

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.

13.9.105. Paul and Anne Mulhern (Ob_569)

A written objection was submitted by the objectors. (No submission was made at the CPO hearing by or on behalf of the objectors). The issues raised include: prioritisation of biodiversity over people; visual impacts associated with overpass and viaduct; alternative routes available; mature trees in adjoining property should be retained for screening; noise, dust and health impacts; overshadowing from embankment; objectors property should be acquired; CPO map and schedule is incorrect with regard to plot 569a.201, which forms part of garden not public road.

This residential plot is located on the western side of Bóthar Nua, in the Menlo area, to the north of the PRD mainline and the western embankment of the proposed Menlough Viaduct. It is proposed to acquire road bed and a small area of front garden to facilitate the realignment of Bóthar Nua at its interface with the PRD mainline.

The objectors' property is not required for the construction or operation of the PRD and while the objectors are likely to experience negative impacts from the construction and operation of the PRD, particularly with regard to the visibility of the Viaduct and its embankments, I do not consider that the impacts would be so significant as to warrant the acquisition of the dwelling.

With regard to the existing trees in Plot 567, which is between the objectors' property and the PRD, the applicant confirmed that there is no requirement to remove these trees and that, as shown on Figure 12.1.07 of the EIAR, the trees will remain post completion of construction. Mr Burns, on behalf of the applicant, also noted the provision of 6m wide mixed screen planting on the embankment slopes, tree planting at the top of the embankment (from Ch. 9+600 to 10+100) and the proposed tree-lined boundary hedgerow will be established along the fenceline of the PRD.

The applicant has accepted the CPO error identified by the objectors, and the revised schedule submitted at the oral hearing has been updated with the plot now described as "House Garden". I consider this to be acceptable.

The other issues raised in this objection, such as noise, dust health 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.

13.9.106. John Glynn (Ob_572_574_591)

A written objection was submitted on behalf of the objector by Rooney Property Consultants, and elaborated upon by Mr Glynn and Mr Rooney at the hearing on the 13th October 2020. Issues raised included: loss of road frontage and development potential for 5 No. sites for family members; impact on equine farming operation; unfair that disturbance to objector is to accommodate other property owners.

Jarlath Fitzsimons SC, on behalf of the applicant, responded that given the zoning of the lands, it was not accepted that that number of sites was available. Even if there was, it was not accepted that the scheme would impact on them to the extent suggested. Mr Fitzsimons stated that these were matters for the property arbitrator to consider and for compensation, as appropriate.

Mr Rooney accepted this was a compensation matter but noted the impossibility of acquiring replacement sites in the area due to scarcity. While I understand the objector's desire to provide sites for his family members and accept his point regarding the difficulty of acquiring residential sites in the area, I note that the lands in question are not residentially zoned. I consider that the impact on the development potential, if any, of the lands to be acquired is ultimately a matter for the property arbitrator.

With regard to the impact on the equine enterprise, this was not raised at the oral hearing, although I note Mr Sadlier's response to the written objection in which he describes the nature of the equine operation in Section 4.3.4 and states that, in his opinion, the impact of the PRD on this equine enterprise is significant due to the amount of land loss and land separation. I consider that this impact can be appropriately addressed through accommodation works and the compensation process, as appropriate.

I consider that no further matters for consideration arise from this objection.

13.9.107. **James Moloney - Reps of (Ob-580_581_599)**

A written objection was submitted on behalf of the objector by Gaynor Miller. Kevin Miller of Gaynor Miller subsequently made submissions in respect of this plot at the hearing on 13th October 2020 and 4th November 2020. Issues raised included: no access to the lands in Plots 580 and 581 north of the PRD is provided as access road AR 10/02 stops 70m short of the farm track which provides access; additional lands under Folio GY80326F will have no access; water supply will be severed; legal right of way over Plot 765c.201 has not been listed; lack of detail on how legal right of way on Menlo Castle Boithrín will be reinstated; lack of detail on underpass dimensions.

With regard to AR 10/02, Mr Miller stated at the oral hearing that the landowner would need to extend the track across outcropping rock and that such an extension would be within the SAC boundary and would be illegal. This issue was raised again by Mr Miller in his second submission at the oral hearing on 4th November, and the applicant's agricultural advisor Con Curtin stated that the limestone pavement nature of the lands reduced their livestock carrying capacity and that only a small number of cattle could be farmed on the land and that could continue in the future. Mr Miller disputed this assessment.

Ms McCarthy stated that access to the lands north of the PRD would be made available by access road AR 10/02, which allows vehicular traffic as far as the boundary of Plot 581, with foot access beyond this and that the farmer could let his livestock off from this point. She noted the SAC boundary and stated that the applicant did not propose to link AR 10/02 to the farm track and that this would be a compensation matter. Mr Miller responded that foot access was unsuitable given the deep crevices in the limestone pavement which could injure livestock and that failure to provide a proper level of access to severed lands was unprecedented in his experience.

There will clearly be a diminution in the level of access to the retained lands north of the PRD due to the failure to link the access road AR 10/02 to the farm track. However, given the extremely sensitive and valuable habitat that could be impacted upon by any such road/track, I consider that the provision of vehicular access to the western edge of the Plot, and foot access beyond this, is a reasonable compromise.

The impacts on access and farming operations will, thereafter, be a compensation matter.

With regard to the loss of water services to the retained lands, Ms McCarthy stated that the elevation of the western portal renders it infeasible to provide services under it, and that this would again be a compensation matter. Noting the characteristics and topography of the area, the ecological sensitivity and the design of the PRD, I would agree with this assessment of the matter.

The right of way referenced by Mr Miller was stated to be unregistered and Ms McCarthy stated that the applicant's reasonable enquiries undertaken did not identify it. I note that the updated Schedule submitted at the oral hearing includes this right of way.

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

13.9.108. McHugh Property Holdings/ Tuam Road Developments Ltd. (Ob_583, Plot 766)

A written objection on behalf of McHugh Property Holdings (also referred to as McHugh Property Group) was submitted by MKO. Dermot Flanagan SC, accompanied by Senan Clandillon (Engineer), subsequently made submissions to the CPO hearing on 29th October 2020, having previously made substantive submissions in Modules 1 and 2 on the 25th February 2020 and the 19th October 2020, respectively, along with interjections/comments at various stages throughout the hearing.

The McHugh Property Holdings objection relates to Lackagh Quarry (Plot 583), while the Tuam Road Developments Ltd. objection relates to a plot to the east of the Tuam Road (Plot 766). Both companies appear to be part of the overall McHugh Group.

Mr Flanagan made a legal submission (Ref. 82) regarding the lands owned by McHugh Property Holdings/Tuam Road Developments Ltd. Mr Clandillon made a submission outlining potential alternative arrangements for the Material Deposition Areas (MDAs) within the quarry. This was followed by questioning between the objector and the applicant, and the Board should note that the applicant also

submitted a response submission relating to Lackagh Quarry during Module 2 (Ref. 84).

In summary, the objector is not opposed to the PRD in principle but considers that the applicant is seeking to compulsorily acquire excessive land at Lackagh Quarry, particularly in relation to Plot 583a.210, and that alternatives exist that would meet the community need with a reduced land take.

As detailed elsewhere in this report, I consider Lackagh Quarry to be a suitable location for the main construction compound and for use for material deposition areas with associated habitat creation. I also consider the quarry to be a suitable location for the tunnel operation building, being adjacent to the eastern tunnel portal, and for use for the emergency over-height vehicle exit road.

I note that the MDAs within the quarry have been re-designed in order to reduce the land acquisition impacts on the objector, and I consider that the final layout is a reasonable compromise between minimising land acquisition and meeting the requirements for the PRD. I have addressed these issues in Sections 10.10 and 11.8 of this report.

With regard to the reduction in land acquisition, I note Item 1.25, added to the final SoEC submitted at the oral hearing.

“Galway County Council propose that plots 583a.209, 583c.201, 583c.202; 583c.203 and 583a.208 are temporary plots, required only for the duration of the construction period for use as a part of the overall construction compound and to enable construction of the proposed road development. A right of way will be provided over Access Road AR 11/01 in favour of McHugh Properties to provide access to these lands.”

These proposed changes to temporary acquisition are included within the revised version of the Motorway Scheme Schedule submitted prior to the close of the oral hearing.

Having regard to the characteristics of the quarry, including potentially unstable rock faces, and the intended use of the lands to be acquired and the nature of the material to be deposited, I consider the acquisition to be proportionate to the identified need and I do not consider that excessive land acquisition is proposed. I

am satisfied that all lands to be acquired are required for purposes in connection with the PRD.

With regard to the Tuam Road Developments Ltd. lands, the McHugh Property Group was added to the revised version of the Motorway Scheme Schedule submitted prior to the close of the oral hearing in respect of Plot 766 (previously Plot 690). The Deposit Maps were also updated accordingly.

I consider that no further matters for consideration arise from this objection.

13.9.109. Martin Cronin (Ob_O_583.01)

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: health and safety concerns regarding the use of the Lackagh Quarry road (which is used to access his house) by construction traffic; requirement for safe egress onto Coolough Road; potential anti-social behaviour; construction phase disturbance.

The objector is listed in the Motorway Scheme schedule as an occupier on the Lackagh Quarry access road.

Proposed Access Road AR 11/01 (existing Lackagh Quarry access road) is an emergency exit for over-height vehicles before entering Lackagh Tunnel. The applicant confirmed that this access road will not provide access to the PRD. It will also provide access to the attenuation ponds, tunnel services building and the ecological habitat areas. The applicant confirmed that it will be a public road and that access to the objector's home will be retained.

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

Noting that the proposed acquisition relates solely to the access road and that access to the objector's property will be retained, I consider that the applicant has adequately addressed the issues raised and that no further matters arise.

13.9.110. Linda Rabbitte (Ob_584.2)

A written submission was submitted by Ms Rabbitte, with a submission made during Module 2 of the oral hearing on 3rd March 2020. I note that while Ms Rabbitte is a person affected by the CPO, she paid the appropriate fee to become an observer. I

will nevertheless address CPO issues in this section. Issues raised included: opposed to use of Lackagh Quarry as construction compound; HGV traffic; flooding in Quarry; noise, air and dust, vibration impacts; Quarry access road should be kept in good condition as it is used to access her house; objects to right of way being extinguished; invalid CPO procedures due to short notice; impact on limestone pavement; zoning issues; impact on architectural and archaeological heritage; alternatives available; climate change.

This plot is located adjacent to Lackagh Quarry and is accessed from the road leading into the quarry. The extent of proposed acquisition affecting this property is the access road.

Proposed Access Road AR 11/01 (existing Lackagh Quarry access road) is an emergency exit for over-height vehicles before entering Lackagh Tunnel. The applicant confirmed that this access road will not provide access to the PRD. It will also provide access to the attenuation ponds, tunnel services building and the ecological habitat areas. The applicant confirmed that it will be a public road and that access to the objector's home will be retained.

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

Noting that the proposed acquisition relates solely to the access road, and that access to the objector's property will be retained, I consider that the applicant has adequately addressed the issues raised and that no further matters arise.

9.9.111. **Thomas Fallon (Ob_603)**

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 included: No details provided to demonstrate that bóithrín is a public road and no details on legal access of Access Road 11/02; Plots 603 and 8231 are identified in two separate lots but are one continuous landholding; no commitment to undertake condition survey; landscaping proposals are inadequate; it has not been confirmed that access will be available at the western end of Access Road AR 11/02 back onto the old bóithrín; there is a field gate off the bóithrín into the field beside 603a.201 and it has not been confirmed if this will be affected; no details on how water services will be maintained through Plot 603a.202; no details regarding what

the proposed structure at Ch 12+020 crossing Access Road AR 11/02 is; dust, mud, noise and vibration impacts; no commitment to maintain services and access at all times; Plot 587a.202 is beside the objector's property but no details have been provided regarding its purpose.

This plot is located on the western side of the N84 Headford Road in Ballindooley, immediately north of the proposed N84 Headford Road Junction of the PRD. The lands to be acquired primarily relate to the proposed construction of Access Road AR 11/02 to serve this property and a number of other plots.

The majority of the issues raised in this objection were addressed in the applicant's Main Brief of Evidence submitted at the oral hearing. With regard to proposed Access Road AR 11/02, it was stated that this will be a public access road and will provide access to the existing Ballindooley Bóithrín as current access is severed by the PRD. The applicant also confirmed that the existing access into the field associated with plot 603a.201 will be retained. I consider these access proposals to be acceptable, noting that a yellow box is to be provided on the N84 southbound traffic lane to provide an opportunity for vehicles from the Ballindooley Bóithrín, including the objectors' farm traffic, to access onto the N84. The structure crossing AR 11/02 at c. Ch. 12+020 appears to be a drainage ditch and culvert.

With regard to the separate listings of Plots 603 and 8231, the applicant stated that a search of the land registry shows the two plots registered as separate plots with separate folio numbers, which was why they are assigned different numbers. The applicant acknowledged that the entire holding is held as one continuous holding. I do not consider that this has any bearing on CPO matters.

With regard to landscaping proposals, Mr Burns, on behalf of the applicant, noted the proposed provision of multiple layers of 3m to 6m wide mixed screen planting belts on the embankment slopes and on AR 11/02 and the proposed tree-lined boundary hedgerow to be established along the fenceline of the PRD. I consider that the proposed landscaping is adequate, although the property will experience adverse visual impacts due to its proximity to a major grade-separated junction.

It is not clear what structure the objector is referring to as crossing AR 11/02, and as he did not make a submission at the oral hearing, it is not possible to comment further on this.

With regard to the objector's query regarding the purpose of the acquisition of the adjacent Plot 587a.202, the applicant advised that this plot is being acquired to provide additional habitat and will be a receptor site for dry calcareous and neutral grassland. As detailed elsewhere in this report, the creation of additional habitats is considered to be an important biodiversity mitigation measure.

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

13.9.112. Deirdre Goggin and Michael Kenny (Ob_610) – Proposed House Acquisition

A written objection was submitted on behalf of the objectors by Corr Property Consultants. Ms Goggin made an oral submission at the CPO hearing on 27th October 2020 (having previously made submissions in Modules 1 and 2 on 24th February 2020 and 3rd March 2020, respectively). Issues raised included: a route more to the north should have been chosen; inadequate mitigation measures for material assets of very significant impact; no empirical evidence in respect of quality of life statements or health impact assessment; over-reliance on GTS and a chicken-and-egg scenario with the PRD and GTS; impacts on Gaeltacht; community severance; human rights eroded. Additional issues raised at the oral hearing included psychological impacts, duration of project to date, proposed acquisition is disproportionate to the common good.

This plot is located on the eastern side of the N84 Headford Road, in the Ballindooley area. It is proposed to acquire and demolish the dwelling to facilitate the proposed junction of the PRD with the N84.

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 other issues raised in this objection are addressed, as appropriate, in the relevant sections of this report.

13.9.113. Joseph Greaney (Ob_611) – Proposed House Acquisition

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: alternative route should have been chosen; planning and environmental concerns (unspecified).

The issue of alternatives is addressed in Section 13.7 above and in more detail in Section 10.6. No details of the objector's concerns in relation to planning and environmental matters have been submitted.

This plot is located on the eastern side of the N84 Headford Road, in the Ballindooley area. It is proposed to acquire and demolish the dwelling to facilitate the proposed junction of the PRD with the N84 and associated attenuation ponds.

The acquisition of dwellings is addressed in Section 13.8 above. While the acquisition of the objector's 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.

13.9.114. Loretta Needham and Tom Rea (Ob_612) – Proposed House Acquisition

A written objection was submitted by Ms Needham and Mr Rea and elaborated upon at the CPO hearing on 28th October 2020, following an earlier submission in Module 2 on 5th March 2020. Issues raised included: Outer bypass is needed, not this ring road; biggest mass eviction in modern times; flora and fauna prioritised over families; GCOB route should have been pursued under IROPI; shortage of alternative

comparable housing in the area; Councils should provide sites for close-knit communities who wish to remain near each other; difficulties with getting planning permission in County area, due to local needs and inability to get mortgage or bridging loans due to age; several practical, less disruptive, more humane and less expensive alternatives exist; mental health impacts and stress.

This plot is located on the eastern side of the N84 Headford Road, in the Ballindooley area. It is proposed to acquire and demolish the dwelling to facilitate the proposed junction of the PRD with the N84.

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 other issues raised in this objection are addressed, as appropriate, in the relevant sections of this report.

13.9.115. Sharon Morris & Edward O'Reilly (Ob_613_657) – Proposed House Acquisition x 2

A written submission was submitted by Ms Morris and Mr O'Reilly and elaborated upon at the CPO hearing on 28th October 2020. I note that while Ms Morris and Mr O'Reilly are 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: impact on family due to loss of home, a second house and a site; loss of community; difficulty in finding replacement houses; stress and health issues associated with CPO; prioritisation of bats over people; no interest or engagement to plan solutions for affected homeowners, unlike for NUIG, Racecourse and bats.

These plots are located on the eastern side of the N84 Headford Road, in the Ballindooley area. It is proposed to acquire and demolish 2 No. dwellings to facilitate the proposed junction of the PRD with the N84.

The acquisition of dwellings is addressed in Section 13.8 above. While the acquisition of the objectors' dwelling and second house 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 other issues raised in this objection are addressed, as appropriate, in the relevant sections of this report.

13.9.116. **Anne Murphy (Ob_615) – 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 objection is brief and states that she strongly objects to the PRD as she has no wish to see her home demolished and being forced to relocate to a new location.

This plot is located on the eastern side of the N84 Headford Road, in the Ballindooley area. It is proposed to acquire and demolish the dwelling to facilitate the proposed junction of the PRD with the N84.

The acquisition of dwellings is addressed in Section 13.8 above. While the acquisition of the objector's 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. In the absence of any specific objections to the proposed acquisition, it is not possible to discuss this objection any further.

13.9.117. James and Ann Kerrigan (Ob_621) – 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: alternative route should have been chosen; planning and environmental concerns (unspecified).

This plot is located on the eastern side of the N84 Headford Road, in the Ballindooley area. It is proposed to acquire and demolish the dwelling to facilitate the proposed junction of the PRD with the N84.

The issue of alternatives is addressed in Section 13.7 above and in more detail in Section 10.6. No details of the objector's concerns in relation to planning and environmental matters have been submitted.

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

13.9.118. Gerard Flynn (Ob_626)

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 to the east of the proposed N84 Headford Road Junction and are primarily for the construction of the PRD mainline in a cut and an Access Road AR 12/04. The acquisition will sever the plot and 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 that access arrangements to the retained lands to the south of the PRD will be via the existing access from Bóthar An Chóiste, and that access to the retained lands to the north of the PRD will be via Access Road AR 12/04, which will connect to School Road.

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 PRD boundary, with a standard timber fence at the eastern end of the boundary to facilitate mammal passage.

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 multiple layers of 3-6m wide mixed screen planting belts on embankment and cut slopes 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.

13.9.119. James Fahy (Ob_627.02_630.02_631.03_632.03_633_8033)

An objection was submitted on behalf of the objector by Kennedy Fitzgerald Solicitors stating that the PRD would adversely affect or completely cut off access to his lands. A submission was subsequently made by Mike Lydon on behalf of the objector at the CPO hearing on 28th October 2020 (Ref. 96).

Mr Lydon stated that Mr Fahy owned land in the Ballindooley area identified as Folio GY51237 (refer to Landowner Accommodation Works Details Sheet 16 and 17 of 30), which he farmed, and which is accessed at the south eastern corner from Hynes

Bóithrín, with a second historic access laneway to the south west corner of his lands. He stated that Mr Fahy did not object in principle but wanted access to his lands to the same standard as Access Road AR 12/04. In this regard he is seeking a short extension to Access Road AR 12/04 at approx. Ch 12+550 or 12+800 to service his lands. I note that this would require additional land acquisition from Plots 627 or 631.

In response, Ms McCarthy stated on behalf of the applicant that access to Mr Fahy's lands would be from Access Road AR 12/04 off School Road in Castlegar, with access at the bend on AR 12/04 onto the existing Hynes Bóithrín. She contended that there was no justification to acquire additional lands to improve access to Mr Fahy's lands.

Hynes Bóithrín will be severed by the PRD mainline, which is in a cut in this area. Lands to the north of the PRD, which are currently accessed via the Bóithrín, will instead be accessed via the proposed Access Road AR 12/04, a 4m wide road.

I consider that adequate provision has been made for access to the objector's lands. They are currently accessed from Hynes Bóithrín, and this will remain the situation, albeit that traffic will be diverted onto Access Road AR 12/04 and onto School Road, via a suitable and safe access point. I do not consider that the improvement of individual agricultural laneways outside of the scheme boundary are justified or necessary, given that the acquisition of additional lands from other parties would be required.

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

13.9.120. **Brendan & Valerie Flynn (Ob_628_702)**

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 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).

The lands to be acquired are located at the rear of the objectors' dwelling and are being acquired primarily for the construction of the PRD mainline in a cut and the proposed wildlife overpass bridge. 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 that the existing access off Bóthar An Chóiste will be maintained and will provide access to the retained lands.

With regard to boundary details, the boundary along the PRD at the rear of the property will be a new 1.2m high stonework wall. 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 layers of 3-6m wide mixed screen planting belts on embankment and cut slopes, the planted wildlife overpass bridge 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.

13.9.121. **Marie Flynn (Ob_629)**

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 located at the rear of the objectors' dwelling and are being acquired primarily for the construction of the PRD mainline. 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 that the existing access off Bóthar An Chóiste will be maintained and will provide access to the retained lands.

With regard to boundary details, the boundary along the PRD at the rear of the property will be a new 1.2m high stonework wall. 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 layers of 3-6m wide mixed screen planting belts on embankment and cut slopes, the planted wildlife overpass bridge 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.

13.9.122. Geraldine Boyle (Ob_630)

A written objection was submitted. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised included: impact on Castlegar area, which is identified in the Development Plan as a settlement with a historic pattern of development and opportunities for sensitive infill development; environmental and biodiversity impacts; public transport alternative would be preferable.

The issues raised in this objection relate solely to broader planning and environmental issues and are addressed where appropriate elsewhere in this report. No specific objections are made to the proposed acquisition and, therefore, it is not possible to discuss this objection any further.

13.9.123. Michael Tully (Ob_631) – Proposed House Acquisition

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).

This landholding represented by this plot number comprises a number of discrete pieces of land in the Castlegar area, includes a dwelling house located on the

western side of School Road in the Castlegar area to the south of the PRD, two small areas to the south west of the house, and residentially zoned lands in agricultural use to the north of the PRD. It is proposed to acquire (but not demolish) the dwelling, and to construct Access Road AR 13/01 on part of the plot and also to acquire part of the agricultural lands to construct Access Road 12/04 which will serve various plots severed by the PRD, as well as attenuation ponds. Areas of road bed are also proposed to be acquired.

The acquisition of dwellings is addressed in Section 13.8 above. While the acquisition of the objector's 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 proposed boundary treatments, the applicant, in their Main Brief of Evidence, noted that the boundary along the southern side of the retained lands to the north of PRD and along AR 13/01 will be timber post and rail fence, while the existing boundary on the retained lands on Spellman's Bóithrín to the south of the PRD will be maintained. I consider these boundary treatments to be adequate for the use of the lands.

With regard to access arrangements to retained lands, the applicant stated that the existing access to the retained land north of the PRD will be maintained, and that access to the retained lands on Spellman's Bóithrín to the south of the PRD will also be maintained, with Spellman's Bóithrín connecting to School Road via access road AR 13/01. I consider that adequate access arrangements are proposed for the objector's retained lands.

While the objector contended that surplus lands were being acquired, they did not elaborate on what lands they considered to be surplus. Having reviewed the information submitted by the applicant, I do not consider that any surplus lands are

being acquired. The remaining issues raised in this objection are addressed elsewhere in this report and I consider that no further matters arise.

13.9.124. Sean and Kathleen Martyn (Ob_633) – Proposed House Acquisition

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). The issues raised included: uncertainty and blight created by the delays associated with the design and planning processes; no thought given to how the local property market will be affected when people are compensated, given the number of houses to be acquired; broadening/relaxing of 'local needs' planning status is required; emphasis on dispossessed homeowners looks inadequate compared to rehousing of bats.

This plot is located to the north of Bóthar an Chóiste in the Castlegar area and is accessed from Hynes Bóithrín. It is proposed to acquire and demolish the dwelling to construct 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.

13.9.125. Dermot & Sarah Harney (Ob_634)

A written objection was submitted on behalf of the objectors by Corr Property Consultants. Mr Corr made an oral submission at the CPO hearing on 4th November 2020 (having previously made a submission in Module 1 on 24th February 2020).

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).

This plot comprises a house and gardens, located on the northern side of Bóthar an Chóiste in the Castlegar area. The proposed acquisition in respect of this plot relates to a small triangular area at the end of their back garden, which is to be acquired for the purposes of constructing the PRD mainline. Having regard to the minimal extent of land to be acquired, I do not consider that any surplus land acquisition is proposed.

The existing access to this property off Bóthar An Chóiste will remain unchanged, as will the existing boundaries, with the exception of the north east corner where a short section of new 1.2m high blockwork wall is proposed to bound the acquired area of land. I consider these access and boundary arrangements to be acceptable, noting that extensive landscaping is also proposed along the PRD. Issues with regard to noise and drainage are addressed elsewhere.

At the CPO hearing, Mr Corr raised the issue of planning blight, noting the uncertainties that had been created for people and the effects this was having on peoples lives. He also raised issues with regard to the proximity of the proposed bat house to be located on the adjoining plot 633, where it is proposed to retain the garage of an acquired property for such use. Dermot Harney also made a short submission regarding the proposed bat house and health risks associated the viruses carried by bats.

Mr Arnold, the Board's Consultant Ecologist, noted in his report that it will be a legal requirement to replace the bat roost somewhere in the vicinity of that being lost and he agreed with the points made by the applicant's ecologist at the oral hearing that the presence of the bats in the replacement roost will not be noticeable and that it will not attract predators or scavengers.

I agree with Mr Arnold's conclusions. While the objectors are understandably concerned about bat-borne viruses in light of the Covid-19 Pandemic, there is no scientific basis to believe that significant risk exists in an Irish context. In any event, there are already bats in the area and I do not consider that moving the bat house would be warranted.

I consider that no further matters arise from this objection.

13.9.126. **Deirdre Tully (Ob_O_635)**

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: lack of detail regarding access, as objector's house is accessed via laneway included in the CPO; drainage of retained lands; noise; planning and environmental concerns (unspecified).

Section 4.14.10 of the applicant's Main Brief of Evidence states that access from Spellman's Bóithrín to Bóthar an Chóiste will be retained and a new public access road AR 13/01 will be provided to connect Spellman's Bóithrín to School Road. The existing access to this home from Spellman's Bóithrín shall be maintained as per existing.

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.

13.9.127. **Marie O'Donovan and Patrick Scully (Ob-636_637) – Proposed House Acquisition**

A written objection was submitted on behalf of the objectors by Corr Property Consultants. Mr Corr and Ms O'Donovan made oral submissions at the CPO hearing on 4th November 2020. Issues raised in the objection included: alternative route should have been chosen; planning and environmental concerns (unspecified).

This objection relates to a dwelling house located on the western side of School Road in the Castlegar area, to the north of the PRD (c. Ch. 13+100) which will be in a deep cut in this area. It is proposed to acquire (but not demolish) the dwelling.

Mr Corr, in his submission to the hearing (Ref. 107), outlined the impact that the duration of the planning and design phase was having on affected property owners, contending that the level of acquisition is unprecedented, and that the applicant should have put a voluntary scheme in place to acquire properties at an early stage in order to alleviate stress and uncertainties for affected parties. He noted the difficulties in sourcing replacement properties in the area, the likelihood that people

will have to leave their communities and the issue of local needs where people living within the Galway City Council boundary wish to relocate to the County Council area.

Ms O'Donovan, in her submission to the hearing, raised issues of health impacts, contending that a Health Impact Assessment should have been carried out. She also outlined the impact of the acquisition on her and other homeowners, contended that there had been a lack of consultation, and noted that solutions had been found for other parties but not the affected homeowners.

Mr Fitzsimons, responding on behalf of the applicant, noted that 'blight notices' are not part of the Irish system and contended that there was no legislative basis for acquiring properties on this basis.

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.

13.9.128. Helen Bell (Ob_639)

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 relate to a portion of School Road and c. 2 sq m of garden. 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 that the existing access to this property on School Road will be maintained as per existing and it is

stated that the existing front boundary wall on School Road will also be maintained as per existing. A timber post and rail fence is proposed to the rear of this property. 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 large areas of existing planting, 6m wide mixed screen planting belt at western rear boundary of property, layers of 6-12m wide mixed screen planting belts on embankment and cut slopes along the PRD 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.

13.9.129. **Pat Waldron (Ob_642) – Proposed House Acquisition**

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: alternative route should have been chosen; planning and environmental concerns (unspecified).

The issue of alternatives is addressed in Section 13.7 above and in more detail in Section 10.6. No details of the objector's concerns in relation to planning and environmental matters have been submitted.

This objection relates to a dwelling house located on the western side of School Road in the Castlegar area, within the proposed PRD mainline. 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 objector's 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. In the absence of any specific objections to the proposed acquisition, it is not possible to discuss this objection any further.

13.9.130. **Gwendoline Ryan (Ob_643) – Proposed House Acquisition**

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 objection did not identify any particular issues, with the exception of inadequate landscaping, stating that they would be elaborated upon at the oral hearing.

This objection relates to a dwelling house located on the western side of School Road in the Castlegar area, within the proposed PRD mainline. 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 objector's 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. In the absence of any specific objections to the proposed acquisition, it is not possible to discuss this objection any further.

13.9.131. **Michael Lally (Ob_644) – Proposed House Acquisition**

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 objection did not identify any particular issues, instead stating that they would be elaborated upon at the oral hearing.

This objection relates to a dwelling house located on the western side of School Road in the Castlegar area, within a proposed cut area adjacent to the PRD mainline. 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 objector's 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. In the absence of any specific objections to the proposed acquisition, it is not possible to discuss this objection any further.

3.132. **Mary Flattery (Ob_648)**

The issues raised in this objection, and elaborated upon by Ms Flattery at the CPO hearing on 27th October 2020, related to the proposed acquisition of these lands for the purposes of protecting bats. She considers that the High Amenity zoning and the SAC more than adequately protect the environment for bats.

The applicant's written response in their Main Brief of Evidence, and their oral response to the objector, is that the lands are being acquired to provide mitigation for bats in the form of foraging habitat and to enhance this existing foraging habitat. Having regard to Aebhin Cawley's Statement of Evidence on Biodiversity for the EIA, in which the scientific rationale for the acquisition of this plot (identified as part of area A1) is set out, I am satisfied that the applicant has provided adequate justification for the acquisition of these lands to provide bat habitat enhancement in the Menlough area. Bat mitigation measures are addressed in more detail in the Biodiversity section of this report.

The impact on the objector's farm is addressed in Chapter 14 of the EIAR, where a significant adverse residual impact was identified, due to the loss of 52% of the farm and the severance of the land parcel. I note that an accommodation road is proposed to serve the separated lands.

Given that the purpose and extent of acquisition is considered to have been adequately justified by the applicant, I consider that the significant impact on this objector's landholding ultimately a compensation matter that is outside the remit of the Board.

13.9.133. Rose Ward (Ob_649)

A written objection was submitted by Rose and Jimmy Ward. (No submission was made at the CPO hearing by or on behalf of the objectors). The objectors state that the lands to be acquired are not necessary for the PRD and their acquisition will have a devastating impact on the family farm. They state that there has been inadequate justification and that the route selection process and examination of alternatives did not take the profound negative impact on their property rights into consideration.

In response to this objection, the applicant states at Section 4.12.49 of their Main Brief of Evidence that the lands have been selected to provide mitigation for bats. The timeline from the selection of the Emerging Preferred Route Corridor is also set out, with the lands in question identified relatively late in the process, once the need for bat mitigation measures was fully considered. Having regard to Aebhin Cawley's Statement of Evidence on Biodiversity for the EIA, in which the scientific rationale for the acquisition of this plot (identified as part of area A1) is set out, I am satisfied that the applicant has provided adequate justification for the acquisition of these lands to provide bat habitat enhancement in the Menlough area. Bat mitigation measures are addressed in more detail in the Biodiversity section of this report, as are the examination of alternatives.

The impact on the family farm is stated as having been provided in Mr Curtin's Statement of Evidence on Agriculture. However, this plot was not explicitly addressed in Mr Curtin's submission to the oral hearing. Nevertheless, it is addressed in Chapter 14 of the EIAR, where a significant adverse residual impact was identified, due to the loss of 39% of the farm and the severance of the land parcel. I note that an accommodation road is proposed to serve the separated lands.

Given that the purpose and extent of acquisition is considered to have been adequately justified by the applicant, I consider that the significant impact on this objector's family farm is ultimately a compensation matter that is outside the remit of the Board.

13.9.134. Peter Broughan (Ob_651)

An objection was submitted on behalf of the objector by Emerson & Conway Solicitors and John M. Gallagher, Consulting Engineer and Town Planner. Mr Gallagher made a submission on behalf of the objector at the CPO hearing on 28th October 2020 (Ref. 92C). Issues raised include: alternative routes available; new road will limit the potential of Galway City to expand to the north; objector's lands, while zoned for agriculture, are suitable for rezoning to residential in the short to medium term and development potential is virtually eliminated by PRD; development potential of retained lands will be eliminated by proximity of deep cutting at Castlegar.

This plot is located on the eastern side of School Road in Castlegar. It is proposed to acquire the majority of the plot for the purposes of constructing the PRD mainline, cuttings, and access road AR 13/02. A small triangular area of retained lands will be accessed from AR 13/02, with a branch of the access road running diagonally across the plot to provide access to the severed portion of adjacent Plot 705 which is in separate ownership.

There is already a bóithrín which runs along the northern boundary of Plot 651 and Mr Gallagher contended that the access road serving Plot 705 should run along the bóithrín, reducing the extent of his client's plot that needs to be acquired. He stated that the diagonal road destroys any usefulness of the remaining lands.

The applicant's response was that the diagonal access road is required to provide Plot 705 with an equivalent level of access to which it currently has, noting that it is a sizable piece of land. The Inspectors queried why access could not be provided to the north western corner of Plot 705, by continuing the access road along the alignment of the existing bóithrín, thereby avoiding the need for the diagonal road. In response the applicant reiterated their points about providing access to Plot 705.

I did not find the applicant's response persuasive and consider that the severed portion of Plot 705 could be provided with adequate access from the alignment of the existing bóithrín, rather than by the proposed diagonal access road across the objector's lands. It is also not clear why the area between the access road and the PRD fence line is proposed to be acquired, as it does not appear to be required for the construction of the PRD, or for use as a MDA or ecological compensation area, or landscaping area.

In my opinion the extent of acquisition proposed in respect of this plot is excessive and I do not consider that it has been adequately justified by the applicant. I recommend that Plot 651a.202 be reduced in area, so as to include only those lands required for the construction of the northern portion of Access Road 13/02 along the alignment of the existing bóithrín.

With regard to future development potential of the objector's lands, the applicant response was 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. I agree with this position.

The issue of alternatives is addressed elsewhere in this report.

Subject to the reduction in area of Plot 651a.202, I consider that no further issues arise from this objection.

13.9.135. Sean & Orna Tully (Ob_O_651.1)

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: surplus land acquisition; drainage of retained lands; noise; lack of detail regarding access; inadequate boundary treatment and landscaping details; planning and environmental concerns (unspecified).

It appears from the Motorway Scheme Schedules that the objectors are occupiers in respect of access on Plot 651 which is owned by Peter Broughan (Ob_651). I refer to the assessment of Mr Broughan's objection above.

13.9.136. Peter and Christine Glennon (Ob_654)

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: incorrect address on correspondence; acquisition of part of front garden to provide access road for otherwise landlocked lands; noise and vibration; community impacts; alternatives.

The applicant states that the address they used for correspondence is the address listed on the registered folio for the property.

With regard to the objector's front garden, the applicant at Section 4.12.50 of their Main Brief of Evidence state that plot 654b.201 which is to be acquired to the front of the property is part of the existing access road only and that it is not proposed to acquire any land within the boundary wall. There will, therefore, be no impact to the front garden, as shown on Figure 4.1.17 in Appendix A.9.1 to the RFI Response.

Issues with regard to noise and vibration, community impacts and alternatives are addressed elsewhere in this report. I consider that no further matters for consideration arise from this objection.

13.9.137. Kinport Construction (Ob_665)

A written objection was submitted on behalf of the objector by Planning Consultancy Services. The issues raised relate to access provision to the plot, a residentially zoned undeveloped site located on the eastern side of the N83 Tuam Road, close to the proposed City North Business Park Junction. The objection notes the existing field entrance onto the N83 and expresses concern that this will be removed.

The applicant did not respond to this objection in their submissions to the oral hearing. However, I note that a proposed field entrance from the N83 Tuam Road is shown in the north western corner of plot 665 on Figure 1.6.29 of Appendix A.1.9, and on Figure 4.1.29 of Appendix A.9.1, both contained within the RFI Response.

I consider that adequate access provision has been made to these lands and that no further issues arise.

13.9.138. John & Kathleen Coughlan (Ob_O_666.01 and Ob_O_666.02)

Two objections were submitted, by the objectors and on their behalf by Vincent Costello respectively. (No submission was made at the CPO hearing by or on behalf of 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 by the objectors included: safety issues with access; noise, dust and air emissions; and devaluation of property.

This plot is located on the eastern side of the N83 Tuam Road, a short distance to the south of the proposed City North Business Park Link. The objectors are listed as being occupiers of this site in respect of access. The owners of this plot (Gerard and Ann Winters) withdrew their objection.

The applicant, in Section 4.12.51 of their Main Brief of Evidence, state that the objectors are listed as occupiers as they have a right of way to access their lands to the rear. They also state that there is no proposed landtake which impacts on this occupier.

In Section 1.06 of their Addendum to the Main Brief of Evidence, the applicant goes on to state that adequate sightlines to allow safe access and egress from the property onto N83 Tuam Road are provided.

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

13.9.139. Bernadette Finn Murphy (Ob_671) – Proposed House Acquisition

A written objection was submitted however no reason is stated for the objection, other than that the proposal has contributed to financial loss for the objector and will continue to do so for the indefinite future. (No submission was made at the CPO hearing by or on behalf of the objector).

This objection relates to a dwelling house and associated agricultural lands located on the western side of N83 Tuam Road, in the vicinity of the proposed Tuam Road Junction. 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 objector's 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.

13.9.140. **James McMahon Ltd (Ob_673)**

A written objection was submitted by the objectors who trade as McMahons Builders Providers. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised included: support PRD in principle; business and jobs will be at risk from the PRD; closing this branch will leave a void in their branch network; objector suggested alternatives to the applicant which would have less impact on their business, but these did not receive due consideration; efforts to find an alternative site have been unsuccessful to date; a move to an alternative site will be extremely costly.

The objection was accompanied by a report prepared by NRB Consulting Engineers. This outlines communications with the applicant to date, the impact of the PRD on the business, and it sets out an alternative proposal for the N83 Tuam Road Junction. It also contends that the proposed Access Road AR 13/06 is not adequate for HGV traffic, that sightlines are inadequate and that Autotrack demonstrates manoeuvring difficulties for HGVs.

This plot, which operates as a builders providers, is located on the western side of the N83 Tuam Road, immediately to the north of the PRD mainline, and it is proposed to acquire the majority of the plot, including a number of buildings, to facilitate construction of a slip road and Access Road AR 13/06.

The applicant's response, as per the Main Brief of Evidence, was that it is unfortunate the PRD will have an impact on this warehouse, showroom and business. The applicant contends that the loss of the main showroom due to the construction of the PRD is a permanent loss which cannot be mitigated except through financial compensation.

With regard to access arrangements to the retained lands, I note that Access Road AR 13/06 does provide access to the retained lands. The applicant states that this access has been provided to accommodate HGVs, and that the kerb alignment on the junction with the N83 has been widened within the development boundary to allow for HGV's movements.

The loss of the main showroom building and a stores building is regrettable and will clearly have a significant impact on the objector's business. However, it is considered that the need and justification for the PRD, including the junction design

and the associated land acquisition, has been adequately demonstrated. Therefore, the loss of land and buildings and the associated impact on the objector's business is ultimately a matter for the property arbitrator and compensation, as appropriate. I consider that adequate access to the retained lands has been provided, albeit that the business will be less prominent from the N83, due to the need to access it from AR 13/06.

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

13.9.141. Anne Marie Farrington on behalf of John Farrington (Ob_677)

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: changes to N83 Tuam Road will increase traffic and make access more difficult; property is within Galway County Council area but proposed occupier is stated as Galway City Council; design of access road is unsafe and inadequate; no turning facilities are provided on access road for emergency vehicles or HGVs; blasting impacts; objection to site compound and haul routes due to safety, air and noise, light pollution; visual impact; lack of noise barriers; light pollution; noise and vibration; community impacts.

This property, which comprises a dwelling, is located on the western side of the N83 Tuam Road to the north of the PRD mainline. The proposed acquisition relates to road bed and set back only and the existing boundary and entrance will be maintained.

With regard to the listing of Galway City Council, rather than Galway County Council, as occupier in the Motorway Scheme Schedule, this was corrected in the errata submitted at the Oral Hearing.

The proposed site compound located opposite these homes is SC 14/01, while the N83 is identified as a potential haul route for construction traffic. Construction activities are addressed elsewhere in this report. However, I note that a Construction Traffic Management Plan will be put in place and will address issues such as site access & egress, speed limits, traffic management signage etc.

This property, together with neighbouring properties, is currently directly accessed from the N83, and it is proposed to replace these individual accesses with a new Access road AR 13/06, which will provide a single access point onto the N83. The proposed segregated access road will have footpaths and I consider that it represents an improvement on the existing situation in terms of road safety for both the owners of the affected properties and general road traffic.

While the objector contends that the junction of AR 13/06 and the N83 should be a signalised junction, the applicant's response at the oral hearing was that the reconfigured N83 will have one lane traveling northbound and one lane travelling southbound along with a bus lane travelling southbound, which means that traffic exiting from AR 13/06 only need to cross the northbound traffic lane in order to commute in the direction of Galway City, which is the existing situation at these homes. In relation to HGV usage of AR 13/06, the applicant refers to Figure 1.10.17 in Appendix A.1.13 of the RFI Response for proposed layout of junction which is designed wide enough to accommodate turning movements for vehicles such as HGVs and emergency vehicles.

The remaining issues in this objection are addressed elsewhere in this report and, noting that the proposed acquisition relates solely to road bed and setback, I consider that the applicant has adequately addressed the issues raised and that no further matters arise.

12.9.142. Maureen (Mary) Cawley (Ob_678)

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

This property, which comprises a dwelling, is located on the western side of the N83 Tuam Road to the north of the PRD mainline. It is immediately adjacent to the property of Anne Marie/John Farrington (Ob_677), which is addressed above. The extent of acquisition, the issues raised by the objector and the responses thereto are generally the same as with the Farrington property. The same assessment, therefore, applies to this objection also.

Noting that the proposed acquisition relates solely to road bed and setback, I consider that the applicant has adequately addressed the issues raised and that no further matters arise.

13.9.143. Paul Lynn (Ob_679)

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: the proposed access road will make his house inaccessible from the main road; changes to N83 Tuam Road will increase traffic and make access more difficult; prioritising of Galway Racecourse and business community over local families and communities.

This property, which comprises a dwelling, is located on the western side of the N83 Tuam Road to the north of the PRD mainline. The proposed acquisition relates to part of the public road and set back.

Access to this property, and neighbouring properties along the N83 will be provided by access road AR 13/06, which is a 6m wide road with footpath, running parallel to, and accessed from, the N83 Tuam Road. The existing boundary wall and entrance of the property will be retained.

I consider this proposed access arrangement to be preferable from a road safety and residential amenity perspective to the existing situation, where each house has direct access onto a National Road. As noted, the proposed access road includes a footpath and a stone wall is proposed between the access road and the N83, which will physically separate the property from this busy National Road. I consider that the PRD will enhance ease and safety of access to this property, and that the extent of acquisition is reasonable.

The consideration given to Galway Racecourse and businesses compared to individual property owners is addressed elsewhere in this report.

I consider that no further matters for consideration arise from this objection.

13.9.144. Mary & Ann O'Connell (Ob_684)

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: 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 located along the roadside of the N83 Tuam Road, outside of the property boundary. The land is being acquired primarily for works associated with the tie-in of the proposed Tuam Road Junction with the existing N83. 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 that the existing access on the N83 Tuam Road will be maintained. It is also stated that the existing boundary on the N83 will be maintained. 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 6-18m wide mixed screen planting belts on embankment and cut slopes, 3m wide mixed screen planting belt along the N83 Tuam 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.

13.9.145. **Roadstone Limited (Ob_685)**

A written objection was submitted on behalf of the objector by SLR Consulting. (No submission was made at the CPO hearing by or on behalf of the objector). The objection seeks to ensure that there are no adverse effects on access to/egress from the Twomileditch Quarry, no adverse changes to the existing quarry entrance and that the proposed road design and traffic management does not interfere with HGVs accessing/egressing the quarry during the operational phase.

The applicant, in Section 4.14.10 of their Main Brief of Evidence state that the land which is proposed to be acquired (plots 685a.201,685a.202 and 685b.201) is road

bed only (Part of Public Road). They confirm that there will be no change to the current access/egress at the entrance to the quarry.

I consider that no further matters for consideration arise from this objection.

13.9.146. Catherine Dolly, Seamus Dolly, Brian Dolly, Sheila Hernandez (Ob_686.1 and Ob_686.2)

Two objections were submitted on behalf of the objectors by JML. One objection was on behalf of Catherine Dolly, while the other was on behalf of the Dolly Family. The issues raised were a lack of communication as to how the objector's lands will be affected due to the poor quality of the maps and that the extinguishment of a right of way may leave the objectors landlocked. 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 objections.

The applicant, in Section 4.9.17 of their Main Brief of Evidence, note that the land which is proposed to be acquired is road bed only and that there will be no change to the current access, boundary wall or lands within the boundary wall.

I consider that no further matters for consideration arise from this objection.

13.9.147. Galway Race Committee (Ob_691)

A written objection was made on behalf of the objector by MacDermot & Allen Solicitors. Issues raised included: applicant has not adequately considered the impact on the objector, including on the Summer Festival and non-race related uses of the racecourse; racecourse makes a large contribution to the local tourism industry, economy and culture; uncertainties with regard to geology, hydrogeology and drainage; construction traffic management; loss of wells; risk of flooding; visual impacts; construction phase impacts including dust, air and noise emissions; majority of lands that are to be permanently acquired should instead be temporarily acquired; Board does not have sufficient information, clarity or assurance from the applicant; GRC requires enforceable commitments and mitigation measures.

Dermot Flanagan SC subsequently made a submission at the CPO hearing on the 4th November 2020, having previously made a submission in Module 2 on the 14th October 2020. Submissions on behalf of the objector were also made on the 14th

October 2020 by Peter Kingston (Indecon), Pamela Harty (MKO), Senan Clandillon (Engineer) (document Refs. 75, 75A, 75B, 75C).

Plot 691 comprises the Galway Racecourse landholding. The proposed acquisition of lands within the plot is primarily for the purposes of constructing the cut-and-cover Galway Racecourse Tunnel, portions of the PRD mainline, portions of the Parkmore Link Road and various Access Roads.

On foot of discussion between the applicant and the objector outside of the oral hearing, a number of alterations were proposed by the applicant to the Motorway Scheme Schedules in respect of this landholding. These changes relate to a number of plots over the proposed tunnel (691d.101, 691e.101, 691d.203, 691d.204, 691e.206, 691e.207) where it is proposed to temporarily acquire the plots to a depth of 1.5m below ground level and to permanently acquire the plots at depths beyond 1.5m below ground level. The proposed acquisition of numerous other plots was also changed to a temporary acquisition (691c.202, 691d.202, 691d.205, 691e.204, 691e.205, 691f.203, 691f.204, 691f.205, 691f.206, 691g.203, 691g.204, 691h.205). The revised Schedules submitted prior to the close of the oral hearing incorporate these proposed alterations.

I consider these alterations to be acceptable, noting that they reduce the extent and duration of land acquisition in respect of this objector, and the associated impacts, without impacting on the functionality or design of the PRD and its ancillary elements. I note that the objector is supportive of the proposed alterations.

The racecourse will lose their current stables as a result of the PRD. However, temporary, and subsequently permanent, stables will be provided as part of the development. It can be seen from the architectural drawings submitted by the applicant that the replacement stables will be of a particularly high quality and I note the various commitments made by the applicant, including the following additional commitments made at the oral hearing:

- Galway County Council will employ an equine expert or veterinary practitioner for the duration of the construction contract (Item 14.13).
- The design and construction of the temporary stables and permanent stables proposed for Galway Racecourse will be carried out in consultation with the Irish Horseracing Regulatory Board (Horse Racing Ireland HRI). The British

Horse Racing Association guidelines will be used as a benchmark in the design in the absence of any future specific HRI guidelines (Item 14.14)

- Galway County Council will continue to liaise with Galway Race Committee in relation to the implementation of any approval granted in so far as it relates to Galway Racecourse (14.15)

The other issues raised in respect of the racecourse generally relate to the potential construction phase impacts on the operation of the racecourse, the objector's desire that there be no impact on, or interruption to, the Summer Festival and other events held at the racecourse, and the need for certainty and clarity with regard to construction matters including phasing and methodologies. I note the various commitments made by the applicant in this regard and advise the Board that these issues are addressed in the relevant sections of this report, where appropriate.

In conclusion, I am satisfied that the applicant is seeking to acquire the lands in question for a legitimate purpose, that the acquisition of the lands is necessary for that purpose and that the extent of acquisition is proportionate to the identified purpose, noting in this regard that the applicant is proposing to reduce the extent of lands to be permanently acquired.

13.9.148. **Brooks Timber and Building Supplies Limited (Ob_691_713)**

A written objection on behalf of Brooks Timber and Building Supplies Limited ('Brooks') was made by Orpen Franks Solicitors and elaborated upon by Eamon Galligan SC at the hearing on 20th October 2020 and 30th October 2020. Mr Galligan made a further submission at the hearing on 4th November 2020 with further submissions by Callum Bain of Colliers International Estate Agents and Michael Conmy of Bury Architects.

The issues raised in the initial objection were as follows: lands are being acquired for an improper purpose as they are not required for the provision of the Motorway Scheme and would appear to be an attempt to mitigate a compensation claim by Galway Racecourse; acquisition of lands is unnecessary and disproportionate; it is incumbent on the applicant to demonstrate how its preferred route satisfies the principle of proportionality test set out in the Ballyedmond Case and the Clinton

Case; examination of alternatives was inadequate with reference to land-take; form of notice was not in compliance with regulations.

The building and lands in question are located immediately north of Galway Racecourse and are accessed from Racecourse Avenue. Brooks are tenants of the property and I note that the landowner has withdrawn their objection to the CPO. The applicant stated that Brooks had 7 years left to run on their lease.

Dermot Flanagan SC, representing Galway Race Committee (GRC), stated in his legal submission on 14th October 2020 (Ref. 75C), that the GRC adopts and agrees with the applicant's legal submission regarding the compulsory acquisition of the Brooks site. Noting that the landowner's objection had been withdrawn, he contended, with reference to S. 261 of the PDA, that the remaining objection of the objector, "relates exclusively to matters which can be dealt with by a property arbitrator".

Mr Galligan contended that it would not be appropriate to acquire lands from one party for the benefit of another party and that this raised legal issues with regard to constitutional rights etc. He stated that the Board should not rely on legal submissions made to the oral hearing and requested that the matter be referred to the High Court for clarification, as provided for by section 50 of the PDA³⁴.

Declan McGrath SC, on behalf of the applicant, made a legal submission on 30th October 2020 (Ref. 99), referring to the objector's submissions as being based on "an erroneous factual premise" and an "incorrect analysis of the provisions of the Roads Act". Mr McGrath contended that the proposed acquisition complies with the general principles established in various cases relating to compulsory acquisition. Mr McGrath contended that a referral to the High Court would not be appropriate, because the question of law identified by the objector does not arise.

Legal issues with regard to the use of CPO powers are addressed in Section 10.2 above, and the Brooks property is also addressed in Section 11.17. In my opinion, and based on the assessment below, no question of law arises that would necessitate a referral to the High Court.

³⁴ "Where a question of law arises on any matter with which the Board is concerned, the Board may refer the question to the High Court for decision."

The applicant submitted a document entitled 'Design Development of Galway Racecourse Tunnel' (Ref. 100) and an associated presentation at the oral hearing on 30th October 2020. This provided detail on the design development of the tunnel, and the rationale for demolishing the building within which Brooks are located. While these documents focus on the impact of the tunnel on the southern portion of the Brooks site, the proposed realignment of Racecourse Avenue into a 'U-shaped' arrangement (AR 15/01) also impinges on the northern portion of the Brooks site and building. As noted in Table 9.4 of the RFI Response report, this road provides access to commercial premises, tunnel services building, ESB substation and relocated telecommunications mast and also connects to AR 14/09, the exit point for eastbound over-height vehicles before they enter the Galway Racecourse Tunnel.

Mr Galligan argued that the rationale for the acquisition and demolition set out by the applicant at the hearing was revisionist and differed from the rationale given previously, contending that the applicant was changing their position and that the property was actually being acquired to mitigate the impact on Galway Racecourse.

Mr Conmy, in his submission on behalf of the objector (Ref. 106B), outlined the structural design of the Brooks building and contended that a portion of the building could be demolished to accommodate the construction of the tunnel with the remainder of the building safely retained and its use maintained. Mr Conmy noted that the residual site would be comparable to the size of other Brooks premises in Sandyford and Tullamore which operate in a highly efficient manner. Mr Conmy submitted a number of drawings to demonstrate the impact on Brooks and how continued use of the site could be achieved.

Mr Bain, in his submission on behalf of the objector (Ref. 106A), proposed an alternative location for the replacement stables, compared the arrangement of Galway Racecourse to other Irish racecourses, and also proposed an alternative for the proposed 'U-shaped' road (i.e. the realigned Racecourse Avenue) to the south of the tunnel.

Subsequent to the close of the oral hearing, the objector's solicitors wrote to the Board seeking that the oral hearing be reconvened to allow a further right of response on what they contended was new evidence in the applicant's response to their submissions on 4th November 2020. I do not consider that this is warranted. I

consider that the information referred to by the objector's solicitors was not new, but rather was a clarification or elaboration upon previous statements made and related to matters which would be readily apparent from a review of the drawings and documents submitted with the application, including the RFI response. I consider that both the objector and the applicant were given adequate opportunities within the oral hearing to respond to the submissions made and the issues arising.

As noted above, Brooks are a tenant of the property, with the applicant stating that there is 7 years to run on their lease. Construction of the tunnel in this plot was also stated to require a period of 3 years. The proposed acquisition of the property leased by the objectors, and from which they run a business, is regrettable, and it is reasonable that they are aggrieved by the proposed future use of part of the plot for replacement facilities for the adjacent Galway Racecourse. However, I am satisfied that the applicant has demonstrated the need and justification for the PRD, and in respect of this particular plot, they have adequately demonstrated the engineering and construction issues which dictated the need to acquire the entirety of the plot for the purposes of constructing the tunnel and the realigned Racecourse Avenue.

I am satisfied that the applicant is not seeking to acquire this plot to facilitate the construction of the replacement stables, thereby benefiting a third party to the detriment of the objector. Rather, they are seeking to acquire the property due to the design of the PRD which significantly impinges on the plot, particularly during the construction phase when large-scale excavations will be required. Once acquired, and following completion of the tunnel, the plot will subsequently be utilised for the relocation of the stables. Since the purpose of the proposed acquisition is for the construction of the PRD, and not for the provision of replacement stables, I do not consider that discussion on various alternative stable locations and arrangements are relevant to the issue of CPO. With regard to the objector's suggestion that Racecourse Avenue be realigned to the south of the tunnel, I note that this would prevent its use as an exit point for eastbound over-height vehicles, which is an important road safety element of the PRD design.

In conclusion, I am satisfied that the applicant is seeking to acquire the lands in question for a legitimate purpose, that the acquisition of the lands is necessary for that purpose, and that the extent of acquisition is proportionate to the identified purpose. While it is proposed to utilise the lands for the provision of replacement

stables for Galway Racecourse, I do not accept that this is the reason for their acquisition, and instead consider it to be similar to the use of other acquired lands for habitat creation following construction.

Noting that the objector is a lessee of the site, and that the landowner has withdrawn their objection, I am satisfied that the issues arising from this objection and the impacts on the objector's business as a result of the acquisition are ultimately compensation matters which can be dealt with through the property arbitration process.

13.9.149. Bio-Medical Research Ltd (Ob_O_696.13_14)

A written objection was made by Bio-Medical Research Ltd. (No submission was made at the CPO hearing by or on behalf of the objector). The issues raised were: interruption and disruption to business; loss of access to car parking; traffic impacts associated with new junction next to their premises; assurances sought from the applicant.

The applicant, in their Main Brief of Evidence confirmed that there will be no impact to the existing car parking spaces at the facility. The land that will be permanently lost inside the landholding is to facilitate the construction of a new boundary wall and is currently utilised as a planting area.

The proposed works at this location involves the construction of the Parkmore Industrial Estate Junction at the north end of the Parkmore Link Road. The construction of the T-junction with Parkmore West Industrial Estate Road will impact on the low front boundary as it is set back approximately 2.5m at the western boundary and tapering to tie into existing at the eastern boundary. The applicant states that construction work will be completed over a period of 4 weeks, with the existing parking at the front boundary wall temporarily unavailable for this period. The low stone wall to the front of the property will be reconstructed upon completion.

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

13.9.150. M&M Qualtech Ltd (Ob_O_696.21)

A written submission was submitted by M&M Qualtech and elaborated upon at the hearing on 4th March 2020. I note that while M&M Qualtech are affected by the CPO, they paid the appropriate fee to become observers. Issues raised included:

construction phase impacts due to blasting, dust, noise, vibration on the business.

These issues relate to potential construction phase impacts and are addressed elsewhere in this report. No objection to the CPO was made and I consider that no further matters for consideration arise.

13.9.151. **Michael and Ann Connor (Ob_701) – Proposed House Acquisition**

A written objection was submitted on behalf of the objectors by Nagle Agricultural Consultants. (No submission was made at the CPO hearing by or on behalf of the objectors). Issues raised included: inadequate schedule of accommodation works agreed; incorrect description of land proposed to be acquired; and impact on retained lands.

This objection relates to a number of discrete pieces of land, including a dwelling house located on the southern side of Racecourse Avenue, close to the proposed Galway Racecourse Tunnel portal. 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.

The objectors contend that there is incorrect description of land proposed to be acquired, but have not elaborated on why they believe it to be incorrect. In response, the applicant in Section 4.17.16 of their Main Brief of Evidence state that the lands proposed to be acquired are described in the schedules as they are zoned in the Galway City Development Plan.

Section 4.14.10 of the applicant's Main Brief of Evidence states that access to the retained plot on Parkmore Road will be retained as existing while access to the severed plot on Parkmore Road will be provided via AR 15/02. Access to the severed plot to the west of Galway Racecourse will be provided via AR 14/04.

The objectors have not provided any further details regarding the perceived inadequacies with the schedule of accommodation works, nor have they elaborated on the impacts they contend will arise in respect of the retained lands.

The PRD will have a significant impact on these objectors, due to the extent of land acquisition and, in particular, the acquisition of the house. Since it is considered that the need and justification for the PRD and the associated acquisition has been adequately demonstrated, this will ultimately be a matter for the property arbitrator, and for compensation as appropriate, should the acquisition be confirmed.

13.9.152. Tom Hosty (Ob_705)

A written objection was made on behalf of the objector by Gaynor Miller. (No submission was made at the CPO hearing by or on behalf of the objector). The issues raised included: access to retained lands north of the PRD and to dwelling house; objection to livestock buildings being acquired; accommodation road AR 13/02 needs to be extended; reinstatement of services; noise mitigation and screening is inadequate; acquisition of surplus lands; conditional survey of all structures required.

In Section 4.12.54 of their Main Brief of Evidence, the applicant states that the farm building will be demolished to facilitate the construction of the PRD and that compensation is payable for the loss of the asset. The purpose of acquiring Plots 705c.202 and 705b.204 is to construct access road AR 13/03 in order to provide the objector and adjacent landowners access to retained lands south of the PRD. I consider these responses to be reasonable, and I do not consider that any excessive land acquisition is proposed in respect of this plot.

The applicant has undertaken to maintain access to all land parcels during construction, with the exception of temporary disruption while the livestock building is being demolished. The applicant undertakes to notify the objector in advance of such works. Access to the retained severed lands north of the PRD will be provided via

access road AR13/02 (refer to Section 13.9.134, where this access road is discussed in relation to Plot 651). With regard to access to the objector's dwelling house, the applicant states at Section 4.19.3 of their BoE that AR 13/03 will be a private access road providing access to the dwelling house and that the property owner's right of way on the roadway will remain unaffected. Other issues regarding noise mitigation, screening, services are addressed elsewhere in this report.

I consider that no further matters for consideration arise from this objection.

13.9.153. Mary Dooley (Ob_708_709)

A written objection was submitted on behalf of the objector by Rooney Property Consultants. (No submission was made at the CPO hearing by or on behalf of the objector). The issues raised include: the proposed acquisition and demolition of Racecourse Technology Park has come about to favour Galway Racecourse and is discriminatory; the alignment is a departure from all previously published alignments; there is already a shortage of office accommodation in Galway; adjacent undeveloped lands are available; road is over-designed; principle of equivalence will be impossible to comply with due to the lack of alternative property.

Plots 708 and 709 are located to the north of Galway Racecourse, west of the Brooks Timber and Building Supplies Ltd. site and currently accommodate 4 No. unfinished industrial buildings. It is proposed to acquire the plots to accommodate the proposed Galway Racecourse Tunnel, over-height vehicle emergency exit road, PRD mainline and tunnel maintenance building.

It is not clear what adjacent undeveloped lands the objector is referring to. The applicant, in Section 4.5.11 of their Main Brief of Evidence contends that the acquisition of the lands is necessary and justified as they required to facilitate the construction and operation / maintenance of the PRD including the maintenance building, emergency exit for over-height vehicles etc. The applicant also acknowledges that design development of the tunnel resulted in a more significant impact than was originally envisaged at publication of the emerging preferred route corridor. The changes were to facilitate the shortening of the Tunnel.

The principal CPO issues raised in this objection are similar to those raised in the objection of Brooks which are discussed in detail at Section 13.9.148 above. My

assessment and conclusion in respect of this objection is the same as the Brooks sites. While the loss of the four industrial buildings on these plots is regrettable, I am satisfied that the applicant is seeking to acquire the lands in question for a legitimate purpose, that the acquisition of the lands is necessary for that purpose, and that the extent of acquisition is proportionate to the identified purpose.

I am satisfied that the issues arising from this objection are ultimately compensation matters which can be dealt with through the property arbitration process.

13.9.154. Connolly Group (Ob_717_720_721)

A written objection was submitted by the Connolly Group, with an oral submission made at the CPO hearing on 4th November 2020 by Dermot Flanagan SC, following earlier submissions in Module 2 on the 4th March 2020 and 20th October 2020, respectively. Issues raised included: no notice served in relation to Plots 720 and 721; effects on the Connolly Group not properly considered; objector seeks to ensure that commitments proposed are delivered to safeguard their business; reassurances and confirmation sought regarding construction phase impacts on the business.

The objectors operate a number of car sales franchises. Audi Galway is located on Plot 717, Mercedes is located on Plot 720 and Volkswagen is located on Plot 721, all within Briarhill Business Park, to the east of Galway Racecourse.

Mr Flanagan, at the oral hearing, outlined the importance of his client's businesses in terms of employment and investment and stated that his client supported the scheme, noting that an amendment would be submitted by the applicant.

A proposed alteration was presented by the applicant at the oral hearing on 4th March 2020 (Ref. 47). This related to a strip of land to the west of the Audi car dealership which it was proposed to split, with Plot 717a.201 to be omitted from the CPO Schedule, and a small adjacent piece of land (Plot 717a.202) changed to a temporary acquisition. This was reflected in the final Schedules, Deposit Maps and in Item 1.27 in the final SoEC, all submitted at the end of the oral hearing. The reason for seeking to acquire the plot was to facilitate the lowering of a foul sewer, with the temporary acquisition required at the tie-in point.

I consider this alteration to be acceptable, noting that it reduces the extent and duration of land acquisition in respect of this objector, without impacting on the functionality of the PRD or its drainage system.

Subsequently, in Mr Flanagan's brief submission to the CPO hearing on 4th November 2020, he stated that CPO aspects had been agreed with the applicant and that Connolly Group supported the scheme.

The remaining issues raised in this objector's written objection, and raised at the oral hearing (e.g. request for a transparent barrier rather than a solid barrier), are addressed in the relevant sections of this report.

9.155. Tesco Ireland Ltd (Ob_724)

An objection was submitted on behalf of Tesco Ireland Ltd. by GVA Planning/Avison Young, and elaborated upon by Robert McLoughlin of Avison Young at the Oral Hearing on 29th October 2020.

Tesco owns a 3.96 ha site at Ardaun, at the junction of the N6 and the Monivea Road (R339). The site is occupied by a boarded up house, with the remainder undeveloped. The PRD would pass from north to south across the Tesco lands and, due to its overpass over the Monivea Road, it would be elevated on an embankment in this area. In addition to the proposed acquisition for the road and its embankment, a small triangular piece of the Tesco lands to the east of the PRD (Ref. 724c.206) would also be acquired due to being severed and the difficulties in providing safe access to it, due to the proximity to the Parkmore Road junction. The residual lands, which would extend to c. 1.4 ha (Ref. 724c.407), would form a coherent and roughly rectangular plot, with access from a new access road (AR 16/01), off the Briarhill Link (i.e. what is currently the N6). This access road would also be constructed on lands acquired from Tesco.

Tesco's written objection raised a number of issues, including the potential negative impact of the PRD on the future development of the Ardaun LAP lands, due its severance of the lands from the existing settlement area and the associated barrier effect. This issue is addressed elsewhere in this report. They also proposed an alternative alignment for the Briarhill portion of the PRD, bringing it closer to Galway

Airport to avoid the Ardaun LAP lands. The issue of alternatives is addressed elsewhere in this report also.

At the Oral Hearing, it was stated that Tesco is not opposed to the PRD. Their purpose in acquiring the site was to develop a large retail store and associated development and they are seeking that the entirety of their site be acquired, should the PRD proceed, as the remainder would not be viable to Tesco for their development purposes.

The applicant's rationale for acquiring certain portions of the objector's lands are clear, as is the fact that they have sought to limit the extent of acquisition insofar as it is possible with respect to the PRD alignment. The residual lands (724c.407) are not required for the purposes of constructing the PRD, and having regard to their size, land use zoning, and the proposed provision of alternative access arrangements, I would concur with the applicant that their acquisition is not justified, and I consider that any remaining matters with regard to the impact on their development potential is a compensation matter that is not within the remit of the Board.

13.9.156. Patrick Griffin (Ob_750)

A written objection was submitted on behalf of the objector by Vincent Costello and elaborated upon at the CPO hearing on 4th November 2020. The issues raised were the lack of sound abatement structures, construction impacts (noise, dirt, inconvenience, safety and access), uncertainties with regard to road level and inadequate landscaping.

This plot is located in the Coolagh area and is crossed by the PRD at approx. Ch. 16+150 to 16+325.

Construction mitigation measures in relation to noise, dust etc. are addressed elsewhere in this report. I note that there will be no change to the existing access arrangements to the retained lands.

With regard to road levels, I note that Figures 5.2.11, 5.3.20 and 5.3.21 of the EIAR indicate levels of the PRD in relation to the existing ground levels relevant to this property. I do not consider that there are any uncertainties regarding levels in this area.

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 layers of 6m wide mixed screen planting belts on cut slopes along the PRD and between link roads in the Coolagh Junction, 3m wide mixed screen planting belt along the boundary of the PRD, and a new tree-lined boundary hedgerow along the fenceline of the PRD. Mr Burns, responding to Mr Costello's submission to the oral hearing noted that the objector's house is c.180m from the mainline and c. 145m from the slip road. Noting the distance of the objector's house from the PRD, I consider the landscaping provisions at this plot to be acceptable.

Mr Costello, in his submission to the oral hearing, sought a noise barrier along the PRD boundary at this plot, noting that the lands were zoned for development. Jennifer Harmon, the applicant's noise consultant, stated that noise levels at the objector's house did not meet the threshold for noise barriers to be provided, and that noise levels assessed in the EIAR did not take account of potential future development of adjacent lands, as noise mitigation or screening could be addressed in the planning process for these lands. I consider this to be a reasonable approach, given the uncertainties regarding when, or if, the lands will be brought forward for development.

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.

12 9.157. Tom Burke (Ob_751)

A written objection was submitted on behalf of the objector by Gaynor Miller and elaborated upon at the oral hearing on 13th October 2020. Issues raised include: extent of acquisition removes viability of property as a standalone unit; surplus land acquisition (plot 751a.202); owner operates a stud farm and suitable fencing will be required; noise mitigation proposals are insufficient for dwelling and equine enterprise; landscaping is insufficient; drainage of retained lands; light pollution; adverse effects on the environment.

With regard to the extent and purpose of the proposed acquisition of Plot 751a.202, the applicant stated at Section 4.12.56 of their Main Brief of Evidence that this piece of land is being acquired to facilitate the diversion of high voltage power lines, the accommodation of two large infiltration trenches and their associated pre-earthworks

drainage ditch infrastructure, landscape and visual mitigation measures, as well as a working area to allow for maintenance of the PRD. Having reviewed the drawings and detailed development proposals, I do not consider that surplus lands are being acquired at this location.

With regard to fencing, the applicant at Section 4.11.8 of their Main Brief of Evidence states that Stud Fencing Type B, in accordance with TII Standards, is proposed along the mainline of the PRD to the south of the property. There was discussion and questioning at the oral hearing in relation to the nature of the boundary treatment, including a possible double fence with planting strip and Mr Burke's desire that stone walls be provided. I consider the proposed timber stud fencing proposal to be suitable for a stud farm enterprise, and should the objector ultimately prefer the double-fence option, I consider that this is a matter for discussion/agreement between the parties as part of the accommodation works.

With regard to lighting, Section 4.16.17 of the Main Brief of Evidence notes that public lighting will be provided at Coolagh Junction and associated slip roads for reasons of safety. The road lighting column heights and locations along with the potential light spill are shown for this property on Figures 5.4.11 of the EIAR and I note that light spill does not extend beyond the proposed development boundary.

With regard to the impact on the stud farm operation, Michael Sadlier made a submission on behalf of the applicant responding to equine issues on the 19th February 2020. In relation to this objection, Mr Sadlier stated that he had visited the stud farm and met the owner and that, in his opinion, the impact of the PRD on this equine enterprise was profound, due primarily to the degree of land loss (c.69% of the land).

I consider that the applicant has provided sufficient detail to demonstrate that the proposed CPO is reasonable and necessary and has justified the requirement for the acquisition of the objector's lands. The impacts on the equine enterprise are acknowledged by the applicant to be profound. This is ultimately a matter for arbitration/agreement and compensation, as appropriate.

13.9.158. **Tom Keane (Ob_752)**

A written objection was submitted on behalf of the objector by JML. No specific issues were identified in the objection, other than that the objector would be seriously impacted upon by the loss of a portion of his 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 elaborate on this written objection.

As there are no specific details of the objection, it is not possible to discuss this any further.

13.9.159. Eamonn Molloy (Ob_757)

A written objection was submitted by Mr Molloy. (No submission was made at the CPO hearing by or on behalf of the objector). Issues raised included: concerns regarding construction mitigation measures; access arrangements during construction; security of site to prevent access by children; request for roadside tree planting and erection of fencing to prevent access to lands.

Construction mitigation measures in relation to noise, dust etc. are addressed elsewhere in this report.

The applicant, in Section 4.22.10 of their Main Brief of Evidence, states that some inconvenience may be experienced by this landowner during the construction phase and notes the requirement in the Construction Traffic Management Plan for the construction management team to liaise with neighbours and the general community during the construction phase to ensure that any disturbance is kept to a minimum. They also state that construction traffic will not pass through Coolagh Village and that the construction sites will be secured at all times and subject to continuous maintenance and upkeep.

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 layers of 6m wide mixed screen planting belts on cut slopes along the PRD and between link roads in the Coolagh Junction, 3m wide mixed screen planting belt along the boundary of the PRD, and a new tree-lined boundary hedgerow along the fenceline of the PRD. I consider the landscaping provisions in the vicinity of this plot to be acceptable,

The objector also states that the process of planning the route has delayed his planning for two years, resulting in substantial costs being incurred. This is a matter for the property arbitrator, should the CPO be confirmed, not the Board.

I consider that no further matters for consideration arise from this objection.

13.9.160. Garran Ard Estate (Ob_761)

A written objection was submitted by Gerard Hanniffy, Consultant Civil Engineer, on behalf of the Garran Ard Property Management Co. Ltd. (No submission was made at the CPO hearing by or on behalf of the objector). It was stated that the company is prepared to recommend to its members that no objection be made if a noise barrier is erected along the perimeter of the Garran Ard Estate with Bóthar na dTreabh, if a laurel hedge along the proposed wall is provided and if compensation due to the management company is applied towards these measures.

The applicant, in Section 4.11.8 of their Main Brief of Evidence, stated that the current boundary wall of Garran Ard Estate will be replaced with a new stonework wall in accordance with drawing GCRR-SK-C-001 of Appendix A.1.9 of the RFI Response, along the extent shown on Figure 4.1.21 of Appendix A.9.1 of the RFI Response.

I consider the proposed boundary treatment to be of a high quality and appropriate for the boundary of this residential estate. It will also have a noise mitigating impact, although no significant noise impacts are predicted in this area. Matters relating to compensation are not within the Board's remit.

I consider that no further matters for consideration arise from this objection.

13.9.161. Martin and Moyra King (Ob_O_761.30)

A written objection was submitted by Mr and Mrs King. (No submission was made at the CPO hearing by or on behalf of the objectors). The objectors state that they are opposed to the acquisition of their house at Garran Ard which was bought as an investment and pension asset. Its value includes rental income over time, not just market value. Objectors are not in a position to buy another property as close to amenities.

The objectors in this instance appear to be under the mistaken belief that the acquisition of their house is proposed. The applicant, in Section 4.24.16 of their Main Brief of Evidence, confirms that Notice was served to this person as he is listed as an occupier of Plot 761.201. This land consists of the existing planting along Bóthar na dTreabh, where screen planting is to be reinstated post-construction. It is not proposed to acquire the objectors' home.

I consider that no further matters for consideration arise from this objection.

13.9.162. **Strategic Land Investments Ltd. (S_076; Plot 670)**

A written submission was submitted by MKO on behalf of Strategic Land Investments Ltd. following the applicant's response to the RFI. I note that while this party is affected by the CPO, they paid the appropriate fee to become an observer. I will nevertheless address CPO issues in this section. A brief submission was made on behalf of the objector by Colm Ryan of MKO at the CPO hearing on 27th October 2020. Mr Ryan noted the proposed acquisition of a strip of land along the Tuam Road within his client's ownership.

Mr Ryan stated that a planning application (Reg. Ref. 20261) had been made for a large-scale mixed-use residential and commercial development. He stated that his client was not opposed to the PRD and welcomes its introduction which will be positive for the city. He wished it to be noted that his client is the owner of a considerable block of land and stated that he had no questions or issues requiring clarification.

Mr Fitzsimons SC, on behalf of the applicant, noted that the objector's planning application was recent, and that it would be included in the updated cumulative impact assessment to be submitted before the hearing concluded.

At the time of completing this report, the planning application had not been decided, with a response to a Request for Further Information having been submitted on 26th May 2021.

Noting that Mr Ryan did not raise any particular issues with regard to the proposed acquisition, I consider that no further matters for consideration arise from this objection.

13.9.163. **Vantage Towers Ltd. (Plot 226)**

John Corridan of Charterhouse Consultants appeared at the CPO hearing on 27th October 2020 and made a submission on behalf of Vantage Towers Ltd. No previous written objection had been received from this objector.

Mr Corridan stated that Vantage Towers Ltd. are the operators of Vodafone's Irish mobile phone mast network, including a 24m high monopole mast located on Plot 226, just off the Cappagh Road. He stated that the mast covers a significant area and is shared with the Eir and Three networks. Loss of the mast would have a significant impact on the objector. He noted that only a portion of the compound is impacted, but that the entirety of the compound is within the CPO. The objector is seeking a solution that allows the tower to remain in position. Mr Corridan confirmed that the objector is a lessee of the land in question.

Mr O'Malley, on behalf of the applicant, noted that retention permission for the mast was granted in July 2019 under Reg. Ref. 18/173. Condition 2 states that the grant is for a period of 2 years, following which it is to be removed, unless a further grant of permission is obtained. The reason for the condition is to allow the development to be re-assessed given its location adjacent to the emerging preferred route corridor of the N6 GCRR.

Ms McCarthy, on behalf of the applicant, advised that updates to the CPO Schedule had been notified to Mr Corridan and that the mast owners were to be added as a lessee on this plot. This would be reflected in the final Schedule submitted to the Board. She also stated that a detailed survey of the base of the mast had been undertaken, and that the corner of foundation is within the works area. She stated that it was not possible to build the road and retain the mast.

Ms McCarthy drew the Board's attention to pages 45, 59 and 66 of her Main Brief of Evidence, where this plot is addressed. I note that the rationale for the acquisition of plot 226a.205 is set out in Section 4.12.58 (p. 59), which it is stated that it 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.

A discussion followed, regarding the extent of the compound and foundations to be located within the road boundary, and whether engineering mitigation measures

such as retaining walls could retain the tower, allowing the compound to be extended away from the road. Ms McCarthy stated that detailed consideration had been given but it was not possible to retain the mast in its current location.

Mr Corridan concluded by asking that it be noted that the loss of the mast would have a significant effect on his client and that he would leave it with the applicant to see if the landtake could be mitigated to retain the tower.

I consider the extent of the landtake in respect of this plot to be reasonable and proportionate, noting that that the excess land will be returned to the landowner once the mast is removed. Having regard to the two year duration of the planning permission for the mast, for the clearly stated reason that it conflicts with the preferred route of the N6 GCRR, I do not consider that any modification to the scheme or CPO is necessary.

I consider that no further matters for consideration arise from this objection.

13.9.164. **Aughnacurra Residents Association (Plot 531)**

A submission was submitted by Aughnacurra Residents Association and elaborated upon at the CPO hearing on 28th October 2020 by Stephen Meagher, following an earlier submission by Mr Meagher and James McLoone during Module 2 on 4th March 2020. I note that while the member of the Residents Association are 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: construction phase impacts; drainage and water supply; flood risk; severance; landscape and visual impact; diminution in value; traffic congestion; noise and air pollution; hydrological impacts.

This plot relates to the private road within the Aughnacurra estate which it is proposed to acquire.

Issues associated with the proposed acquisition of lands at Aughnacurra are addressed in Section 13.8 above.

The other issues raised are addressed elsewhere in this report.

13.9.165. **Michael Murphy (Plot 531)**

A submission was submitted by Michael and Trisha Murphy, residents of Aughnacurra, and elaborated upon at the CPO hearing on 28th October 2020, following an earlier submission during Module 2 on 4th March 2020. Mr Murphy is also a member of Aughnacurra Residents Association. I note that while this party is 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: need for PRD; inadequate examination of alternatives; unfair procedures in route selection; health and safety issues; prioritisation of ecology over humans.

This plot relates to the private road within the Aughnacurra estate which it is proposed to acquire.

Issues associated with the proposed acquisition of lands at Aughnacurra are addressed in Section 13.8 above.

The other issues raised are addressed elsewhere in this report.

13.9.166. **Richard Keane/Caiseal Geal Teoranta (Plot 656)**

Michael O'Donnell BL appeared at the CPO hearing on 30th October 2020 and made a submission on behalf of Caiseal Geal Teoranta, having previously made a submission at the hearing on 19th October 2020. The applicant responded to issues raised by this objector at the hearing on 21st October 2020, which was followed by a number of questions by Mr O'Donnell. Submissions were also made on behalf of the objector by Dr Imelda Shanahan (TMS Environment), Julian Keenan (Traffic Wise) and Raymond Gohery.

This plot relates to a nursing home located on the eastern side of School Road in the Castlegar area, to the south of the proposed PRD mainline which would be located in cut in this area.

The issues raised by the objector primarily related to the potential impact of the PRD on the operation of the nursing home in terms of air quality, dust, noise, vibration and other construction phase impacts, rather than the proposed land acquisition. These issues are addressed in the corresponding sections of this report.

With regard to the proposed land acquisition affecting this objector, I note that it relates to the road bed and set back on School Road and the access road to the

south of the nursing home. The existing boundaries to the nursing home will be unaffected.

I consider that the applicant has adequately demonstrated the need and justification for the PRD, including its route alignment and the associated acquisition in this area. The nursing home is clearly a very sensitive receptor and will be located relatively close to the PRD mainline, which will require extensive excavation in this area. There will be potential for impacts on this property, primarily during the construction phase, and these are addressed elsewhere in this report. Noting the limited extent of acquisition proposed in respect of this plot, and the retention of existing boundaries, I consider the acquisition to be proportionate to the identified need (i.e. the realignment of School Road to facilitate the PRD mainline and works to the access road), and I do not consider that any surplus or excessive acquisition is proposed.

I consider that no further matters arise from this objection in respect of land acquisition.

13.9.167. Galway N6 Action Group

A written submission was submitted on behalf of the Galway N6 Action Group by Stephen Dowds Associates. Mr Dowds made an oral submission at the CPO hearing on 4th November 2020 (Ref. 105), having previously made submissions in Modules 1 and 2 on the 24th February 2020 and the 20th October 2020, respectively. While the Galway N6 Action Group Ltd. is not itself an entity affected by the proposed CPO, the Inspectors facilitated them to make an oral submission at the CPO hearing on the basis that the members of the group are generally residents of the Dangan area who are individually affected by the proposed CPO.

The matters raised by Mr Dowds included need for the project, route selection, health impacts, transportation issues, air and noise impacts, IROPI alternative and climate change. These issues were generally addressed in Module 2 of the oral hearing and are assessed throughout this report.

Mr Dowds contended that the extent of residential demolition is unprecedented in Irish planning and has never before been countenanced by the Board. He stated that the previous Inspector for the 2006 GCOB rejected an alternative route involving 18 homes as an unacceptable number of homes to be demolished.

Mr Dowds contended that the scale of the CPO is such that home owners will be placed in a situation that they may very well be unable to secure a replacement home, due to the unavailability of neighbouring zoned land or the inability to secure a mortgage due to their age profile. He also stated that the applicant had demonstrated bias in the selection of homes for acquisition and not demolition.

Mr Dowds stated that case law already provides for neighbouring landowners for damage or encroachment on their land arising from a CPO, with reference to the case of *Kelly v Dublin County Council*³⁵ where the High Court made the following observation:

“No evidence was put before the Court to show that the Council had no alternative or no reasonable alternative but to use this particular site for these purposes, or to suggest that the Council would have been involved in quite unreasonable difficulty and/or expense in procuring an alternative site.”

Mr Dowds stated that it was his contention that all reasonable alternatives to the PRD have not been examined that there is probable cause for adjoining property owners to seek injurious damages.

Declan McGrath SC, on behalf of the applicant, responded that the proposed acquisition is based on objective factors, and that there is no basis to Mr Dowd’s assertion of bias. With reference to the Kelly case, Mr McGrath stated that it is not a case that relates to compulsory acquisition at all and that it is not of relevance.

The proposed acquisition of dwellings is addressed in Section 13.8 above.

I consider that no further matters for consideration arise from this submission.

13.10. Conclusions on CPO

13.10.1. With the exception of the plots set out below, and noting the revised schedules and deposit maps submitted by the applicant at the oral hearing on the 4th November 2020, it is considered that the proposed extent of land acquisition is reasonable and proportional to the stated purpose of the PRD. The Board is satisfied that the process and procedures undertaken by the applicant have been fair and reasonable and it has demonstrated the need for the lands and that all the lands being acquired

³⁵ High Court, 21 February 1986, followed in *Convery v Dublin County Council* [1996] 3 IR 153

are both necessary and suitable. The Board considers that the proposed acquisition of the lands would be justified by the exigencies of the common good and would be consistent with National, regional and county level planning policies and objectives.

13.10.2. I recommend the following changes to the compulsory purchase order:

- (i) Plots 123a.202 and 123b.201 shall be removed (see Section 13.9.10 above).
- (ii) Plot 651a.202 shall be reduced in area, so as to include only those lands required for the construction of the northern portion of Access Road 13/02 along the alignment of the existing bóithrín (see Section 13.9.134 above).

14.0 Recommendation

Recommendation

On the basis of the above assessment, I recommend as follows:

14.1. The Compulsory Purchase Order

It is considered that the land take is reasonable and proportional to the stated purpose of the N6 Galway City Ring Road development. The Board is satisfied that the process and procedures undertaken by Galway County Council have been fair and reasonable and it has demonstrated the need for the lands and that all the lands being acquired, subject to the modifications set out in the Schedule, are both necessary and suitable. The Board considers that the proposed acquisition of the lands would be in the public interest and the common good and would be consistent with the policies and objectives of the National Planning Framework, the Regional Spatial and Economic Strategy for the north and western region 2020, the Galway County Development Plan 2015 and the Galway City Development Plan 2017.

DECISION

CONFIRM the compulsory purchase order for the reasons and considerations set out below subject to the modifications set out in the Schedule.

REASONS AND CONSIDERATIONS

Having considered the objections made to the compulsory purchase order, the report of the person who conducted the oral hearing into the objections, the purpose of the compulsory purchase order and also having regard to:

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

- (b) the community need, and public interest served and overall benefits, including benefits to a range of road users to be achieved from use of the acquired lands, and
- (c) the provisions of the National Planning Framework and Galway County Development Plan and Galway City Development Plan and the policies and objectives stated therein, which specifically identify the proposed road development
- (d) the proportionate design response to the identified need,
- (e) the submissions and observations made at the oral hearing, and
- (f) the report and recommendation of the Inspector,

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

SCHEDULE

The compulsory purchase order associated with the N6 Galway City Ring Road Protected Road Scheme 2018 and the N6 Galway City Ring Road Motorway Scheme 2018 shall be modified in accordance with the revised schedules and associated deposit maps submitted by the applicant to the Board at the Oral Hearing on the 4th day of November 2020, except as follows:

- (i) Plots 123a.202 and 123b.201 shall be removed.
- (ii) Plot 651a.202 shall be reduced in area, so as to include only those lands required for the construction of the northern portion of Access Road 13/02 along the alignment of the existing bóithrín.

Reason: To take account of updated information in respect of land ownership and commitments made in the course of the oral hearing, and to reduce the extent of

acquisition in respect of two landholdings, where it is considered that lands surplus to the identified purpose were sought to be acquired.

14.2. Application for Approval of Proposed Road Development

APPROVE the above proposed road development in accordance with the said documentation based on the following reasons and considerations and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard to the following:

- (a) The European, national and regional transport policies including Trans European Networks (TEN-T)
- (b) The relevant provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment, Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union
- (c) the national, regional and local strategic road policies and objectives, inclusive of those set out in Project Ireland 2040 - encompassing the National Planning Framework and the National Development Plan, Climate Action Plan 2019, Smarter Travel – A Sustainable Transport Future, the Regional Spatial and Economic Strategy for the Northern and Western Region 2020, and the Galway County Development Plan, the Galway City Development Plan and the Ardaun Local Area Plan
- (d) the scheme constituting a key transportation element for the Galway Transport Strategy
- (e) the design, layout and alignment of the proposed road development,

- (f) the range of proposed mitigation measures set out in the submitted Environmental Impact Assessment Report, Natura Impact Statement, and Schedule of Environmental Commitments, and
- (g) the submissions made in relation to the application and the report and recommendation of the Inspector including the report of its appointed consultant ecologist and hydrogeologist.

Proper Planning and Sustainable Development

It is considered that the proposed road development would accord with European, national, regional and local planning and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

Appropriate Assessment Stage 1:

The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site.

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the following sites are the European sites for which there is a likelihood of significant effects: Lough Corrib cSAC; Galway Bay Complex cSAC; Lough Corrib SPA; 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; Ardahan Grassland cSAC; Moneen Mountain cSAC; East Burren Complex cSAC; Maumturn Mountains cSAC; and, the Twelve Bens/Garraun Complex cSAC.

Appropriate Assessment Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application for permission, the mitigation measures contained therein, the submissions and observations on file including further information and submissions made to the oral hearing and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the conservation objectives for the sites. The Board considered that the information

before it was adequate to allow the carrying out of an Appropriate Assessment and to allow them reach complete, precise and definitive conclusions for appropriate assessment.

In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, the mitigation measures which are included as part of the current proposal and the conservation objectives for the European sites. In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report of the potential effects of the proposed development on the aforementioned European sites, having regard to the sites' conservation objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European Sites in view of the sites' conservation objectives.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the planning application, including further information,
- (c) the submissions received during the course of the application and at the oral hearing,
- (d) its appointed Ecologist and Hydrogeologist Consultants' assessments, and
- (e) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report

and associated documentation submitted by the applicant and submissions made in the course of the planning application.

Reasoned Conclusions on the Significant Effects

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant during the course of the application, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below.

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 CEMP.

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 include the addition of 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 be avoided, fully mitigated, or otherwise addressed by means of condition

Significant residual effect as a result of the loss of, or damage to, four plant species and one invertebrate species included in the **Irish red data books**, which cannot be avoided, mitigated, or otherwise addressed by means of condition

Significant residual effect on **lesser horseshoe bat, red squirrel and pine marten** which cannot 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 Plant 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 with the potential to impact upon residential and other sensitive receptors. These potential impacts will 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 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 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 the need to balance the provision and scale of noise barriers against other considerations, such as visual impact, the proposed development would not have any unacceptable direct, indirect or cumulative noise and vibration impacts.

Air Quality and Climate: Potential air quality impacts will 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 CEMP, 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.

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.

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.

Agricultural Assets: 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.

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.

Non-Agricultural Assets:

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.

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 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 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 can be mitigated using standard construction practices as detailed in the Schedule of Environmental Commitments and the CEMP and by way of condition.

Notwithstanding 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.

15.0 Conditions

1. The proposal, mitigation measures and commitments set out in the Environmental Impact Assessment Report, Further Information received on the 31st day of August 2019 and as further stated and clarified in the Schedule of Environmental Commitments submitted by the applicant to the Oral Hearing on the 4th day of November 2020, shall be implemented as part of the proposed development.

Reason: In the interest of clarity, to mitigate the environmental effects of the development, and to protect the amenities of properties in the vicinity.

2. The proposed development shall be amended to incorporate the revised design at the Parkmore Link Road in accordance with the details submitted by the applicant to the Oral Hearing on 18th day of February 2020 on drawing *Proposed Road Development Plan City East Junction Sheet 14 of 15, Drawing No. 5.1.14 Issue 12* dated 17th February 2020.

Reason: In the interest of road safety and the amenity of the area

3. The Schedule of Environmental Commitments shall be updated to incorporate the additional mitigation as set out in Table 11.7.2 of the

Inspector's Report with the exception of the measures clearly rejected therein.

Reason: In the interest of mitigating ecological damage associated with the development.

4. The mitigation measures contained in the Natura Impact Statement which was submitted with the application shall be implemented in full.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European sites.

5. The Schedule of Environmental Commitments shall be updated to incorporate the additional mitigation in Section 12.6.3 of the Inspectors Report.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European sites.

6. The Schedule of Environmental Commitments shall be updated to incorporate the following additional commitments:

- (a) Item 17.19 shall be amended to state that property condition surveys will be offered for all buildings within 50m of the proposed development boundary or the zone of influence of dewatering (whichever is greater) and those within 150m of proposed blasting works along the proposed road development.

- (b) An additional dust monitoring location shall be installed at or adjacent to Castlegar Nursing Home for the duration of the construction phase and shall be included in the dust monitoring regime.

- (c) A pedestrian access route shall be provided from Access Road AR 13/06 to the proposed pedestrian crossing point on the N83 Tuam Road.

- (d) Item 12.7 shall be amended to omit the final sentence and clarify that early planting be undertaken where possible.

(e) All security fencing around proposed attenuation ponds shall be 2.4m high paladin-type fencing.

(f) 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.

Reason: In the interests of clarity, control of construction phase environmental impacts, pedestrian safety, residential and visual amenity.



Ciara Kellett

Inspectorate

22nd June 2021

