD boundary and those within 150m of proposed blasting works, which I consider to be appropriate.

With regard to maintenance of access and services, the applicant has given an undertaking in the EIAR, repeated at the oral hearing on numerous occasions, that access to properties will be maintained at all times. While services may be interrupted at points during the construction works, the applicant has undertaken to reinstate all services and to notify service users in advance of temporary disruption/outages. These measures are included in the Schedule of Environmental Commitments and I consider them to be adequate.

Noise and drainage issues are addressed elsewhere in this report.

I consider that no further issues arise in respect of this objection.

13.9.52. **Anne Griffin (Ob_258_464)**

An objection was submitted on behalf of the objector by JML. The objection did not identify any particular issues, stating that there had been limited communications from the acquiring authority and that the poor quality maps made it virtually impossible to determine how it would affect the objector's property.

Mr Owen Kennedy of JML made a general submission at the oral hearing on 28th October 2020 (see Section 13.8) but did not raise any specific issues relating to this plot.

Plots 258 and 464 comprises a number of discrete pieces of land affected by the proposed acquisition. Having reviewed the information submitted by the applicant, and in particular the Deposit Maps and Schedules and the Landowner Accommodation Works Details drawings, the extent of the proposed acquisition and the proposals for providing access to the retained lands has been clearly identified. The applicant, in Section 4.9.7 and 4.9.8 of their main Brief of Evidence, outlines the consultation process undertaken, which I consider to have been adequate.

In the absence of any more detailed objection, it is not possible to discuss this objection any further.

13.9.53. Cummann Luthcleas Gael Bother na Tra (Ob_260)

A written objection was submitted on behalf of the objector by Sean Dockry & Associates. (No submission was made at the CPO hearing by or on behalf of the objector). The issues raised relate to the proposed access arrangements to the objector's lands, which are stated to be suitable for amenity use and outdoor sports facilities. The objector requests that the access be upgraded to facilitate further development of the lands.

Section 4.21.3 of the applicant's Main Brief of Evidence states that proposed access to Plot 260 is via access road AR 06/02 which is designed to the appropriate TII standards to facilitate the existing use of these lands. I consider the proposed access arrangements and, in particular, the junction of AR 06/02 and the Clybaun Road to be adequate. Should the objector seek to develop sporting facilities on this site at a later date, further upgrades of access arrangements can be addressed through the planning process, if necessary.

I consider that no further issues arise in respect of this objection.

13.9.54. Cairn Homes Property Limited (Ob_261)

An objection was submitted on behalf of the objector by MKO. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised included: objector is currently preparing an SHD planning application for these lands; underpass link sought to connect to severed residentially zoned lands to north of PRD mainline; details of proposed access road AR 05/01 which is intended to serve

these lands are unclear and should be DMURS compliant; objector seeks that attenuation areas for their SHD residential proposal be located under the PRD mainline to optimise the density of the retained lands; impacts on residential amenity of future residents; noise and visual mitigation sought; small triangular area of land to south of PRD mainline at c. Ch. 5+500 will be landlocked and objector seeks that it be acquired also; satisfactory site access is required to service the objector's proposed SHD scheme and applicant is asked to confirm that safe access from Ballymoneen Road will be provided.

This objection relates to Plots 223 and 261. These plots comprise a number of discrete areas of land located between Cappagh Road and Ragoon Road that will be affected by the PRD. Parts of Plot 261, to the west of Ballymoneen Road are zoned for residential development and will be severed by the PRD.

With regard to proposed Access Road AR 05/01, this road will be 6m wide and will provide access to the northern lands via a junction with Ballymoneen Road. Access will be provided to the southern lands via a direct road access at a field gate entrance from the Ballymoneen Road. The applicant has confirmed that adequate sightlines and visibility splays are provided at both entrances.

The applicant contends that it is unnecessary to provide an underpass to connect the sites as both the northern and southern sites are in close proximity to Ballymoneen Road Junction and can easily access each other, if required. They contend that, as the road is in cut at this location, an underpass would not be practical or desirable from a pedestrian usage perspective. Having regard to the fact that both sites will have safe access to Ballymoneen Road, and noting the scale of the sites, I do not consider that an underpass or overbridge would be justified at this location.

With regard to the small triangular area of land which the objector contends will be landlocked and should be acquired, the applicant states that it will not be landlocked and is accessed via a 7.3m wide strip of land connected to adjacent lands owned by landowner (Folio GY88233F). They state that it is not a 'small' parcel of land (954.9m²) and that it is not necessary for the construction of the PRD. I agree, and do not consider that there is any reason why this area should be acquired.

With regard to the future development of the residentially zoned lands, the applicant states that future connection to public water mains and sewers is a matter to be

discussed and agreed with Irish Water and Galway City Council separately and that ducting across the PRD is a matter for accommodation works agreements. They also state that any future development on the lands will take cognisance of the current application for approval for the PRD including, inter alia, the provision of visual screening, fencing, appropriate drainage infrastructure, etc. I note that no SHD application or request for pre-application consultation has yet taken place in respect of these undeveloped lands. As such, it would be appropriate for matters such as servicing and landscaping/screening to be addressed within the design and planning of any such future development in my opinion.

With regard to the objector's proposal that attenuation areas for their future residential development be placed under the PRD, I do not consider that this would be appropriate or advisable.

I consider that the applicant has adequately responded to the issues raised in this objection and no further matters for consideration arise from this objection.

13.9.55. Patrick John McGrath (Ob_272_462)

A written objection was submitted on behalf of the objector by Corr Property Consultants. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised included: surplus land acquisition; drainage of retained lands; noise; lack of detail regarding access; inadequate boundary treatment and landscaping details; planning and environmental concerns (unspecified).

The lands to be acquired are in the vicinity of the proposed N59 Letteragh Junction, and are primarily for the construction of the PRD mainline on an embankment, junction access lanes, attenuation pond, and the N59 Link Roads. Having reviewed the drawings and details submitted by the applicant, I do not consider that any surplus land acquisition is proposed in respect of this plot.

Section 4.14.10 of the applicant's Main Brief of Evidence outlines access arrangements, noting that the plot is split in three by the PRD. The retained lands to the north of the PRD will be accessed from Letteragh Road via Access Road AR 07/05, while the retained agricultural lands to the south of the PRD and west of the N59 Link Road South will be accessed from Letteragh Road via two single field access gates. A domestic entrance with 1.2m high stonework wall will provide

access to the dwelling house. The retained lands to the east of the proposed N59 Link Road South will be accessed via Access Road AR 07/07. I note that, at the oral hearing, the applicant made an additional commitment to gate and lock this access road at the request of an adjoining landowner (Ob_486). Keys will be provided to the two property owners. I consider this to be acceptable in the interests of security and health and safety.

With regard to boundary details, a Mammal Resistant Fence (timber post and rail fence with wire mesh) in accordance with TII Standards is proposed along the property boundary adjacent to the mainline of the PRD and the N59 Link Road South. It is proposed that the current boundary wall at the front of the dwelling along the Letteragh Road will be removed and a new stonework wall 1.2m high above ground level will be constructed.

Landscaping details in respect of this plot were outlined in Section 4.2.21 of Thomas Burns Landscape and Visual Aspects submission to the oral hearing. They include a 6m wide mixed screen planting belt along both sides of the PRD and junction access lanes through these plots, 3m wide mixed screen planting belt along the N59 Link Road North and South and long sections of Letteragh Road through these plots.

The issue of noise is addressed elsewhere in this report. With regard to drainage of retained lands, no specific details of the objector's concerns have been provided. As addressed in Section 11.10 of this report, the applicant's drainage proposals across the PRD are considered to be acceptable.

I consider that the applicant has adequately addressed the issues raised in the objection and that no further issues arise.

13.9.56. **Pascal Codyre (Ob_273_461)**

A written objection was submitted on behalf of the objector by Gaynor Miller. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised include: impact on landholding due to severing of lands and future access restrictions/difficulties which may impact on future development; inadequate drainage detail; flooding from attenuation ponds; lack of details regarding boundary treatment; inadequate detail regarding access to retained lands; lack of noise mitigation; access and services must be maintained at all times.

This plot is located on the Letteragh Road L1323, close to the proposed N59 Letteragh Junction. The proposed acquisition is for the purposes of constructing the mainline of the PRD and junction slip roads, as well as an attenuation pond, and access road AR 07/05. As noted by the objector, this would result in the retained lands being severed, north and south of the PRD mainline.

With regard to access, the applicant states, at Section 4.14.10 of their Main Brief of Evidence, that access to the lands north and south of the PRD will be via separate field accesses and field gates on the Letteragh Road. With regard to impact of these changed access arrangements on future development, the applicant contends that there is no evidence that such development is possible at this location as it is not currently zoned residential. I consider that good quality access arrangements will be provided for the retained lands. I would concur with the applicant's position regarding future access, and should the lands be brought forward for development in the future, any issues with regard to access can be addressed through the planning process. The applicant acknowledges a significant adverse impact on this farm enterprise as a result of severance and loss of land and the mitigation of this impact is ultimately a compensation matter.

With regard to boundary treatments, the applicant stated at Section 4.11.8 of the Brief of Evidence that the existing boundary wall at the front of the property to Letteragh Road will be replaced with a new 1.2m high stonework wall. Mammal Resistant Fences in accordance with TII Standards are proposed north and south of the mainline respectively. A further timber post and rail fence is proposed on the boundary to the north of the PRD to separate the drainage ditch from this plot. The applicant states that where stone walls are removed at the northern boundary, the stone will be retained and made available for re-use by the property owner for the construction of a new stone wall on their side of the proposed development boundary if they wish. I consider the boundary treatments to be clearly identified and appropriate for the plot in question.

The issues of noise mitigation, drainage and flood risk are addressed elsewhere in this report.

With regard to maintenance of access and services, the applicant has given an undertaking in the EIAR, repeated at the oral hearing on numerous occasions, that

access to properties will be maintained at all times. While services may be interrupted at points during the construction works, the applicant has undertaken to reinstate all services and to notify service users in advance of temporary disruption/outages. These measures are included in the Schedule of Environmental Commitments and I consider them to be adequate.

I consider that no further issues arise in respect of this objection.

13.9.57. Peter and Bridie Wallace (Ob_296)

A written objection was submitted on behalf of the objectors by Gaynor Miller. (No submission was made at the CPO hearing by or on behalf of the objectors). Issues raised include: objectors were unaware that part of front garden was being acquired until some weeks after the CPO was published; lack of details regarding boundary treatment and entrance; drainage; acquisition of Plot 296a.201 is unnecessary and excessive; object to any street lights outside their property; access and services must be maintained at all times.

The applicant, in Section 4.17.24 of the Main Brief of Evidence state that this property is unregistered on the Land Registry and that title for these lands was unavailable despite research to try and identify the property owner. They apologise for any upset caused. I note that the objectors are listed as owners in the PRS Schedule, and given that they have made an objection, I do not consider that any procedural issues arise.

With regard to the boundary treatment, the applicant stated that the existing boundary wall at the front of the property, to Letteragh Road, will be removed and 2 No. new domestic entrances with 1.2m high stonework wall will be constructed. I consider this to be a suitably high quality boundary treatment and access arrangement for a residential property.

With regard to the extent of land acquisition, Section 4.12.36 of the Brief of Evidence states that it is proposed to alter the vertical alignment of the Letteragh Road to achieve safe sight distance along its length, as there are currently hidden dips on it. The acquisition of lands within front gardens in the area includes earthworks for the realigned Letteragh Road which is stated to be necessary on safety grounds. Noting the need for building up of ground levels on Letteragh Road, and the works to

provide a new boundary wall and entrances, I do not consider the extent of acquisition to be excessive and, more particularly, I consider that the acquisition of Plot 296a.201 has been justified.

With regard to maintenance of access and services, the applicant has given an undertaking in the EIAR, repeated at the oral hearing on numerous occasions, that access to properties will be maintained at all times. While services may be interrupted at points during the construction works, the applicant has undertaken to reinstate all services and to notify service users in advance of temporary disruption/outages. These measures are included in the Schedule of Environmental Commitments and I consider them to be adequate.

Finally, I note that there is no proposed street lighting immediately outside or adjacent to the property.

I consider that no further issues arise in respect of this objection.

13.9.58. **Tony O'Halloran and Peggy McConnell (Ob_298)**

A written objection was submitted on behalf of the objectors by MKO. (No submission was made at the CPO hearing by or on behalf of the objectors). Issues raised include: increased traffic on Letteragh Road, noise and blasting, light pollution, property devaluation, uncertainty regarding new boundary and entrance, landscape and visual impact due to tree removal, impact on heritage value of Leitriff House, loss of rental income during the construction phase.

This plot is located on Letteragh Road and is occupied by a period dwelling known as Leitriff House with an associated holiday letting business in converted outbuildings. It is proposed to acquire a strip of roadside land, comprising the boundary wall and a portion of the objector's front gardens, in order to facilitate widening and vertical alignment works to the Letteragh Road.

With regard to boundary and entrance treatment, the applicant stated in Section 4.11.8 of the Main Brief of Evidence that the existing boundary wall at the front of the property will be demolished and a new domestic entrance with 1.2m high stonework wall will be set-back and constructed in its place. Such a wall would be consistent with the existing boundary wall, which is shown in photographs included in the

objection, and would be acceptable from a heritage and visual impact perspective in my opinion.

The issues of traffic, noise and blasting are addressed elsewhere in this report. Lighting is also addressed elsewhere. However, I would note that the property is located c.150 west of the nearest proposed road lighting at the N59 Link Road South/N59 Letteragh Junction. Given the distance and intervening planting and noting that the N59 Link Road will be in cut in this area, I do not consider that the property will be adversely impacted by road lighting.

Landscaping details in respect of this plot were outlined in Section 4.2.21 of Thomas Burns Landscape and Visual Aspects submission to the oral hearing. They include replacement of the impacted section of the property boundary as noted above, provision of 6m wide mixed screen planting belts along both sides of the PRD and junction access lanes, provision of 3m wide mixed screen planting belt along the N59 Link Road South and along sections of the Letteragh Road, a new tree-lined boundary hedgerow along the fenceline of the PRD.

With regard to the impact of the construction phase on the holiday letting business undertaken by the objectors, the applicant has acknowledged in Section 4.5.3 of their Main Brief of Evidence that some inconvenience may be experienced during the construction phase, which will be addressed through the measures contained in the CEMP while access to this property will be maintained at all stages of construction. The applicant contends that loss of income is a compensation matter, and I would agree. Similarly, I consider potential property devaluation to be a compensation matter.

I consider that no further issues arise in respect of this objection.

13.9.59. Anne Kelly (Ob_300)

A written objection was submitted by the objector. (No submission was made at the CPO hearing by or on behalf of the objector). The issues raised include loss of development potential for a further house on her lands and increased travel distance to reach Barna village.

The applicant, in section 4.21.3 of their Main Brief of Evidence note that this plot is not directly affected by the PRD. It is a Schedule 4 plot, the purpose of which is to

notify the landowner that no access from the plot to the PRD will be permitted. Noting the lack of a direct impact, I would also agree with the statement of the applicant that the future development potential of any site is a matter for zoning under the Development Plan and an application to the planning authority for planning permission.

With regard to the increased travel distance, this is a community severance issue, addressed in Section 10.8 above.

I consider that no further issues arise in respect of this objection.

13.9.60. **Matthew and Eileen Burke (Ob_311)**

A written objection was submitted on behalf of the objectors by Gaynor Miller and elaborated upon by Paul Gaynor at the CPO hearing on 4th November 2020. Issues raised included: impact on residential amenity; loss of privacy and security; air, noise, water pollution, loss of light, light pollution, carbon emissions; lack of noise mitigation measures; impacts on wildlife and archaeology; inadequate drainage details and flood risk associated with attenuation ponds; stone walls should be replaced on a like-for-like basis, rather than timber fences; uncertainty regarding fencing and landscaping of attenuation pond; services and access must be maintained at all times.

Mr Gaynor made a joint submission and put questions at the oral hearing on behalf of these objectors and Matthew and Mary Burke (Ob_246). This primarily related to the attenuation ponds, drainage outfall and the associated acquisition of Plot 246a.203 as well as construction phase noise impacts.

Plot 311 is located in the Ragoon area, and it is proposed to acquire the northern portion of the plot to accommodate the PRD mainline and its embankments at c. Ch. 7+000.

With regard to the proposed attenuation ponds, which are located on Plot 246 to the west of this Plot, I refer to the assessment above in respect of Plot 246.

With regard to boundary treatments for the retained lands, I note that a mammal resistant timber post and rail fence is proposed along the northern boundary of the retained lands with the PRD. The applicant does not propose to reconstruct the stone walls to be removed at this boundary but has undertaken to make the stone

available for re-use for the construction of a new stone wall on the objectors' side of the proposed boundary if they wish. As addressed elsewhere in this report, I consider that timber post and rail fencing with landscaping planting is a suitable and secure boundary treatment for agricultural lands and such boundary treatments are commonly used on national roads projects throughout the country. With regard to security and privacy impacts, the proposed landscaping screening will generally prevent views into the objectors' lands from the PRD, and no access to the property will be provided from the PRD mainline. I note that no lighting is proposed in this area and hence no significant light pollution is likely to arise.

Issues regarding construction phase noise, air pollution, archaeology, wildlife, carbon emissions etc. are addressed elsewhere in this report.

I consider the extent of acquisition in respect of this property to be proportionate to the need and I do not consider that any excessive or unnecessary lands are to be acquired. Furthermore, I consider that the applicant has adequately addressed the issues raised in this objection and that no further issues arise.

13.9.61. Peter O'Halloran (Ob_312)

An objection was submitted on behalf of the objector by John M. Gallagher, Consulting Engineer and Town Planner, and elaborated upon at the CPO hearing on 28th October 2020. Issues raised included: alternative routes available; new road will become planning boundary for development to west of Galway City and limits future development potential; objector's lands, while zoned for agriculture, are suitable for rezoning to residential in the short to medium term and development potential deferred or eliminated by PRD; access road is at a lower level than remainder of objector's lands, house and farm buildings; no access provided from new access road into lands to the south of the residence and farm buildings; curve and low level of access road make it difficult to achieve sightlines at such an access; proposed access arrangements inconvenience objector; elevated PRD mainline will have impacts on residential amenity, views and noise pollution; objector wants assurances that his right of access for agricultural purposes over plots 312a.203 and 312a.204 will be maintained.

This Plot is located on the western side of the Clybaun Road, to the north of the PRD mainline. It is proposed to acquire land for the construction of the PRD mainline and

embankments, to facilitate the realignment of the Clybaun Road and to construct an access road.

The applicant, in their Main Brief of Evidence, outlined the access arrangements to the retained lands. The retained lands to the south of the residence and farm buildings will be accessed off the realigned Clybaun Road through a proposed field access and gate, while the residence and retained lands to the north will be accessed from proposed Access Road AR 06/02, with the existing dwelling entrance retained and a new field gate. The applicant also confirmed that adequate sight lines of 70m are provided as per TII requirements.

With regard to the development potential of the lands, the applicant's response was that there is no evidence that such development is possible at this location as it is not currently zoned residential. I agree with this position. Any future development of these lands would be dependent on rezoning and/or a planning application. I do not consider that the PRD would preclude the future development of these lands in the future, should they be deemed suitable for development, and I consider the proposed access arrangements to be proportionate to the current agricultural use of the lands.

Issues with regard to inconvenience or disruption to farming practices are ultimately a matter for the property arbitrator, in my opinion, given that the acquisition is otherwise considered to be justified.

With regard to the objector's query regarding right of access over Plots 312a.203 and 312.204, the applicant responded that Plot 312a.204 has been split into two parcels and renumbered to plots 244x.201 and 312x.204 and that all relevant schedules have been updated accordingly. With regard to Plot 312a.203, this is acquired for the construction of Access Road AR 06/02 and the applicant confirmed that, as per Table 9.3 of the RFI Response, the objector is identified as having a right of way on it.

Mr Gallagher, in his subsequent submission to the oral hearing, reiterated the issues raised. He also presented what he contended to be a viable alternative route, further to the north. The issue of alternatives is addressed elsewhere in this report.

The other issues raised in this objection, such as noise pollution, residential amenity, impacts on views etc. are also addressed elsewhere in this report.

I consider that the applicant has adequately addressed the issues raised in the objection and that no further issues arise.

13.9.62. James Clancy (Ob_313)

A written objection was submitted on behalf of the objector by Gaynor Miller. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised include: surplus land acquisition; uncertainty regarding boundary treatments; drainage; access and services must be maintained at all times.

With regard to the boundary treatment, the applicant, in section 4.11.8 of their Main Brief of Evidence note that the existing boundary wall at the front of the property to Letteragh Road will be removed and a new 1.2m high stonework wall will be set back and constructed in accordance with GCRR-SK-C-001, as shown on Figure 4.1.10 of Appendix A.9.1 of the RFI Response. I consider this to be a suitably high quality boundary treatment for a residential property.

With regard to the extent of land acquisition, section 4.12.34 of the Brief of Evidence states that once the new boundary wall is constructed there is a process post-completion of construction whereby the lands inside the wall can be returned to the landowner. In circumstances where this plot cannot be returned to the landowner in the condition in which it was acquired, it is necessary to acquire it on a permanent basis. Having reviewed the CPO maps, I note that a thin sliver of roadside land is to be acquired to facilitate works to Letteragh Road and I do not consider the extent to be excessive.

With regard to maintenance of access and services, the applicant has given an undertaking in the EIAR, repeated at the oral hearing on numerous occasions, that access to properties will be maintained at all times. While services may be interrupted at points during the construction works, the applicant has undertaken to reinstate all services and to notify service users in advance of temporary disruption/outages. These measures are included in the Schedule of Environmental Commitments and I consider them to be adequate.

I consider that no further issues arise in respect of this objection.

13.9.63. Mary Nestor (Ob_451_489)

A written objection was submitted by the objector. (No submission was made at the CPO hearing by or on behalf of the objector). The only issue raised in the objection is that the application does not comply with the Habitats Directive.

Compliance with the Habitats Directive is addressed in Section 12 of this report, and in the accompanying Appropriate Assessment Report prepared by the Board's Consultant Ecologist. In the absence of any more detailed objection to the proposed land acquisition, it is not possible to discuss this objection any further.

13.9.64. Pat and Helena Francis / Patrick and Lena Francis (Ob_457.1 and Ob_457.2) – Proposed House Acquisition x 2

Two objections were submitted on behalf of the objectors by JML. Although the names differ slightly on the objections, they appear to relate to the same plot. Mr Owen Kennedy of JML made a general submission at the oral hearing on 28th October 2020 (see Section 13.8) but did not raise any specific issues relating to this plot. Issues raised in the written objections included: acquisition of lands and two houses will leave the objectors without a place to reside and no other land to construct a new house; inadequate consultation; no discussion of rehousing; health issues arising from anxiety about the CPO; likely difficulty getting planning permission for a replacement house in the County area due to local needs issues; impacts on retained lands, including loss of development potential; and that the proposed road is too close to the city centre.

Plot 457 is located at the proposed N59 Letteragh Junction (approx. Chainage 7+650) and would accommodate the eastern half of the grade-separated junction, and portions of the proposed N59 Link Road North and South. The plot is primarily agricultural but includes 2 No. houses, both of which it is proposed to acquire, with one to be demolished.

The acquisition of dwellings is addressed in Section 13.8 above. While the acquisition of the two houses owned by the objectors is regrettable, I consider that the applicant has adequately demonstrated the need and justification for the PRD, that alternative means of meeting the identified need have been adequately examined, and that the lands in question are suitable and are required to construct the PRD. Having regard to the particular characteristics of the lands and the design of the PRD in this area, I consider that the extent of acquisition is proportionate to

the legitimate aim being pursued and I do not consider that the applicant is seeking to acquire any excess or surplus lands.

13.9.65. Targeted Investment Opportunities (Ob_469)

A written objection was submitted on behalf of the objector by MKO. The issues raised included: PRD supported in principle; objector will be seeking permission to develop the eastern portion of their lands, and uncertain timing of PRD may sterilise development of the objector's lands. Objector could deliver link road at an earlier date as part of their planning application; excessive land acquisition – two small areas of cut that encroach into landholding are not required.

The applicant's response in Section 4.6.5 of their Main Brief of Evidence was that a Strategic Housing Development (SHD) Application for 332 apartments was made to ABP on 21st November 2019 on the lands within plot 469 post the application for approval for the N6 GCRR. Consequently, their development took cognisance of the PRD including, inter alia, the alignment of AR 06/04. The applicant states that there is no conflict between the PRD and the current SHD application reference 305982. I note that permission was subsequently refused for the SHD development.

I consider that no further issues arise in respect of this objection.

13.9.66. Department of Education (Ob_473)

A written objection was submitted by the Department of Education regarding proposed acquisition at Gaelscoil Mhic Amhlaigh. It states that the applicant appears to have been unaware of the public footpath that runs along the southern boundary of the school, which is not shown on their drawing. Acquisition could be problematic due to ground levels and impacts on services.

The applicant, in section 4.5.6 of their Main Brief of Evidence state that a detailed topographic survey has been undertaken on the completed construction of the boundary of Gaelscoil Mhic Amhlaigh and Gort na Bró Road and that an amendment to the Gort Na Bró alignment has been made to complete the tie-in at the southern boundary of the school. The applicant, therefore, states that there are no works proposed on the Gaelscoil Mhic Amhlaigh landscaped areas and that Plot 473a.201 is consequently removed from the Motorway Order.

The removal of this plot was included in the revised CPO deposit maps and schedules submitted at the oral hearing. Since acquisition is no longer proposed, no further issues arise in respect of this objection.

13.9.67. Aldi Stores (Ireland) (Ob_476_719)

A written objection was submitted on behalf of the objector by Cushman & Wakefield. (No submission was made at the CPO hearing by or on behalf of the objector). The issues raised included: acquisition will have a detrimental impact on the value and saleability of the property and has the potential to render it non-compliant with existing planning permission; removal of gated pedestrian access will render the property non-compliant with planning permission.

In response, the applicant notes Figure 1.6.26 of Appendix A.1.9 of the RFI Response, which shows that land acquisition is confined to a small portion of land at the most easterly end where it is set-back over a length of 6m approximately to accommodate the proposed signalised junction to replace the Gort na Bró Roundabout. There will be no impact to the existing pedestrian entrance, and I consider that no further issues arise in respect of this objection.

13.9.68. John Feeney (Ob_480)

A written objection was submitted on behalf of the objector by Gaynor Miller. Paul Gaynor of Gaynor Miller made an oral submission at the CPO hearing on 4th November 2020. Issues raised included: lack of information regarding access to retained lands; acquisition of recessed area is unclear and appears to be surplus to requirements; commitment sought regarding availability of services; objection to attenuation ponds on the prime site on the property; stone wall should be built instead of fence; inadequate drainage details; services and access to be maintained at all times.

This plot comprises a dwelling and industrially zoned undeveloped lands on the western side of the proposed N59 Link Road South in the Ragoon area. It is proposed to acquire the eastern edge of the plot to facilitate construction of the N59 Link Road South and attenuation ponds. It is also proposed to acquire road bed to facilitate the proposed Ragoon Road Junction. I note that the plot was split following

the publication of the Scheme and that ownership of the residual plot 480 has passed from the Repts of John Feeney to Helen Feeney.

Mr Gaynor, in his submission to the oral hearing, queried whether access would be provided from Access Road AR 07/01 to the retained lands. He noted that originally no gate was indicated on the relevant drawings. Ms McCarthy responded that a gate would be provided from the access road and that the updated drawings submitted to the hearing included the gate.

With regard to the availability of services, the applicant stated in their Main Brief of Evidence that future connection to public water mains and sewers is a matter to be discussed and agreed with Irish Water and Galway City Council separately and does not form part of the PRD. They also stated that ducting across the PRD is a matter for accommodation works agreements. I would agree that this is a matter best addressed as part of the property arbitration process.

With regard to boundary treatments, a new domestic entrance and 1.2m high stonework wall is proposed to the dwelling from Ragoon Road and a mammal resistant timber post and rail fence is proposed along the boundary with the N59 Link Road South. I consider these boundary treatments to be acceptable and appropriate for the existing use of the lands.

With regard to the location of the proposed attenuation ponds within the plot, this is driven to a large extent by gradients and topography, and I consider the proposed location to be acceptable, noting that secure fencing and extensive screening planting will be provided.

I consider that the matters raised in this objection have been adequately addressed and no further matters arise.

13.9.69. Nora Keane (Ob_481)

A written objection was submitted on behalf of the objector by Gaynor Miller. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised include: commitment sought that existing services along the road will be maintained and made available to objector; stone wall sought rather than post and rail fence; inadequate drainage details; access and services must be maintained at all times.

The applicant, in Section 4.20.11 of their Main Brief of Evidence, contend that future connection to public water mains and sewers is a matter to be discussed and agreed with Irish Water and Galway City Council separately and is not part of the PRD. They go on to state that ducting across the PRD is a matter for accommodation works agreements. I would concur with this view and consider that such matters would typically be dealt with as part of the agreement/arbitration process.

With regard to the boundary treatment, the retained lands are undeveloped, but are zoned 'Industrial'. Mammal resistant timber post and rail fencing is proposed along the boundary with the N59 Link Road South. I consider this to be a suitable boundary treatment given the current nature and use of the lands.

Drainage issues are addressed elsewhere in this report. With regard to maintenance of access and services, the applicant has given an undertaking in the EIAR, repeated at the oral hearing on numerous occasions, that access to properties will be maintained at all times. While services may be interrupted at points during the construction works, the applicant has undertaken to reinstate all services and to notify service users in advance of temporary disruption/outages. These measures are included in the Schedule of Environmental Commitments and I consider them to be adequate.

I consider that no further issues arise in respect of this objection.

13.9.70. **Cairn Homes Property Limited (Ob_484)**

An objection was submitted on behalf of the objector by MKO, however no submission at the CPO hearing by or on behalf of the objector. Issues raised included: objector is currently preparing an SHD planning application for these lands; confirmation sought that the N59 Link Road South can accommodate separate DMURS compliant accesses into the two severed parts of the plot, east and west of the Link Road; impacts on residential amenity and earthworks impacts; noise and visual mitigation sought; in order to optimise residential density of retained lands, objector seeks that attenuation pond C07/01B be relocated further west on agricultural zoned lands.

Plot 484 is located in the Ragoon area, to the south of Letteragh Road (L1323) and has a mix of agriculture and residential zoning. It will be severed by the proposed

N59 Link Road South, and it is also proposed to acquire lands for attenuation ponds, on the western side of the Link Road.

The objector entered into consultation with the Board for a SHD development of 144 No. units, creche and associated site works on the eastern side of the Link Road in May 2020 (Ref. ABP-306599-20). The Board decided that it required further consideration/amendment.

With regard to access arrangements, the applicant stated that access to the western lands will be provided via the N59 Link Road South and to the eastern lands via Letteragh Road. A field access and field gate suitable for the existing land use is proposed.

With regard to the future development of the residentially zoned lands, the applicant states that future connection to public water mains and sewers is a matter to be discussed and agreed with Irish Water and Galway City Council separately and that ducting across the PRD is a matter for accommodation works agreements. They also state that any future development on the lands will take cognisance of the current application for approval for the PRD including, inter alia, the provision of visual screening, fencing, appropriate drainage infrastructure, etc.

As noted above, SHD pre-application consultation has taken place in respect of these undeveloped eastern lands and were deemed to require further consideration/amendment. I consider that it would be appropriate for matters such as servicing and landscaping/screening to be addressed within the design and planning of any such forthcoming SHD application.

With regard to the objector's proposal to relocate the proposed attenuation ponds further west onto agriculturally zoned lands, Mr Cawley, the applicant's Hydrologist response was that the proposed attenuation pond was selected at its optimum point in respect to drainage runs and its proximity to the proposed storm outfall with the receiving watercourse. The location is influenced by the vertical alignment of the road, ensuring gravity drainage into the pond and gravity drainage from the pond to the water course via its storm outfall. The applicant's position is that the relocation of the ponds cannot be facilitated. Having reviewed the drainage drawings, I agree with the applicant's position regarding the location of the ponds.

I consider that the applicant has adequately responded to the issues raised in this objection and no further matters for consideration arise from this objection.

13.9.71. Martina Higgins (Ob_485)

A written objection was submitted on behalf of the objector by Corr Property Consultants. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised included: surplus land acquisition; drainage of retained lands; noise; lack of detail regarding access; inadequate boundary treatment and landscaping details; planning and environmental concerns (unspecified).

The lands to be acquired are primarily for the construction of the N59 Link Road South and Letteragh Road Junction. Having reviewed the drawings and details submitted by the applicant, I do not consider that any surplus land acquisition is proposed in respect of this plot.

The entirety of this plot is to be acquired, and the applicant, in Section 4.14.10 of their Main Brief of Evidence, state that as these lands are to be fully acquired to facilitate the construction and operation of the PRD, no access is required or provided. Likewise, as the entirety of the plot is to be acquired, and as the extent and justification for the acquisition is considered to be reasonable, the other issues raised, such as boundary treatment, landscaping, drainage and noise do not require further consideration in this section.

I consider that the applicant has adequately addressed the issues raised in the objection and that no further issues arise.

13.9.72. Thomas McGrath (Ob_486)

A written objection was submitted on behalf of the objector by John M. Gallagher, Consulting Engineer and Town Planner, and elaborated upon at the CPO hearing on 28th October 2020. Issues raised included: reduction in size of front garden and increase in noise due to proximity of N59 Link Road South and increased traffic on Letteragh Road; alternative alignment of N59 Link Road South would increase separation distance; requests that the extent of lands within Plot 486a.210 [sic] that is not required for the widening of Letteragh Road be acquired on a temporary basis and returned after the access road to his house is constructed; impact on

development potential, and request for confirmation that access can be provided to future development from Letteragh Road or N59 Link Road South; risk of dumping/unauthorised occupation on land between his lands and the edge of the N59 Link Road South; requests that new access to his lands from the N59 Link Road South be acquired temporarily and that the access road be gated to prevent undesirable use.

This plot, comprising a house and agricultural lands, is located on the Letteragh Road (L1323), close to the proposed junction of the Letteragh Road and the proposed N59 Link Road South. It was proposed to acquire a relatively large portion of the objector's front garden to provide an alternative driveway access (AR 07/06), and to provide access to the objector's lands to the rear of his house from the N59 Link Road South, via proposed Access Road 07/07, which also serves Plots 272/462.

Mr Gallagher reiterated the issues made in his written objection at the CPO hearing.

With regard to the concerns regarding antisocial behaviour or dumping on Access Road 07/07, Ms McCarthy, on behalf of the applicant, advised that the access road only served two landowners, and that the applicant had no objection to it being gated and locked, subject to the agreement of the other affected landowner. Mr Gallagher welcomed this, and I note that the final SoEC submitted at the oral hearing includes a commitment that Access Road AR 07/07 will be gated and locked, with a key provided for property owners 486 and 272_462 (Item 15.36 refers).

With regard to the acquisition of part of the front garden, Mr Fitzsimons, on behalf of the applicant, stated that there was a statutory process to return lands and that the acquired lands may be returned on that basis. He stated that the applicant would not be amending the CPO schedule.

Mr Gallagher subsequently returned to the hearing on 4th November 2020 to query correspondence he had received from a representative of the applicant, which he considered to contradict the oral response he had received from Mr Fitzsimons. In response, Mr Fitzsimons confirmed that the CPO Schedule would be amended so that the plot in question would be subject to temporary acquisition, rather than permanent acquisition. I note that this change is reflected in the updated Motorway

Scheme Schedule and maps, with Plot 486a.201 deleted and split into two plots 486x.201 and 486y.201, the latter of which is a temporary acquisition.

I consider this change to be an improvement that will reduce the impacts of the PRD on the objector without compromising the design or functionality of the PRD.

With regard to the impact of the PRD on the development potential of the land, I would agree with the applicant's position that there is no evidence that such development is possible at this location as it is not currently zoned residential. In any event, I do not consider that the PRD would be likely to preclude development of the site should it be deemed acceptable.

I am satisfied that the applicant has adequately addressed the issues raised in this objection, noting the additional commitment and change to the CPO schedule on foot of Mr Gallagher's submission at the CPO hearing.

13.9.73. Michelle Nestor (Ob_488)

A written objection was submitted by the objector. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised included: Flood risk from pipe or holding ponds; a portion of the objector's lands are deemed agricultural rather than residential on the map provided to her. This will have an impact on compensation considerations.

This plot is located off Chestnut Lane in the Dangan area, and it is proposed to acquire land from the objector for the purposes of constructing Access Road AR 08/05 and a drainage pipe to outfall S15.

The applicant, in Section 4.17.25 of their Main Brief of Evidence, acknowledge the error identified by the objector and have corrected it in the amended CPO Schedules submitted at the oral hearing. The issue of flood risk from the proposed development is addressed in Section 11.10 above.

I consider that no further issues arise in respect of this objection.

13.9.74. Mary Codyre (Ob_495)

A written objection was submitted on behalf of the objectors by Gaynor Miller. (No submission was made at the CPO hearing by or on behalf of the objector). Issues

raised include: objection to acquisition of entire landholding; surplus land acquisition either side of the N59 Link Road North which she would like to retain post-completion; lack of access to the surplus lands.

In response, the applicant state at Section 4.12.39 of their Main Brief of Evidence that the entirety of plot 495 is required to facilitate the construction and operation / maintenance of the PRD, in particular the Bushypark Junction and Material Deposition Area DA-18 (as shown on Figure 7.301 of the EIAR). MDA DA-18 is required to facilitate the creation of ecological habitat and, therefore, repurchasing the land post-construction by the objector will not be possible due to the proposed MDA/ecological habitat.

Having regard to the need for material deposition areas, and the importance of creating ecological habitats as outlined in the Biodiversity section of this report, I consider the extent of acquisition to be justified and reasonable. I consider that no further issues arise in respect of this objection.

13.9.75. **Michael Mullins (Ob_496)**

A written objection was submitted on behalf of the objector by Gaynor Miller. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised include: objection to acquisition of plot 496a.201 which is not necessary for the road construction. He understands that a watermain is to be diverted through this area and this could be done via a wayleave rather than permanent acquisition; uncertainty regarding boundary treatments; lack of commitment to undertake property condition surveys; drainage and flooding concerns; traffic safety due to proximity of N59 Link Road North/N59 Junction; objection to any change in road level on the N59 in front of objector's property; impact on well; access and services must be maintained at all times.

This plot is accessed from the N59 Moycullen Road, a short distance to the north of the proposed junction of the N59 Link Road North and the N59. It is proposed to acquire roadbed, a portion of the front garden to the house and agricultural lands. The acquisition is to enable the realignment of a portion of the N59 and to facilitate construction of the N59 Link Road North and the diversion of a watermain.

With regard to the proposed acquisition of plot 496a.201, comprising agricultural lands to the rear of the house, the applicant, in Section 4.12.40 of their Main Brief of Evidence state that details the measures undertaken for the connection and diversion of Irish Water public watermains to facilitate the PRD are set out in the submitted Design Report, and detailed in Figure GCOB-2700-D-417 of the Design Report. The acquisition of plot 496a.201 is stated to be necessary to carry out this diversion, and the applicant contends that, in circumstances where this plot cannot be returned to the landowner in the condition in which it was acquired, it is necessary to acquire it on a permanent basis. I note that the majority of plot 496a.201 is being acquired for the construction of the N59 Link Road North. The severed portion of land to the south of the Link Road is proposed to be used as an ecological compensatory habitat area. As detailed in the Biodiversity section of this report, these habitat areas are considered to be warranted. I do not consider that any excessive land acquisition is proposed in respect of this plot.

With regard to boundary treatments, the existing boundary wall at the front of the property to the N59 will be removed. A new domestic entrance with 1.2m high stonework wall will be constructed to the south of the existing entrance, while a retaining wall (R08/09) will be constructed to the north of the existing entrance. The existing boundary to the neighbouring plot 495 to the south will be retained and timber stud fencing will be constructed along the boundary with the N59 Link Road North. I consider these proposed boundary treatments to be clear and suitable for the site context.

With regard to the proximity to the proposed N59 Link Road North junction, the access to the property is located c. 70m from the signalised junction. The applicant stated in Section 4.22.15 of their Main Brief of Evidence that the horizontal and vertical visibility splay from the entrance exceeds the desirable minimum for the design speed along the proposed realigned N59 and that the proposed geometry therefore minimises the dangers of exiting/entering the property. Having reviewed the drawings submitted, I would concur with this assessment.

The existing and proposed road levels on the N59 in this area are shown on Figure 5.3.07 of the EIAR, it can be seen that the change in level is marginal and unlikely to result in any significant impacts in respect of this property.

With regard to the potential impact on the objector's well, this was addressed in Section 4.3.13 of the applicant's Hydrogeology submission to the oral hearing. The applicant states that the well is located in granite and is at the margins of the zones for drawdown impacts and, hence, will need to be decommissioned as part of the PRD. Where wells are removed as part of the proposed road development then an alternative equivalent supply will be provided, such as a replacement well.

Drainage and flood risk issues are addressed elsewhere in this report. With regard to maintenance of access and services, the applicant has given an undertaking in the EIAR, repeated at the oral hearing on numerous occasions, that access to properties will be maintained at all times. While services may be interrupted at points during the construction works, the applicant has undertaken to reinstate all services and to notify service users in advance of temporary disruption/outages. These measures are included in the Schedule of Environmental Commitments and I consider them to be adequate.

I consider that the applicant has adequately addressed the issues raised in the objection and that no further issues arise.

13.9.76. Nora and Michael Pearce (Ob_497) – Proposed House Acquisition

A brief written objection was submitted by the objectors. (No submission was made at the CPO hearing by or on behalf of the objectors). The objection states that they object most strongly to losing their family home and that this is a tragedy for their family.

This plot is located within the Bushypark area, south of the N59 Moycullen Road, and immediately west of the proposed N59 Link Road North which would be in cut in this area. It is proposed to acquire and demolish the dwelling.

The acquisition of dwellings is addressed in Section 13.8 above. While the acquisition of the objectors' dwelling is regrettable, I consider that the applicant has adequately demonstrated the need and justification for the PRD, that alternative means of meeting the identified need have been adequately examined, and that the lands in question are suitable and are required to construct the PRD. Having regard to the particular characteristics of the lands and the design of the PRD in this area, I consider that the extent of acquisition is proportionate to the legitimate aim being

pursued and I do not consider that the applicant is seeking to acquire any excess or surplus lands.

13.9.77. Mary and Padraic Lydon (Ob_498) – Proposed House Acquisition

A written objection was submitted on behalf of the objectors by Corr Property Consultants. (No submission was made at the CPO hearing by or on behalf of the objectors). Issues raised included: drainage of retained lands; noise; lack of detail regarding access; inadequate boundary treatment and landscaping details; planning and environmental concerns (unspecified).

This plot is located within the Bushypark area, south of the N59 Moycullen Road, and immediately west of the proposed N59 Link Road North which would be in cut in this area. It includes a dwelling house and agricultural lands. It is proposed to acquire (but not demolish) the dwelling.

I note that the issues raised in the written objection do not relate to the proposed acquisition of the dwelling, and instead appear to relate solely to the retained lands within Plot 498. Notwithstanding this, the acquisition of dwellings is addressed in Section 13.8 above. While the acquisition of the objectors' dwelling is regrettable, I consider that the applicant has adequately demonstrated the need and justification for the PRD, that alternative means of meeting the identified need have been adequately examined, and that the lands in question are suitable and are required to construct the PRD. Having regard to the particular characteristics of the lands and the design of the PRD in this area, I consider that the extent of acquisition is proportionate to the legitimate aim being pursued and I do not consider that the applicant is seeking to acquire any excess or surplus lands.

With regard to access, the applicant stated in Section 4.14.10 of their Main Brief of Evidence that the existing access off local road L5007 will provide access to the retained lands, as all lands are on the west side of the proposed N59 Link Road North. I consider this to be acceptable.

With regard to boundary treatments, a mammal resistant timber fence is proposed along the property boundary adjacent to the N59 Link Road North. Such fences are commonly used on national roads across the Country, and I consider it to be a

suitably secure and adequate boundary treatment. The existing boundary will be maintained around the existing dwelling to be acquired.

Landscaping details in respect of this plot were outlined in Section 4.2.21 of Thomas Burns Landscape and Visual Aspects submission to the oral hearing. They include retention of existing boundaries where possible, 3-6m wide mixed screen planting belt along the top of the cut slopes on the west side of the Link road and a new tree-lined boundary hedgerow along the fenceline of the PRD.

The issues of noise and drainage are addressed elsewhere in this report.

I consider that the applicant has adequately addressed the issues raised in the objection and that no further issues arise.

13.9.78. Patrick Kearns (Ob_503)

A written objection was submitted by the objector. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised included: concern that his laneway, which is currently utilised by the Francis family property (Plot 457, which is to be acquired) will be used as a short cut by construction workers during the construction phase and as a 'rat run' during the operational phase. He asks that the right of way be extinguished on the laneway.

The applicant confirmed at the oral hearing that Construction traffic will not use Kearns Lane, as construction haul routes are restricted from such laneways. They also noted Figure 4.1.10 of Appendix A.9.1 of the RFI Response which indicates a timber post and rail fence through Plot 457, approximately around the boundary of the existing dwellings, thus eliminating the possibility of a rat-run route off the Circular Road laneway through the plot and onto the N59 Link Road South. I consider that the issues raised by the objector have been adequately addressed by the applicant and that no further issues arise in respect of this objection.

13.9.79. Michael Nestor (Ob_505)

A written objection was submitted on behalf of the objector by Martin & Rea Consultants. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised include: fence is insufficient; agricultural assessment is inadequate; objectors should be advised of any changes to the final design; EIAR is

deficient; loss of natural drinking water; noise and air pollution; requirement for safety barriers; agreement sought on accommodation works.

This agricultural plot is located to the east of the proposed N59 Letteragh junction and it is proposed to acquire the southern portion of the plot to accommodate the PRD mainline, eastbound merge lanes and the associated cutting within which the PRD is located in this location.

The proposed fence along the PRD boundary is a Mammal Resistant Fence (timber post and rail fence with wire mesh) in accordance with TII standard details. Such fences are commonly used on national roads across the Country, and I consider it to be a suitably secure and adequate boundary treatment.

The objector contends that the agricultural assessment is inadequate but has not provided any information regarding this matter. I consider the agricultural assessment to be adequate. Similarly, the objector contends that the EIAR is deficient, but has not provided any information in support of this position.

With regard to the loss of water, the applicant has undertaken to provide alternative water sources where interference or disruption is caused by the PRD.

Issues regarding air and noise impacts are addressed elsewhere in this report.

I consider that the issues raised by the objector have been adequately addressed by the applicant and that no further issues arise in respect of this objection.

13.9.80. **Bridie O'Halloran (Ob_506)**

A written objection was submitted on behalf of the objector by Gaynor Miller. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised include: proposed access road is seriously restrictive in width, has six right angle bends and will not be suitable for future development of plot 506a.407; set-back from motorway for future development is unclear; post and rail fence is unsafe as proposed road is in a deep cut; access and services must be maintained at all times.

I note that Plot 506 comprises agriculturally zoned lands that will be severed by the PRD. It is proposed to provide access to a c. 1.14ha area of severed lands via the internal estate road through The Heath estate, which it is also proposed to acquire,

and extend via proposed Access Road 07/10. A number of residents of The Heath and an adjacent landowner have objected to this proposed access arrangement and I have addressed the principle of providing access to Plot 506 via The Heath in Section 13.8 above.

With regard to the width and alignment of the access road, Section 4.14.10 of the applicant's Main Brief of Evidence states that Access road AR 07/10 has been designed to TII standard Construction Details and includes a 4.0m wide road with a 1.0m wide grass verge either side. The access is stated as having been designed to facilitate the existing use and zoning of these lands (Agricultural) and not for potential future development, noting that any future development of these lands will be subject to a planning permission.

With regard to fencing proposals and health and safety, Section 4.11.8 of the applicant's Main Brief of Evidence states that a mammal resistant timber post and rail fencing will be constructed in accordance with TII Standard Details. Section 4.11.3 of the Material Assets - Agriculture Brief of Evidence states that there is a moderate slope of approximately 15% on the north side of the PRD. This slope runs parallel rather than towards the PRD and the risk of anything rolling on to the PRD is negligible in this land parcel. It goes on to state that steep slopes adjoining farm land are part of the natural farming landscape throughout Ireland and this permanent disturbance can be managed effectively by farmers without the requirement for additional safety fencing. The incidence of vehicles entering onto agricultural land is very low due to the high standards of safety on newly designed roads. Therefore, the safety of livestock and farming personnel will not be significantly affected by the PRD.

With regard to maintenance of access and services, the applicant has given an undertaking in the EIAR, repeated at the oral hearing on numerous occasions, that access to properties will be maintained at all times. While services may be interrupted at points during the construction works, the applicant has undertaken to reinstate all services and to notify service users in advance of temporary disruption/outages. These measures are included in the Schedule of Environmental Commitments and I consider them to be adequate.

I consider that no further issues arise in respect of this objection.

13.9.81. Christina Nestor (Ob_507)

A written objection was submitted on behalf of the objector by Martin & Rea Consultants. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised include: fence is insufficient; agricultural assessment is inadequate; objectors should be advised of any changes to the final design; EIAR is deficient; loss of natural drinking water; noise and air pollution; requirement for safety barriers; agreement sought on accommodation works.

This L-shaped agricultural plot is located to the east of the proposed N59 Letteragh junction and it is proposed to acquire the southern corner of the plot to accommodate the eastbound merge lanes and the associated cutting within which the PRD is located in this location.

The proposed fence along the PRD boundary is a Mammal Resistant Fence (timber post and rail fence with wire mesh) in accordance with TII standard details. Such fences are commonly used on national roads across the Country, and I consider it to be a suitably secure and adequate boundary treatment.

The objector contends that the agricultural assessment is inadequate but has not provided any information regarding this matter. I consider the agricultural assessment to be adequate. Similarly, the objector contends that the EIAR is deficient, but has not provided any information in support of this position.

With regard to the loss of water, the applicant has undertaken to provide alternative water sources where interference or disruption is caused by the PRD.

Issues regarding air and noise impacts are addressed elsewhere in this report.

I consider that the issues raised by the objector have been adequately addressed by the applicant, and that no further issues arise in respect of this objection.

13.9.82. Ross Tobin (Plot 504)

Mr Tobin, who had not previously made a written objection, appeared at the CPO hearing on 27th October 2020 and made a submission. He stated that he was not opposed to the PRD, or the proposed acquisition of lands at the north western edge of Plot 504 to accommodate the PRD mainline, but that he was opposed to the proposed acquisition of the estate road through The Heath and the acquisition of

lands within Plot 504 to construct Access Road AR 07/10 to provide access to Plot 506.

This issue is addressed in Section 13.8 above.

13.9.83. Gerald and Neasa Lawless (Ob_510)

A written submission was submitted by Mr and Mrs Lawless and elaborated upon at the CPO hearing on 28th October 2020, following an earlier submission in Module 2 on 20th October 2020. The objectors are also members of the Galway N6 Action Group, represented at the hearing by Stephen Dowds. I note that while Mr and Mrs Lawless are affected by the CPO, they paid the appropriate fee to become observers. I will nevertheless address CPO issues in this section.

The issues raised by Mr Lawless at the CPO hearing related to the Heath estate road, and this issue is addressed in Section 13.8 above.

13.9.84. David & Imelda Hickey (Ob_O_511.05)

A written objection was submitted by the objectors. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised included: lack of detail on noise mitigation during construction phase; object to the acquisition of the Heath estate road for accessing agricultural lands. The landowner should instead be compensated or provided with alternative access.

The issue of the Heath estate road is addressed in Section 13.8 above. Potential noise impacts are addressed elsewhere in this report.

13.9.85. Prof. Gerard Lyons (Ob_O_511.06)

A written submission was submitted by Prof. Lyons. (No submission was made at the CPO hearing by or on behalf of the objector). I note that while this party is a person affected by the CPO, they paid the appropriate fee to become an observer. I will nevertheless address CPO issues in this section. Issues raised included: PRD is not sustainable development; PRD will not resolve Galway's traffic issues; climate change; failure to notify the observer/objector of the CPO and extinguishment of rights of way; access road through The Heath estate; height of Letteragh Junction;

noise impacts; impacts on NUIG Sports Campus; impacts on Bushy Park National School.

The issue of the Heath estate road is addressed in Section 13.8 above.

With regard to the notification of the objector, the applicant's response in their Main Brief of Evidence was that the property owner was included as occupiers on plot 511 (the internal estate road at The Heath) at the time of publication, at the address as per their current folio. The registered notices were returned in the post. A public notice was erected at the front of the estate for the duration of the public display with the appropriate schedules attached and the property owners listed. The applicant went on to state that the schedules and server maps relating to this property owner have been amended to also include their addresses in The Heath, and Notice was subsequently issued to the property owner. I consider this response to be adequate.

The other issues raised are addressed, where relevant, elsewhere in this report.

I consider that the applicant has adequately addressed the issues raised in the objection and that no further issues arise.

13.9.86. Paschal & Áine Tummon (Ob_O_511.07)

A written objection was submitted by the objectors. (No submission was made at the CPO hearing by or on behalf of the objectors). Issues raised included: use of the Heath estate road by construction traffic, opposition to acquisition of the green verges; noise and air pollution.

This issue is addressed in Section 13.8 above.

13.9.87. Desmond and Mary Bluett (Ob_O_511.16)

A written objection was submitted by the objectors. (No submission was made at the CPO hearing by or on behalf of the objectors). Issues raised included: use of the Heath estate road by construction traffic and for accessing agricultural lands and associated safety and residential amenity impacts.

This issue is addressed in Section 13.8 above.

13.9.88. Emily and James O'Donnell (Ob_O_511.18)

A written objection was submitted by the objectors. (No submission was made at the CPO hearing by or on behalf of the objectors). Issues raised included: objection to the extinguishment of the right of way, and acquisition of the Heath estate road for accessing agricultural lands and an area of public open space; agricultural landowner should instead be compensated; CPO is unreasonable and unjustifiable; CPO, if confirmed, should not include grass verges or public open space; noise, air and light pollution.

The issue of the Heath estate road is addressed in Section 13.8 above. Potential noise, air and light impacts are addressed elsewhere in this report.

13.9.89. Monica and Frank McAnena (Ob_O_511.25)

A written objection was submitted by the objectors. (No submission was made at the CPO hearing by or on behalf of the objector). The issues raised were concerns over the use of heavy machinery on the road through the Heath estate, as there are no footpaths, and the safety issues of traffic and disruption on their son who has special needs.

This issue is addressed in Section 13.8 above.

13.9.90. John and Kathleen McCarthy (Ob_512.1 and Ob_512.2)

Two objections were submitted on behalf of the objectors by JML. Issues raised included: lack of consultation; use of the Heath estate road as a through road and resultant security, privacy and traffic safety issues; light, dust, noise and air pollution; security concerns; blasting-related damage; home should be acquired if the scheme is approved by the Board.

The issues of consultation and the Heath estate road are addressed in Section 13.8 above.

Issues regarding air, dust, noise, light impacts are addressed elsewhere in this report. The acquisition of the objectors' house is not required for the construction of the PRD and I do not consider that the impacts on this property would be so significant as to warrant its acquisition.

I consider that the issues raised by the objector have been adequately addressed by the applicant, and that no further issues arise in respect of this objection.

13.9.91. Suzanne Butler (Ob_O_517.05)

A written objection was submitted on behalf of the objector by Planning Consultancy Services. (No submission was made at the CPO hearing by or on behalf of the objector) Issues raised included visual and light pollution impacts, air and noise impacts, and impact on access to the objector's site.

The issues of air, noise, visual impacts etc. are addressed elsewhere in this report. With regard to access, I note that the objector's site comprises a residentially zoned undeveloped site within the Ard an Locha estate. It is not proposed to acquire any of the residentially zoned site, and the acquisition affecting the objector instead relates to the access road within Ard an Locha. Access to the site is via an existing entrance within the Ard an Locha cul de sac and there will be no change to this as a result of the PRD.

I consider that no further matters for consideration arise from this objection.

13.9.92. Katie Hughes (Ob_O_517.11_1) and Lauren Hughes (Ob_O_517.11_2)

Separate written objections were submitted by Katie and Lauren Hughes, residents of the Ard an Locha estate, off the N59 Moycullen Road. Issues raised included: lack of consultation; excessive acquisition of dwellings; impact on NUIG; prioritising of ecology over people and communities; alternatives are available; health and safety issues.

John Hughes (S_037), a member of the same family, made a submission in Module 2 on 3rd March 2020 in which he raised similar issues. Mr Hughes is also a member of the Galway N6 Action Group, represented at the hearing by Stephen Dowds.

The issue of consultation is addressed in Section 13.8 above, while the issue of alternatives is addressed in Section 13.7, and in more detail in Section 10.6. The remaining issues raised by the objectors relate to broader planning and environmental matters and are addressed elsewhere in this report.

The acquisition affecting these objectors relates to the access road within Ard na Locha, and I note that access arrangements to the remaining dwellings within the Ard na Locha estate will be maintained, which I consider to be adequate.

I consider that no further matters for consideration arise from this objection.

13.9.93. **Colm and Marie O'hEocha (Ob_519) – Proposed House Acquisition**

A written objection was submitted by the objectors and a submission was made by Ms O'hEocha during Module 2 on 4th March 2020. The objectors are also members of the Galway N6 Action Group, represented at the hearing by Stephen Dowds. Issues raised included: consultation regarding timing of planning permission and notice of CPO; GCOB route is preferable; prioritising of animal and plant habitats over humans; existing traffic issues are overstated; PRD is not required, as small-scale local road solutions could be used; GTS is being subverted by the PRD.

This plot is located within the Ard an Locha estate, off the N59 Moycullen Road, and it is proposed to acquire and demolish the dwelling which would be located within the PRD mainline.

The acquisition of dwellings is addressed in Section 13.8 above. While the acquisition of the objectors' dwelling is regrettable, I consider that the applicant has adequately demonstrated the need and justification for the PRD, that alternative means of meeting the identified need have been adequately examined, and that the lands in question are suitable and are required to construct the PRD. Having regard to the particular characteristics of the lands and the design of the PRD in this area, I consider that the extent of acquisition is proportionate to the legitimate aim being pursued and I do not consider that the applicant is seeking to acquire any excess or surplus lands.

The remaining issues raised by the objectors relate to broader planning and environmental matters and are addressed elsewhere in this report.

13.9.94. **Annette and Michael Kerin (Ob_521_O_517.14_01, Ob_521_O_517.14_02, Ob_521.3, Ob_521_O_517.14_04, Ob_521_O_517.14_05)**

A total of 5 No. written objections were made on behalf of the objectors at application and RFI stages by Paula M. Murphy Architects, Searson Associates and Ciarán Sudway & Associates. Michael O'Donnell BL appeared at the CPO hearing on 30th October 2020 and made a submission on behalf of the objectors. Further submissions were made by Professor and Dr Kerin, Dr Imelda Shanahan (TMS Environment), Karl Searson (Searson Associates) and Julian Keenan (Traffic Wise) (Refs. 98, 98A, 98B, 98C, 98D).

The applicant submitted a response to the issues raised by the Kerin family and their representatives on 4th November 2020 (Ref. 103), followed by further submissions from Mr O'Donnell and his team (Ref. 98F) and questioning of the applicant's team. I note that the objectors are also members of the Galway N6 Action Group, represented at the hearing by Stephen Dowds.

The principal issues raised on behalf of the objectors related to air, noise and vibration impacts, health impacts, landscape and visual impacts and issues related to construction traffic and construction activities. Other issues raised included community severance, the need for the PRD and traffic issues. These issues are addressed in detail in the relevant sections of this report.

With regard to the proposed acquisition of land, it is proposed to acquire the Ard an Locha access road, over which the objectors have rights (Plot 517a.101 and 517a.202), and an undeveloped residentially zoned site (Plot 521a.101 and 521a.202) to the east of the objectors' dwelling, which will be traversed by the PRD mainline, its associated embankments and upon which it is proposed to locate a substation. The objectors state that they had intended to construct a house on this plot for their son, who has special needs, to enable him to live independently while also allowing them to care for him.

There will be significant impacts on these objectors as a result of the construction and operation of the PRD which will be elevated on an embankment in this area. This has been accepted by the applicant and is addressed in the relevant sections of this report. I note in this regard the additional commitment contained in the final SoEC that: "Galway County Council will pay for similar alternative accommodation for the Kerin's family (Ard na Locha) to be rehoused during the duration of the 9 months earthworks period at the N59" (Item 1.33).

With regard to the proposed land acquisition, I note that the objectors' house, gardens, boundary walls and entrance will be unaffected. While the Ard an Locha access road is to be acquired, the objectors' access to their dwelling will be unaffected. With regard to the adjacent site (Plot 521) owned by the objectors, it is proposed to acquire the entirety of the plot to accommodate the PRD mainline and its associated embankment and retaining wall, as well as a proposed substation. I note that the applicant included an additional commitment in the final SoEC that: "the

stonewall along the boundary of plot 521 adjacent to access road AR 08/01 [i.e. the Ard an Locha access road] will be 2.0m high” (Item 15.35).

The acquisition of Plot 521 is regrettable given the objectors’ intended use of the site to accommodate their son. Notwithstanding this, however, I consider that the applicant has adequately demonstrated the need and justification for the PRD, that alternative means of meeting the need have been adequately examined, and that the lands in question are suitable and are required to construct the PRD. Having regard to the particular characteristics of Plots 517 and 521 and the design of the PRD in this area, I consider that the extent of acquisition is proportionate to the legitimate aim being pursued and I do not consider that the applicant is seeking to acquire any excess or surplus lands.

I conclude that the impacts on the objectors arising from the construction of the PRD and the loss of the land to be acquired are matters for the property arbitrator and for compensation, where appropriate.

13.9.95. George and Phyllis Ryder (Ob_531_537) – Proposed House Acquisition

A written objection was submitted by the objectors. (No submission was made at the CPO hearing by or on behalf of the objectors). They are, however, members of the Galway N6 Action Group. Issues raised in the objection include: objectors are being forced out of their home of 33 years for the construction of a road that will not address the traffic congestion in Galway; road proposal is outdate and an efficient public transport system should be put in place instead.

This plot is located within the Aughnacurra estate, off the N59 Moycullen Road, and it is proposed to acquire and demolish the dwelling to accommodate the PRD mainline and attenuation ponds.

The acquisition of dwellings is addressed in Section 13.8 above. While the acquisition of the objectors’ dwelling is regrettable, I consider that the applicant has adequately demonstrated the need and justification for the PRD, that alternative means of meeting the identified need have been adequately examined, and that the lands in question are suitable and are required to construct the PRD. Having regard to the particular characteristics of the lands and the design of the PRD in this area, I consider that the extent of acquisition is proportionate to the legitimate aim being

pursued and I do not consider that the applicant is seeking to acquire any excess or surplus lands.

Issues with regard to the impact of the PRD on traffic congestion in Galway and the examination of alternatives are addressed elsewhere in this report.

13.9.96. James McLoone (Ob_531.01)

A written objection was submitted and the objector and Stephen Meagher, on behalf of Aughnacurra Residents Association (ARA), made a submission during Module 2 on 4th March 2020. A further submission, by Mr Meagher on behalf of the ARA, was made at the CPO hearing on 28th October 2020. I note that the objector is also a member of the Galway N6 Action Group.

Issues raised in the written objection included: human health impacts; IROPI alternative; loop layout in Aughnacurra should be retained; relocated entrance should be reconstructed as-is, including heritage gates; devaluation of property; impact on living conditions; safety and security concerns with regard to acquired houses adjacent to objector and potential antisocial behaviour or maintenance of grounds and boundary walls.

This objector resides in the Aughnacurra estate and is affected by the proposed acquisition of the internal estate road. Issues associated with the proposed acquisition of lands at Aughnacurra are addressed in Section 13.8 above.

The remaining issues raised by the objector relate to broader planning and environmental matters and are addressed elsewhere in this report.

I consider that no further matters for consideration arise from this objection.

13.9.97. Donal & Elizabeth Courtney (Ob_531.02)

A written submission was submitted by Mr and Mrs Courtney, however no submission was made at the oral hearing. They are also members of the Galway N6 Action Group, represented at the hearing by Stephen Dowds, and Aughnacurra Residents Association.

I note that while Mr and Mrs Courtney are affected by the CPO, they paid the appropriate fee to become observers. I will nevertheless address CPO issues in this

section. Issues raised included: impact on character of Aughnacurra and the whole Dangan area; impact on NUIG sporting grounds; health and safety issues; noise pollution; air pollution; public transport alternatives; prioritisation of ecology over humans; devaluation of property.

These objectors reside in the Aughnacurra estate and are affected by the proposed acquisition of the internal estate road. Issues associated with the proposed acquisition of lands at Aughnacurra are addressed in Section 13.8 above.

The remaining issues raised by the objectors relate to broader planning and environmental matters and are addressed elsewhere in this report.

I consider that no further matters for consideration arise from this objection.

13.9.98. **Ray and Helen McLoughlin (Ob.532) – Proposed House Acquisition**

An objection was submitted on behalf of the objectors by MKO. (No submission was made at the CPO hearing by or on behalf of the objectors). The objection states that the objectors would prefer if an alternative route had been chosen but that they support the inclusion of their dwelling house within the CPO, due to the significant negative impact which the PRD would have on their property. They ask that an early buy-out option be made available.

This plot is located within the Aughnacurra estate, off the N59 Moycullen Road, and it is proposed to acquire (but not demolish) the dwelling.

The acquisition of dwellings is addressed in Section 13.8 above. Having regard to the fact that the objectors wish their dwelling to be acquired, I consider that no further matters for consideration arise from this objection.

13.9.99. **Paddy & Marina O'Malley (Ob_534)**

A written submission was submitted by Mr and Mrs O'Malley. (No submission was made at the CPO hearing by or on behalf of the objector). They are also members of the Galway N6 Action Group, represented at the hearing by Stephen Dowds, and Aughnacurra Residents Association.

I note that while Mr and Mrs O'Malley are affected by the CPO, they paid the appropriate fee to become observers. I will nevertheless address CPO issues in this

section. Issues raised included: route selection is flawed; PRD is not in accordance with proper planning; examination of alternatives is inadequate; health and safety issues; prioritisation of ecology over humans.

These objectors reside in the Aughnacurra estate and are affected by the proposed acquisition of the internal estate road. Issues associated with the proposed acquisition of lands at Aughnacurra are addressed in Section 13.8 above.

The issue of alternatives is addressed in Section 13.7, and in more detail in Section 10.6. The remaining issues raised by the objectors relate to broader planning and environmental matters and are addressed elsewhere in this report.

I consider that no further matters for consideration arise from this objection.

13.9.100. John (Reps of) Maloney (Ob_545_565)

An objection was submitted on behalf of the objector by Vincent Costello. (No submission was made at the CPO hearing by or on behalf of the objector). The issues raised were the impact on the remaining lands, construction impacts (noise, dirt, inconvenience, safety and access), uncertainties with regard to road level and inadequate landscaping.

I note that it is proposed to acquire the entirety of these plots, which relate to river bed within the River Corrib and lands at Menlo, immediately north of the proposed River Corrib Bridge. The applicant, in Section 4.24.10 of their Main Brief of Evidence, state that as the entirety of these plots are acquired, the matters raised in the objection are not applicable.

Having regard to the need and justification for the PRD and the associated acquisition as outlined above, it is considered that no further matters for consideration arise from this objection.

13.9.101. Noreen McNamara (Ob_563.02)

An objection was submitted on behalf of the objector by JML. No specific issues were identified in the objection, other than the maps being of poor quality and a lack of proper communication as to how the objector's lands will be affected. Mr Owen Kennedy of JML made a general submission at the oral hearing on 28th October 2020 (see Section 13.8), but did not elaborate on the written objection.

Plot 563 comprises a number of discrete pieces of land affected by the proposed acquisition. Having reviewed the information submitted by the applicant, and in particular the Motorway Scheme Deposit Maps and Schedule and the Landowner Accommodation Works Details drawings, the extent of the proposed acquisition in respect of each piece of Plot 563 and the proposals for providing access to the retained lands has been clearly identified. The applicant, in Section 4.14.10 of their main Brief of Evidence, explains how access to the retained portions of Plot 563 either side of the proposed N6 GCRR at Bóthar Nua will be provided.

In the absence of any specific objections to the proposed acquisition, it is not possible to discuss this objection any further.

15.9.102. **Sylvester Christopher Patrick McDonagh (Ob_566_598)**

A written objection was submitted on behalf of the objector by Gaynor Miller. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised include: surplus land acquisition at plot 598a.201; other lands in the vicinity would be more suitable for bats; objector's right of way over Plot 765c.201 has not been listed on the Schedule; uncertainty with regard to reinstatement of right of way on Menlo Castle Boithrín.

Section 4.12.42 of the applicant's Main Brief of Evidence states that the lands chosen to provide for the protected bat species have been selected by an ecologist as part of the draft Bat Derogation Licence Application included in Appendix A.8.25 of the EIAR. Further information on why these lands in plot 598a.201 were selected for bat mitigation is provided in Sections 4.14.7-4.14.22 of Aebhin Cawley's submission to the oral hearing regarding Biodiversity and the explanation is considered to be satisfactory.

Section 4.19.3 states that the objector's rights of way on the Menlo Castle Bóithrín will remain unaffected. Section 4.17.29 states that the right of way over Plot 765c.201 is not a registered right of way and, therefore, there was no way to ascertain that a possible interest may exist. The records have now been updated to amend this omission.

I consider that the clarifications provided by the applicant adequately address the issues raised, and I consider that no further issues arise from this objection.

13.9.103. James Callaghan (Ob_567) – Proposed House Acquisition

A written objection was submitted by the objector. (No submission was made at the CPO hearing by or on behalf of the objector). The issues raised include: lack of real engagement with the objector; uncertainty and distress; difficulty with finding a suitable alternative in Menlo or Galway City limits.

This plot is located on the western side of Bóthar Nua, in the Menlo area, within the mainline of the proposed PRD. It is proposed to acquire and demolish the dwelling.

The acquisition of dwellings is addressed in Section 13.8 above. While the acquisition of the objectors' dwelling is regrettable, I consider that the applicant has adequately demonstrated the need and justification for the PRD, that alternative means of meeting the identified need have been adequately examined, and that the lands in question are suitable and are required to construct the PRD. Having regard to the particular characteristics of the lands and the design of the PRD in this area, I consider that the extent of acquisition is proportionate to the legitimate aim being pursued and I do not consider that the applicant is seeking to acquire any excess or surplus lands.

13.9.104. Brian and Mary Kenny (Ob_568) – Proposed House Acquisition

A written objection was submitted on behalf of the objectors by MKO. (No submission was made at the CPO hearing by or on behalf of the objectors). Issues raised include: loss of family home; lack of meaningful engagement by the applicant; with no alternatives available, the family will likely have to leave Menlo area and community; it will not be possible to replace or replicate the unique family home and environment.

This plot is located on the western side of Bóthar Nua, in the Menlo area, within the mainline of the proposed PRD. It is proposed to acquire and demolish the dwelling.

The acquisition of dwellings is addressed in Section 13.8 above. While the acquisition of the objectors' dwelling is regrettable, I consider that the applicant has adequately demonstrated the need and justification for the PRD, that alternative means of meeting the identified need have been adequately examined, and that the lands in question are suitable and are required to construct the PRD. Having regard to the particular characteristics of the lands and the design of the PRD in this area, I