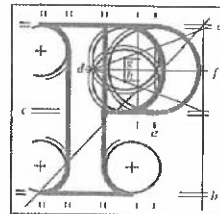


**Our Case Number:** ABP-314597-22

**Your Reference:** Kieran Devaney and Family



**An  
Bord  
Pleanála**

Profe Building Engineering and Planning  
Baile Eamonn  
An Spideal  
Co. Galway

**Date:** 30 November 2022

**Re:** BusConnects Galway Cross-City Link Scheme.  
University Road to Dublin Road, Galway City.

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above-mentioned proposed road development and will take it into consideration in its determination of the matter.

Please note that the proposed road development shall not be carried out unless the Board has approved it or approved it with modifications.

The Board has also received an application for confirmation of a compulsory purchase order which relates to this proposed road development. The Board has absolute discretion to hold an oral hearing in respect of any application before it, in accordance with section 218 of the Planning and Development Act 2000, as amended. Accordingly, the Board will inform you in due course on this matter. The Board shall also make a decision on both applications at the same time.

If you have any queries in relation to this matter please contact the undersigned officer of the Board.

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Niamh Thornton  
Executive Officer  
Direct Line: 01-8737247

HA03A

Tel	Tel	(01) 858 8100
Glaos Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
Ríomhphost	Email	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

## STATUTORY DECLARATION

I, **GERARD DEVANEY SNR**, aged 18 years and upwards do solemnly and sincerely declare as follows:-

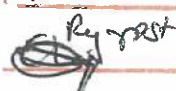
1. I say that I started work in Eyre Square Market. Eyre Square, Galway from the age of 18 and have continued to trade there ever since.
2. I say to date I have been trading for 58 years in the Eyre Square Market, Eyre Square, Galway.
3. I make this solemn Declaration conscientiously believing the same to be true and by virtue of the statutory Declarations Act 1938.

  
Gerard Devaney Snr

DECLARED before me, a practising solicitor  
by **GERARD DEVANEY SNR**  
and I know the deponent  
At Woodquay, Galway  
on the 14<sup>th</sup> day of NOVEMBER 2022

  
Name: Paschal Mullery  
PRACTISING SOLICITOR

PASCHAL G MULLERY  
MULLERY SOLICITORS  
33 WOODQUAY, GALWAY  
Tel: 00 353 91 565136  
E-mail: paschal@mullerysolicitors.ie

<b>AN BORD PLEANÁLA</b>	
LDG.	<u>059 200-22</u>
ABP.	_____
17 NOV 2022	
Fee: € <u>50</u>	Type: <u>Pmo</u>
Time: _____	By: 

## STATUTORY DECLARATION

I, **KIERAN DEVANEY**, aged 18 years and upwards do solemnly and sincerely declare as follows:-

1. I say that I started working with my father Gerard Devaney Snr in Eyre Square Market, Eyre Square, Galway from the age of 12 and further say that I obtained my own Licence at the age of 18 and have continued to trade there ever since.
2. I say to date I have been trading for 31 years in the Eyre Square Market, Eyre Square, Galway.
3. I make this solemn Declaration conscientiously believing the same to be true and by virtue of the statutory Declarations Act 1938.

  
.....  
**Kieran Devaney**

DECLARED before me, a practising solicitor  
by **KIERAN DEVANEY**  
and I know the deponent  
At Woodquay, Galway  
on the 1<sup>st</sup> day of November 2022

  
.....  
Name: PASCHAL MULLERY  
**PRACTISING SOLICITOR**

**PASCHAL G MULLERY**  
**MULLERY SOLICITORS**  
**33 WOODQUAY, GALWAY**  
**Tel: 00 353 91 565136**  
**E-mail: paschal@mullerysolicitors.ie**

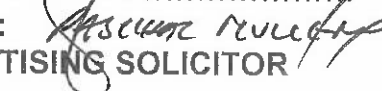
## STATUTORY DECLARATION

I, **DECLAN DEVANEY**, aged 18 years and upwards do solemnly and sincerely declare as follows:-

1. I say that I started working with my father Gerard Devaney Snr in Eyre Square Market, Eyre Square, Galway from the age of 12 and further say that I obtained my own Licence at the age of 18 and have continued to trade there ever since.
2. I say to date I have been trading for 27 years in the Eyre Square Market, Eyre Square, Galway.
3. I make this solemn Declaration conscientiously believing the same to be true and by virtue of the statutory Declarations Act 1938.

  
.....  
**Declan Devaney**

DECLARED before me, a practising solicitor  
by **DECLAN DEVANEY**  
and I know the deponent  
At Woodquay, Galway  
on the *14<sup>th</sup>* day of *March* 2022


  
.....  
Name: *Paschal Mullery*  
**PRACTISING SOLICITOR**

**PASCHAL G MULLERY**  
**MULLERY SOLICITORS**  
**33 WOODQUAY, GALWAY**  
Tel: 00 353 91 565136  
E-mail: paschal@mullerysolicitors.ie

## STATUTORY DECLARATION

I, **GERARD DEVANEY JNR**, aged 18 years and upwards do solemnly and sincerely declare as follows:-

1. I say that I started working with my father Gerard Devaney Snr in Eyre Square Market, Eyre Square, Galway from the age of 12 and further say that I obtained my own Licence at the age of 18 and have continued to trade there ever since.
2. I say to date I have been trading for 36 years in the Eyre Square Market, Eyre Square, Galway.
3. I make this solemn Declaration conscientiously believing the same to be true and by virtue of the statutory Declarations Act 1938.

  
Gerard Devaney Jnr

DECLARED before me, a practising solicitor  
by **GERARD DEVANEY JNR**  
and I know the deponent  
At Woodquay, Galway  
on the 14<sup>th</sup> day of November 2022

  
Name: Paschal Mullery  
**PRACTISING SOLICITOR**

**PASCHAL G MULLERY**  
**MULLERY SOLICITORS**  
**33 WOODQUAY, GALWAY**  
**Tel: 00 353 91 565136**  
**E-mail: paschal@mullerysolicitors.ie**



The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1.

Date: 16<sup>th</sup> November 2022

Our Ref: Bus Connect Galway – Cross City Link

Ref: Proposed Bus Connect Galway – Cross City Link (University Road to Dublin Road).  
HC61.311682, HA61.314597.

---

Dear Sirs,

We Refer to the above and confirm being retained by Mr. Kieran Devaney & Family, Current Licensee holders for a casual trading licence in Eyre Square **to lodge an objection** on their behalf to the current Strategic Infrastructure Development by Galway City Council for the Proposed Bus Connect Galway – Cross City Link (University Road to Dublin Road).  
HC61.311682, HA61.314597.

**Supporting Documentation/An Bord Pleanála Fee;**

I enclose copy of the following documentation:

- (1) Copy of the objection to the development and copy of the objection to the CPO.
- (2) I enclose a cheque to the amount of €50.00 in payment of the objection fee to An Bord Pleanála.
- (3) Copy of the current casual trading license obtained from Galway City Council.

PROINSIAS O RAGHALLAIGH  
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- (4) A Map prepared by Galway City Council showing the trading bays.
- (5) Signed affidavits from the Mr. Devaney and other family members involved in the business.
- (6) Extract page from CPO Document. Page 68. & Copy of CPO Map.

### **Introduction:**

The basis for this objection/Submission relates to a specific section of the city where the proposed Bus Connect Galway – Cross City Link (University Road to Dublin Road). It should be noted that the Devaney family are not objecting to the development in full, they are objection to the CPO and development works which seriously impact and likely close their casual trading business which they have operated from this location since 1964.

The area in area in questions sits on Eyre Square directly opposite Supermacs – Imperial Hotel – Golden discs, covering the open area there. Below is a street view Image taken from Google street view archive in June of 2009 and you can see the Devaney family setting up their stales. The area in questions is outlined in red. The second image is a good street view image taken in October 2022, again you can see the trading area in full operation.



June 2009 Street View Image

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October 2022 Street view

The Devaney family hold a valid casual trading licence each year issued by the local Authority Galway City Council. Galway City Council has not communicated with the Devaney family or any other trader during the entire process from initial concept – public display through to final design drawings and application to An Bord Pleanála. The letter received by the family in relation to the CPO was the first correspondence.

As it stands in this current proposal there has been no attempt to facilitate casual trading in this location or any other. No engagement by Local Authority. Total disregard for the continued operation of their family business.

This objection/submission and objection to the CPO is based on all the above and current situation facing the Devaney Family.

In 2011 the bye-laws were changed by the Councillors regarding casual trading and it was agreed with the local Authority that the Devaney family could trade the way they were with 2 vans allowed into the designated trading area beside the stall.

Prior to the 2011 Bye-laws the Devaney family had several meetings with the local authority to reach an agreement regarding the trading areas, none was reached. The Local Authority took a legal case against the Devaney family in 2009/2010 to remove the vans and stalls. The Judge dismissed the case.

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**C.P.O Objection -Compulsory Purchase order No. CCL-CPO-001,2002 in the City of Galway**

In relation to the CPO issued on behalf of the project our client wishes to object to the CPO specifically relating to SCHEDULE PART III (SECTION B) Reference BC,DB. See below;

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

**SCHEDULE  
PART III (SECTION B)  
Description of public rights of way to be restricted or otherwise interfered with**

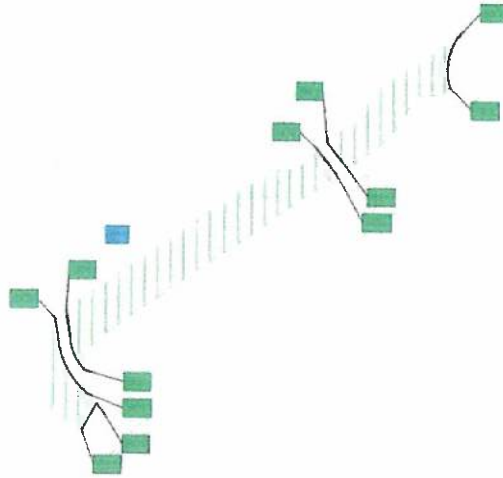
Reference	Description
BA	All rights of vehicular traffic (except pedal cycles or other bicycles) over that section of Gaol Road in the county of Galway in between the lines BA1 and BA2 shown coloured green on the deposit map reference BCG- DM-01
BB	All rights of vehicular traffic (except pedal cycles or other bicycles) over that section of Waterside at Woodquay in the county of Galway in between the lines BB1 and BB2 shown coloured green on the deposit map reference BCG- DM-01
BC	All rights of vehicular traffic (except pedal cycles or other bicycles) over that section of North Eyre Square in the county of Galway in between the lines BC1 and BC2 shown coloured green on the deposit map reference BCG- DM-03
BD	All rights of vehicular traffic (except pedal cycles or other bicycles) over that section of North Eyre Square in the county of Galway in between the lines BD1 and BD2 shown coloured green on the deposit map reference BCG- DM-03
BE	All rights of vehicular traffic (except pedal cycles or other bicycles) over that section of North Eyre Square in the county of Galway in between the lines BE1 and BE2 shown coloured green on the deposit map reference BCG- DM-03

**Extract Text from CPO**

BC	All rights of vehicular traffic (except pedal cycles or other bicycles) over that section of North Eyre Square in the county of Galway in between the lines BC1 and BC2 shown coloured green on the deposit map reference BCG- DM-03
BD	All rights of vehicular traffic (except pedal cycles or other bicycles) over that section of North Eyre Square in the county of Galway in between the lines BD1 and BD2 shown coloured green on the deposit map reference BCG- DM-03

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Extract Map – Lands to be Compulsorily Acquired- Deposit Map Sheet 3 of 5 (drawing no BCG-DM-03)

The areas noted DB1, BC1, BC2 are located opposite Supermacs and the Imperial Hotel on Eyre Square. Our client has enjoyed the benefit of a casual trading licence to trade in these areas in Bays 2,3,4,5,6 since beginning their business in 1964 – Current. *Please see attached copy of current trading licence and Galway City Council Map showing the Bays in question. Please also see attached affidavits swearing the length of time the client has enjoyed casual trading at this location.*

If the CPO is upheld in these areas then access to the area hatched in green will be limited to the following;

***BC: All rights of vehicular traffic (except pedal cycles or other bicycles) over that section of the North Eyre Square in the County of Galway in between the lines BC1 and BC2 shown coloured green on the deposit Map reference BCG – DM – 03.***

***Bd: All rights of vehicular traffic (except pedal cycles or other bicycles) over that section of the North Eyre Square in the County of Galway in between the lines BD1 and BD2 shown coloured green on the deposit Map reference BCG – DM – 03.***

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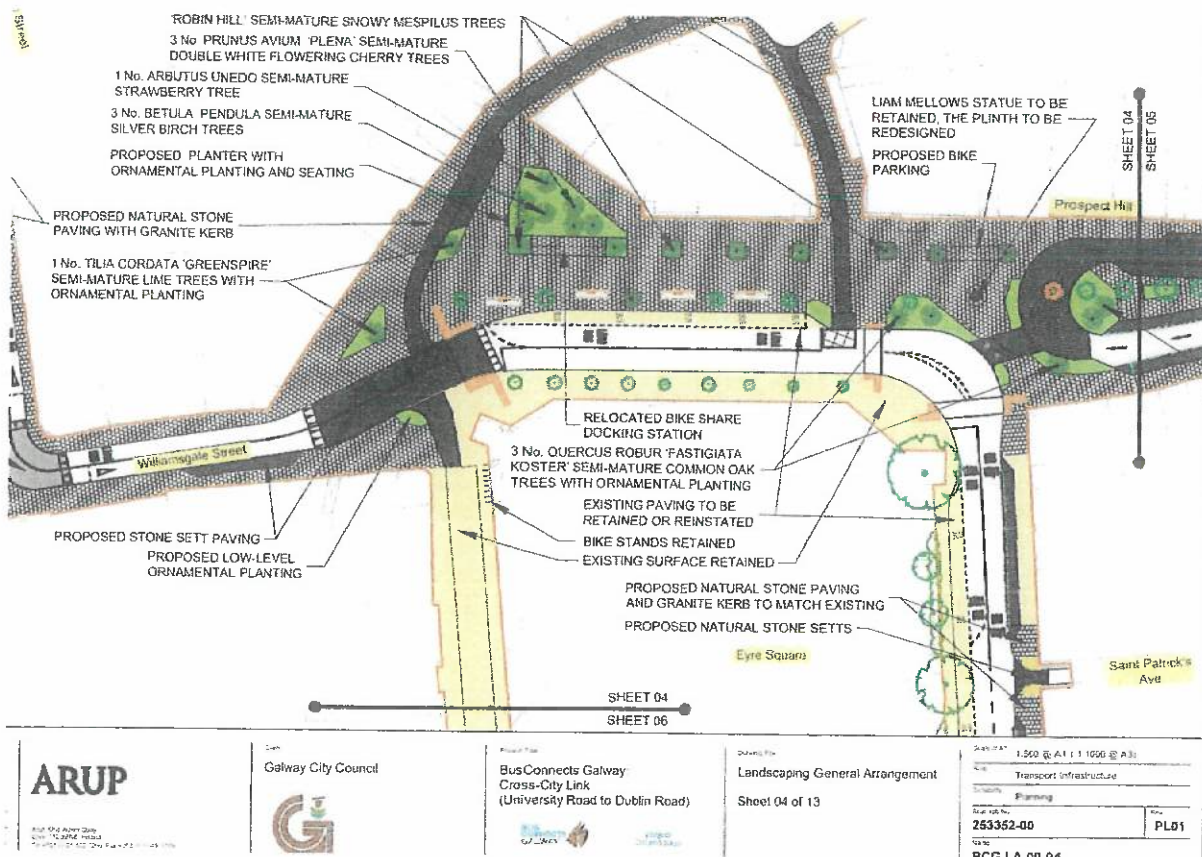


If the CPO is upheld and these areas are for pedestrian and cyclists only then that will mean that the Devaney family will have to cease trading completely. It should be noted that no consultation has been sought with the Devaney family by any dept. or member of Galway City Council to discuss this or offer up any possible alternative. This is unacceptable considering they have a license with Galway City Council.

We ask that An Bord Pleanála put a stay on the CPO of these areas until such time consultation can be sought with Galway City Council regarding the future of the Devaney trading Bay which they have occupied since 1964 (58years ago)

**Submission/Objection Content:**

The basis for this submission and objection to the Bus Connect Galway – Cross City Link (University Road to Dublin Road) doesn't relate to the entire project. The objection relates to a specific area in Eyre Square where the Devaney family have enjoyed a casual trading licence since 1964. Please see below an extract from the project drawings showing the area in question. We have also shown below aerial images from various years on google Earth which clearly show these areas being used as a trading area.

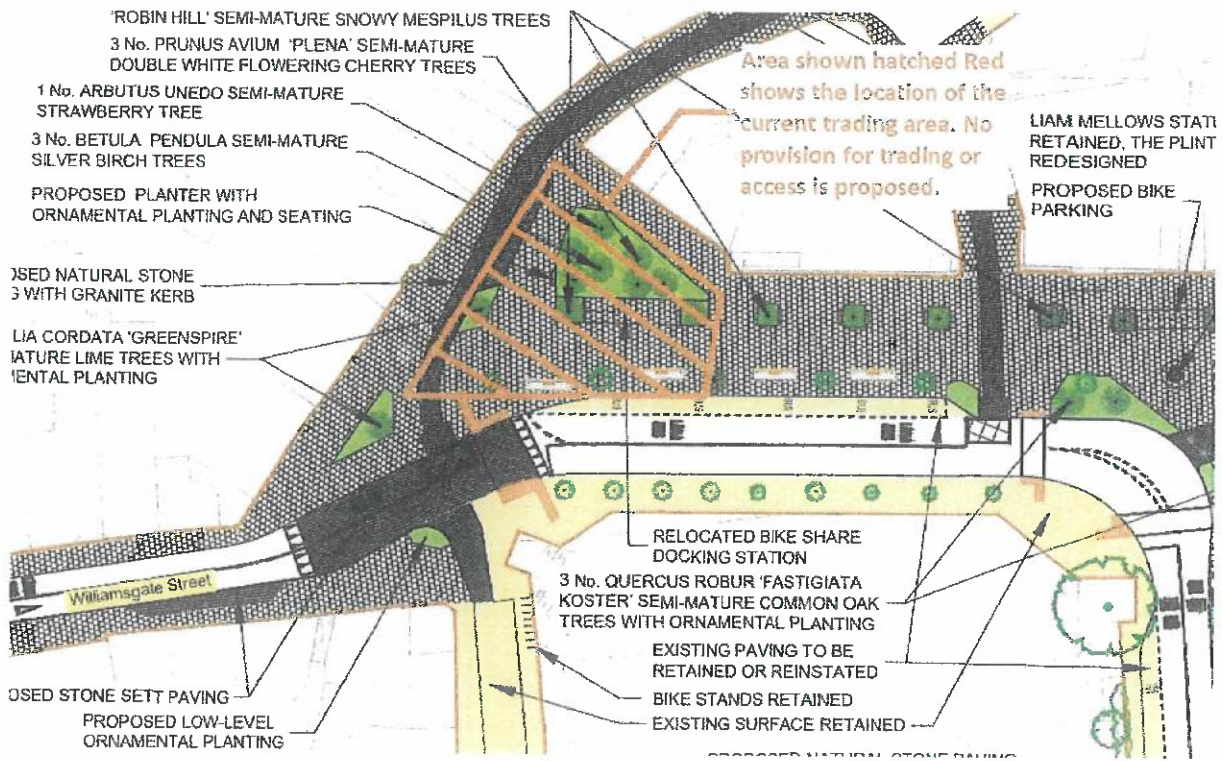


Drawing Number BCG-LA-00-04

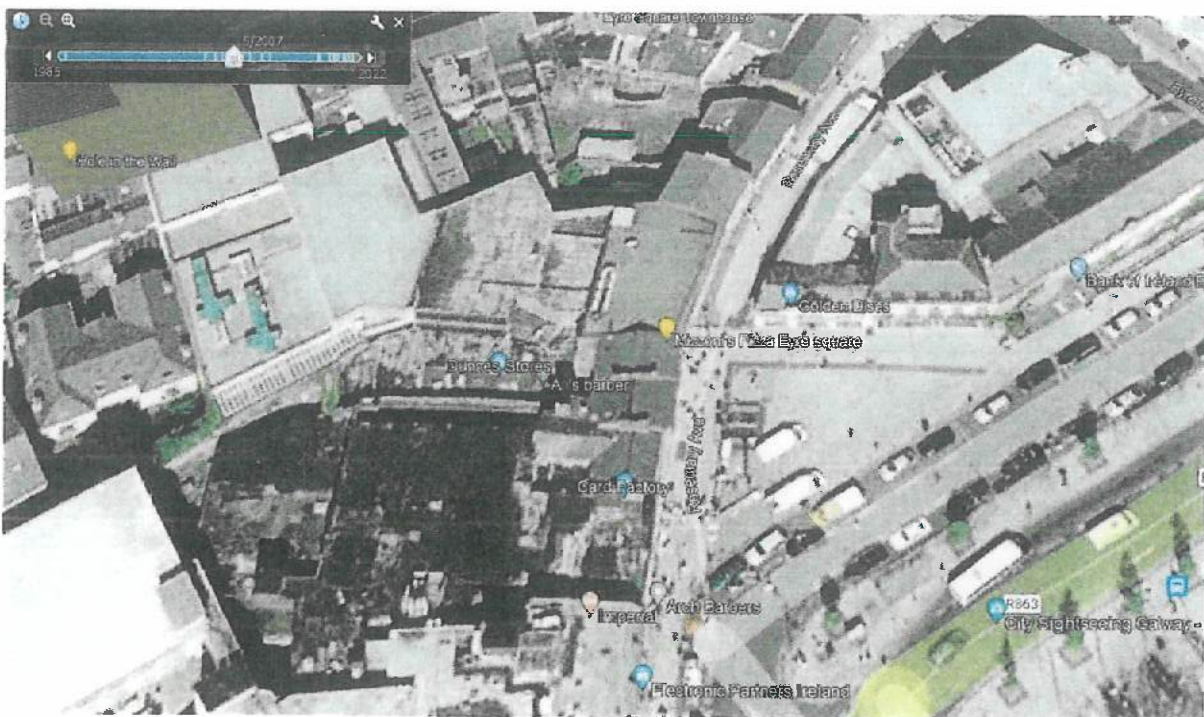
PROINSIAS O RAGHALLAIGH  
 CHARTERED ENGINEER C. BUILD ENG, MCABE, FELLOW FCABE, REGISTERED  
 BUILDING SURVEYOR ICIQB, DIP CON MGT,  
 PASSIVE HOUSE CONSULTANT  
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Current casual trading area shown hatched Red.

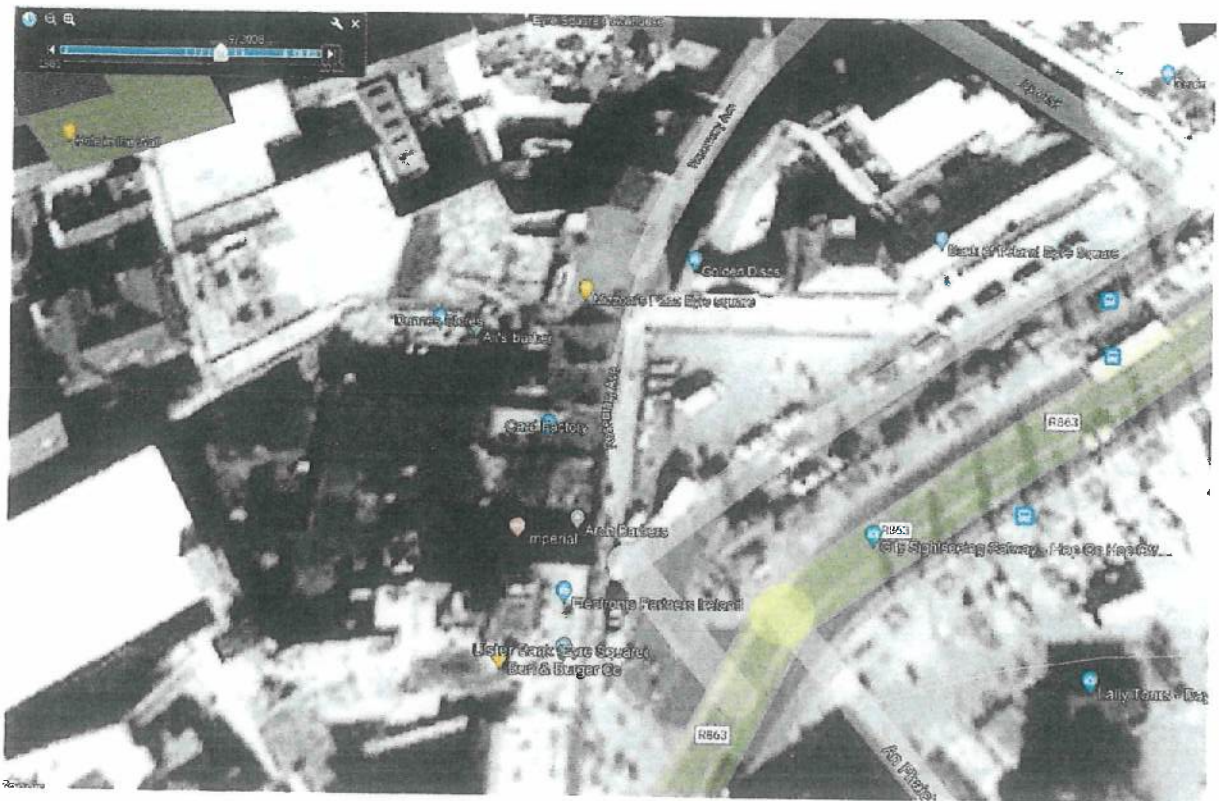


2007 Aerial Image

**PROINSIAS O RAGHALLAIGH**  
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2008 Aerial Image



2012 Aerial Image

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2018 Aerial Image



2019 Aerial Image

**PROINSIAS O RAGHALLAIGH**  
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2021 Aerial Image



2022 Aerial Image

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You can clearly see from the aerial images taken over the course of a decade of satellite imagery that the trading area is well established with stalls and vehicular access.

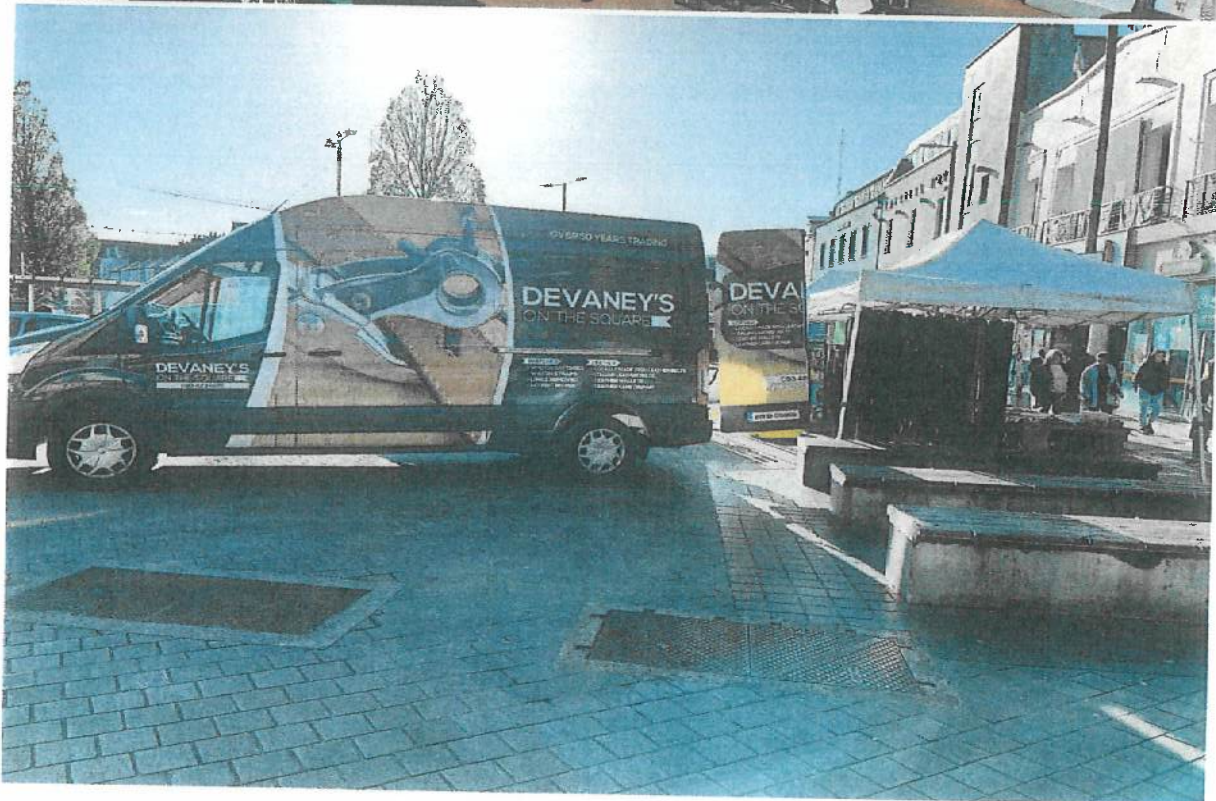
You can see also from the photographs below; taken from different angles on a busy Saturday that the area in question is substantial and for no reference or consideration given to this area in the project drawings/application is unacceptable. Notwithstanding that, there has been no communication from the Local Authority as to what happens to the trading area and livelihood of the traders here Devaney family included.



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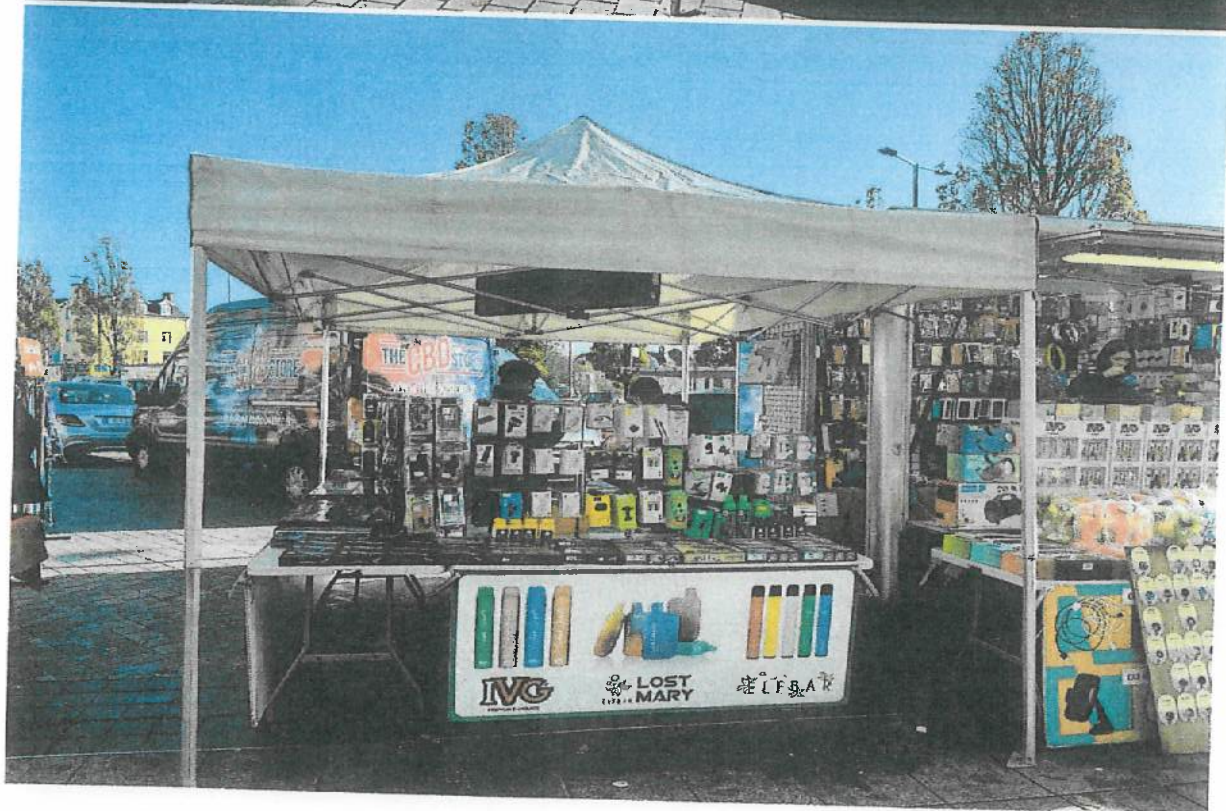




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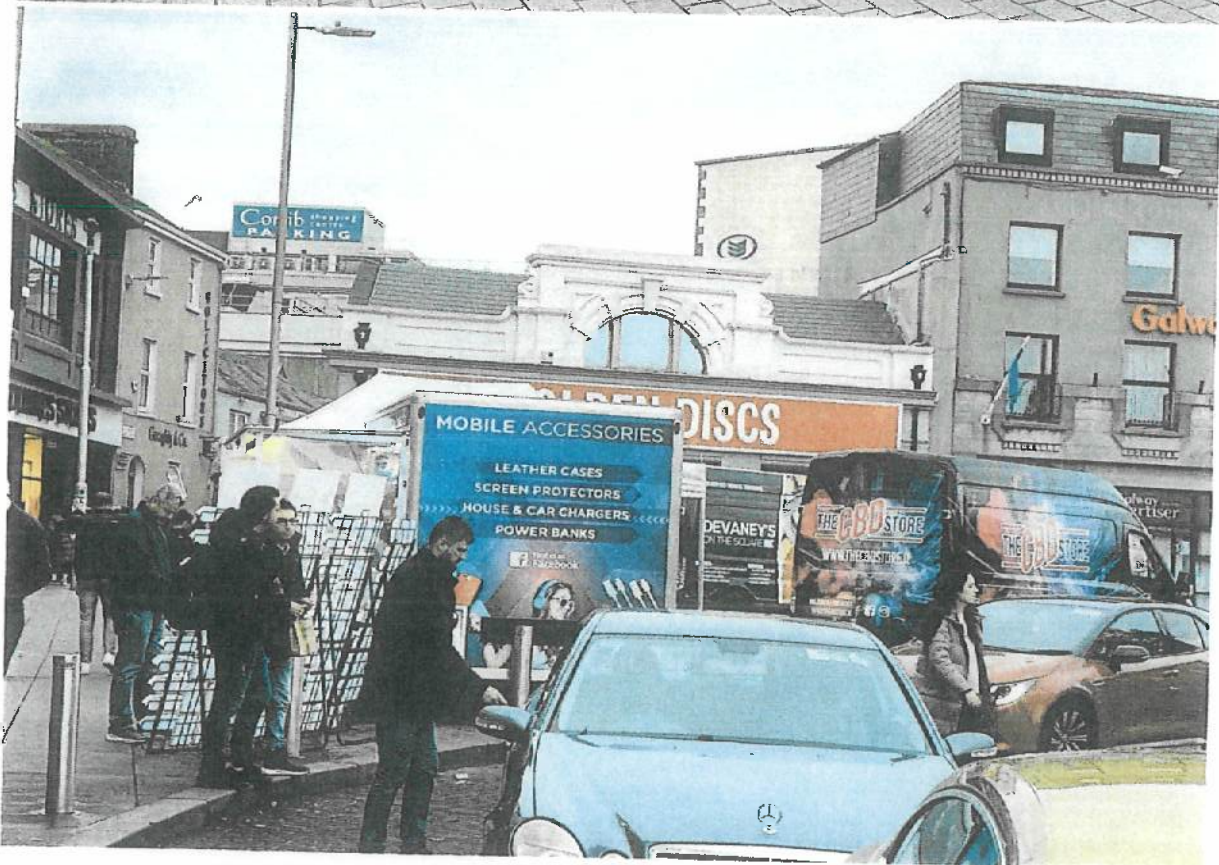




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### Summary:

In summary you can see that this proposal have flaws and total disregard for casual traders who have spent 58years operating a well known and respected business in the City of Galway. No attempt to meet and discuss the proposal was sought by the Local Authority. It was the Devaney family themselves that sought out the Local Authority and tried to get a meeting with the appropriate person. To date no solution has been offered to the Devaney family.

Below are key points which the Devaney family requested were included in this Objection/ submission;

- The current location of the trading area is key to have foot flow from shop street up towards Supermacs and Corrib shopping centre.
- No Provision is shown in any of the drawings for a possible alternative area.

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- If this area is for bicycles access only then the vans bringing the stall equipment and stock cannot access this area.
- The Devaney family understand the City Council are trying to improve on the traffic issues within the city, however this cannot be at the cost of the family's livelihood. The area in which they trade is not strategic part of the new bus corridor and revisions could be made to accommodate the stalls and future of the family business.
- The City Bye-laws will need to be amended If the trading areas are omitted or amended.
- The Devaney family are willing to temporarily re-locate for the duration of proposed works once they can return to the same area again under the same conditions they currently operate under.

We would ask An Bord Pleanála that they consider all of the information above and clear total disregard for the casual traders operating in this area some for in excess of 50years.

If an alternative layout could be drafted allowing the trading to continue in the same location and van access then the Devaney Family will have no objection to the development/project and would be happy to re-locate temporarily for the duration for the works.

Should you require any further Information in relation to same don't hesitate to contact me,

Yours sincerely



Frank O Reilly

CHARTERED ENGINEER C. BUILD ENG, MCABE, FELLOW FCABE, REGISTERED BUILDING SURVEYOR ICIOB, DIP CON MGT, PASSIVE HOUSE CONSULTANT

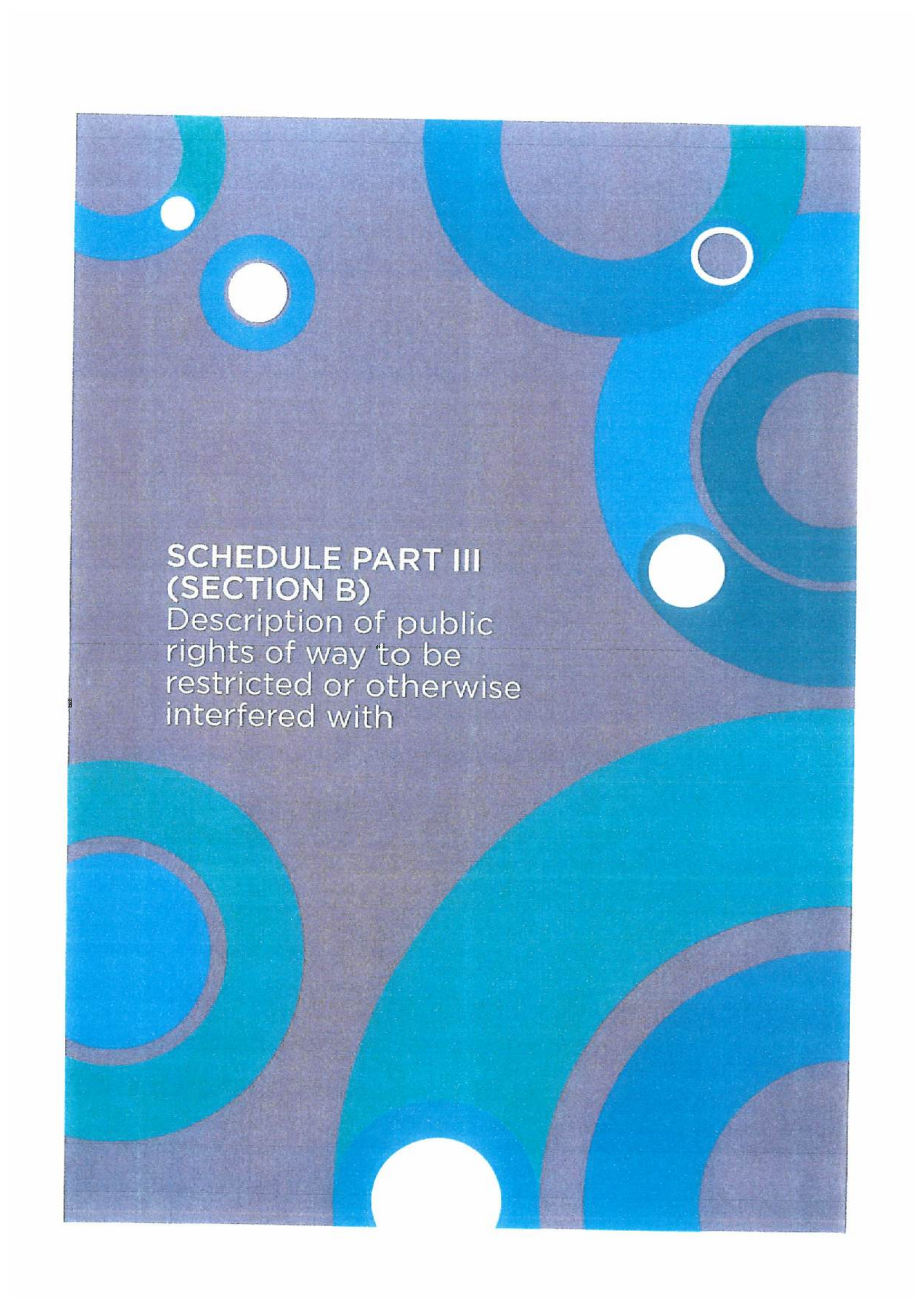
**PROFE Building Engineering and Planning**

**Last Date for Objections is the 18<sup>th</sup> November 2022**

PROINSIAS O RAGHALLAIGH  
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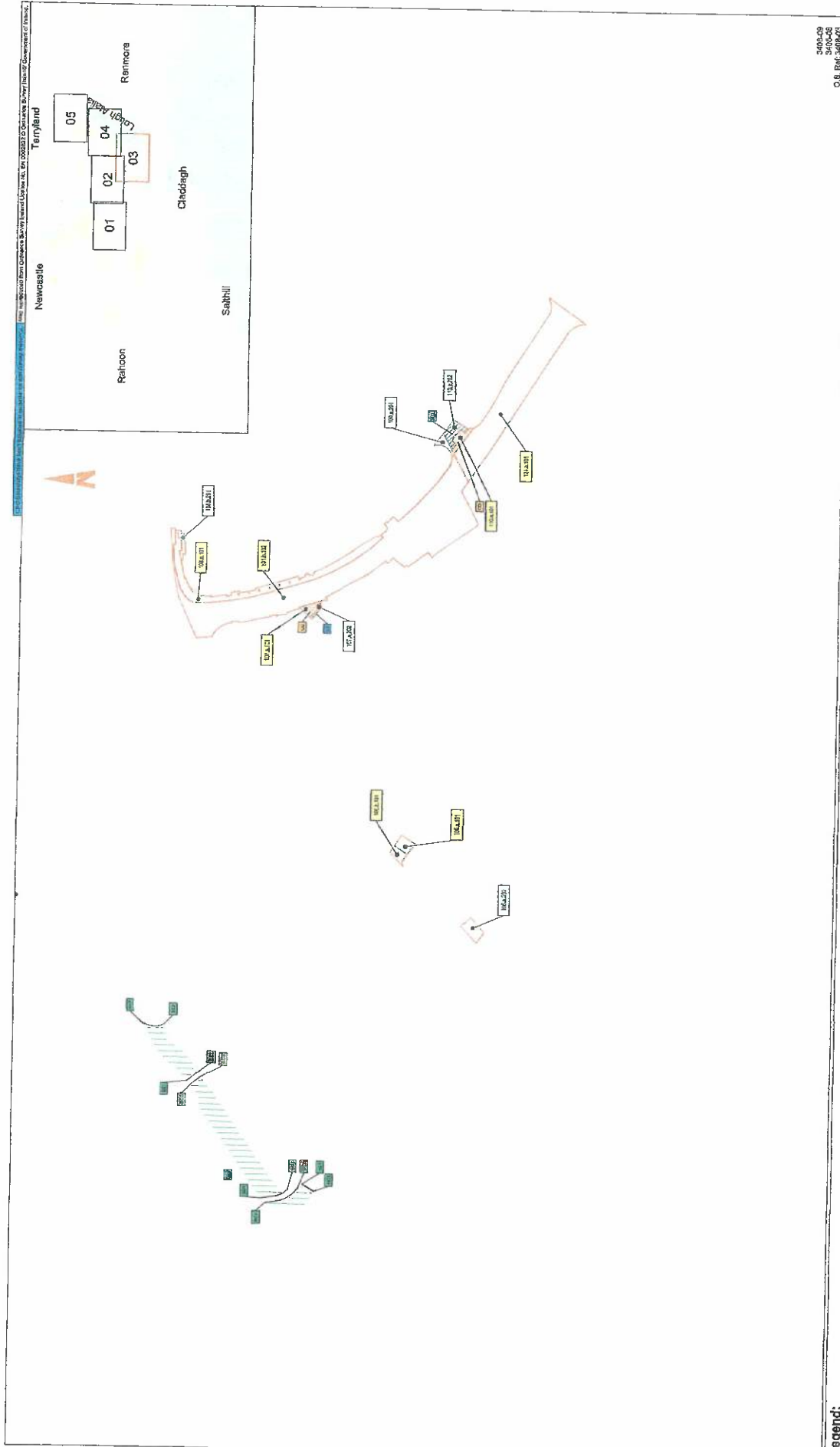
**SCHEDULE PART III  
(SECTION B)**  
Description of public  
rights of way to be  
restricted or otherwise  
interfered with

**SCHEDULE**

**PART III (SECTION B)**

**Description of public rights of way to be restricted or otherwise interfered with**

Reference	Description
BA	All rights of vehicular traffic (except pedal cycles or other bicycles) over that section of Gaoi Road in the county of Galway in between the lines BA.1 and BA.2 shown coloured green on the deposit map reference BCG- DM-01
BB	All rights of vehicular traffic (except pedal cycles or other bicycles) over that section of Waterside at Woodquay in the county of Galway in between the lines BB1 and BB2 shown coloured green on the deposit map reference BCG- DM-01
BC	All rights of vehicular traffic (except pedal cycles or other bicycles) over that section of North Eyre Square in the county of Galway in between the lines BC1 and BC2 shown coloured green on the deposit map reference BCG- DM-03
BD	All rights of vehicular traffic (except pedal cycles or other bicycles) over that section of North Eyre Square in the county of Galway in between the lines BD1 and BD2 shown coloured green on the deposit map reference BCG- DM-03
BE	All rights of vehicular traffic (except pedal cycles or other bicycles) over that section of North Eyre Square in the county of Galway in between the lines BE1 and BE2 shown coloured green on the deposit map reference BCG- DM-03



2400-09  
 2400-10  
 O.R. Ref: 2400-02

Presented to the Council of Galway City Council  
 This Plan is by of 2022  
 Chief Executive  
 Member

**Legend:**

- 01 LANDS BEING PERMANENTLY ACQUIRED - SCHEDULE PART I (Shaded in Grey)
- 02 LANDS BEING TEMPORARILY ACQUIRED - SCHEDULE PART II (Shaded in Grey)
- 03 Public rights of way to be restricted or alternative provided - SCHEDULE PART III (Section A)
- 04 Public rights of way to be restricted or alternative provided - SCHEDULE PART III (Section B)
- 05 Private rights to be restricted or alternative provided with listed in the SCHEDULE PART IV (Section A)
- 06 Private rights to be restricted or alternative provided with listed in the SCHEDULE PART IV (Section B)
- 07 Private rights to be temporarily acquired with listed in the SCHEDULE PART IV (Section C)

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



Rev.	Date	Description	Appr.
1/01	11/03/22	ISSUED FOR PLANNING	2022

Prepared by	Drawn by	Checked by	Approved by

Transposed to	File from
1:100 (A3)	EGC-CPO-DUBLIN

Rev.	PLN
	EGC-DN-03

Sheet 3 of 5  
 Drawing No. BCC-DN-03  
 Rev. PLN



