

AN BORD PLEANÁLA
 LDG- 010885-18
 ABP- _____
 18 DEC 2018 CC
 Fee: € 50 Type: cheque
 Time: — By: Reg Post

Date: 12 December, 2018

From:

Aughnacurra Residents Association
 C/O 5 Aughnacurra
 Lower Dangan
 Galway
 To:

An Bord Pleanála
 64 Marlborough Street
 Dublin 1

Planning: **Application Ref:** 07.302848
Submission from: Aughnacurra Residents Association (see Schedule 1)
Applicant: Galway City and County Councils
Development: N6 Galway City Ring Road (N6 GCRR)

Dear Sirs,

This is a submission to An Bord Pleanála by the 6 residents (who have not been served notice of a proposal to compulsorily acquire their properties) of the development of houses known as Aughnacurra, Lower Dangan, Galway (“the Estate”). The resident’s names are set out in Schedule 1 annexed hereto (“the Residents”). This submission is signed for and with full authority on behalf of the Residents. This submission is not intended to be exhaustive and the Residents reserve the right to make further submissions on matters generally in support of their submissions at the oral hearing.

Introduction

This submission is made with the objective of representing the interests of the Residents in the proposed development of a ring road around Galway City – the N6

Galway City Ring Road (GCRR). This submission concerns the application (reference 07.302848) as submitted to the Board in the narrower context of the Estate.

Aughnacurra Development

1. The Estate comprises 13 houses (5 of whom have been served notice of a proposal to compulsorily acquire their houses). The houses were constructed circa 1982. The houses are in an oval formation and are accessed by road from the N59 Galway-Moycullen road. The access road from the N59 then completes an oval shaped roadway. In the Estate all 13 houses are accessed directly from this access road. The Estate is zoned low density residential.

Estate Roadway

2. The estate road from the point it meets the N59 is in private ownership. The land which comprises the roads and a green area with the Estate are comprised in Folio GY18666F County Galway. This folio is owned jointly by the residents in 13 undivided shares. This is a gated Estate and no persons have an entitlement registered or otherwise to traverse the Estate roads other than the residents.

Objection

3. The Residents also rely on the submission made by Galway N6 Action Group Company Limited. The content of that submission is not repeated here but its content is relied upon as if it were incorporated in its entirety.

4. Additional Grounds

- 4.1 Representatives of the residents association have been in regular consultation with the Galway N6 Transport project office and have agreed a number of critical issues that pertain to the Aughnacurra community estate. For example: it has been agreed that the estate road will remain a private road for the residents use only, should it be compulsorily purchased. Refer to Schedule 2 in relation to the private road and other matters that we agreed.

5. Construction phase

The EIAR does not provide any clarity as to how the construction of a motorway scheme can be realised without impacting critical life support systems for Aughnacurra residents left behind; namely, utilities supply, noise, hazardous emissions, road traffic safety, water supply, septic tanks.

6. Drainage and water supply

6.1. The houses within the Estate are serviced by septic tanks and any damage to the drainage system must be resolved to prevent flooding on the Estate generally and in particular the houses on the northern side of the proposed road where the slope is away and decreasing in gradient from the proposed road. This could lead to flooding and run off of surface water and flooding of houses and gardens.

7. Severance

The issue of the severance of the houses from the existing road network and common areas will affect the following matters albeit this is not to be taken as exhaustive:

7.1 Strategic traffic matters and impact on local road network.

7.2 The access is to be compromised and there may be a decrease in width of the internal roadway which could lead to issues in the future with passing traffic in the two way system.

7.3 Proposed access to retained lands is not of an acceptable design standard.

7.4 Measures to address the impact of the scheme on the retained lands are not adequately specified.

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7.5 Proposed access to retained lands, and dwellings are inadequate.

8. Landscape and visual impact

8.1 An uphill gradient is provided to an embankment where the M6 crosses the Estate and the road will be higher than the houses within the Estate and the garden and common areas. More details are required with respect to the embankment as well as sections, walls and railings, landscaping and screening.

8.2 Clarification required regarding boundary treatment and accommodation works along the new boundary to the acquired lands.

8.3 Scheme may require relocation of powerlines which is likely to seriously impact on the properties if they are closer to the properties.

9. Diminution in value

9.1 Proximity of M6 to Aughnacurra has ~~undermined property values and sales in the area and hence, the viability for sale and value of existing residential land values.~~ The residential amenity and value of the houses in the Estate will be destroyed.

9.2 Scheme will result in an elevated structure in front of the houses which will have a significant impact on overshadowing, visual amenity, noise impact, private open space daylight, vibration, illumination and other forms of pollution.

9.3 Extent of land acquisition is excessive - need for acquisition of the Estate areas is questioned on basis of requirement for construction, which is disputed.

9.4 The proposed alignment will materially affect the boundaries and exposure of the Estate. There is no possibility of mitigation by screening. Need continuous,

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uninterrupted barriers of same height with landscaping to visually screen them.

9.5 The proposed road will lead to a loss of quality of life and devaluation of property due to proximity of new junction in respect of noise, air pollution and traffic congestion.

9.6 The compulsory purchase of the Estate common roads and green areas will lead to a diminution in privacy of the estate. The security gates may need to be removed and the privacy and security of the Estate will be diminished irreparably.

9.7 Loss of vegetative screening on adjoining properties in the Estate (to be demolished) – this will reduce privacy and amenity and will increase illumination from motorway.

10. Traffic congestion and access

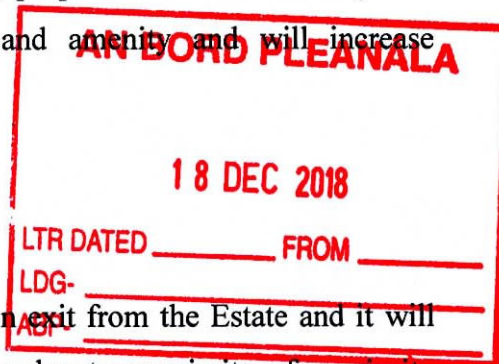
10.1 There will be increased traffic congestion on exit from the Estate and it will not be possible to access/egress from there due to proximity of a priority junction and right turn lane, where there will be queuing right past the Estate entrance. This will result in inconvenience and road safety issues.

10.2 Pedestrian safety will be adversely affected as it is not addressed within the EIAR.

11. Environmental and noise impact from the raised road.

11.1 Noise levels will be significantly above 60dB. The type of screening at the top of the slope is queried for its effectiveness, if any in reducing noise levels.

11.2 Extent of proposed noise mitigation measures are inadequate they should extend to full extent of boundary of proposed M6 adjoining the Estate. Reduction at point of generation is far more effective than mitigation closer to



the receptor and Good Practice Design Guide advises that noise mitigation should form an integral part of the design.

11.3 Inadequate information regarding noise barriers in terms of visual appearance.

11.4 The loss of trees which are currently a visual barrier and mitigate against noise and air pollution. The reinstatement proposals are unclear.

11.5 The increase in air pollution will have serious consequences for human health.

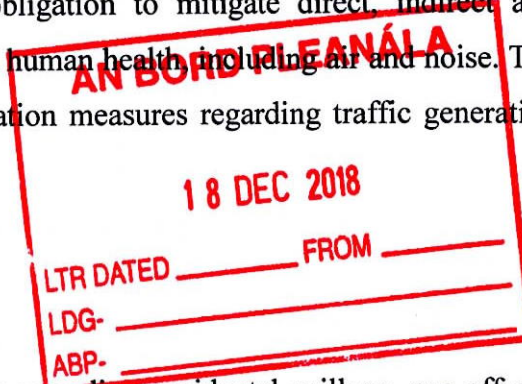
The modelling is too highly dependent on diffusion tube bias adjustment factor and the EPA monitoring indicates wide variations on an annual, seasonal and weekly basis. The application fails to provide any route-specific air pollution monitoring and mitigation after the project becomes operational. The new EIA Directive 2014 places a new emphasis on human health and climate. There is an enhanced obligation to mitigate direct, indirect and cumulative impacts on climate and human health, including air and noise. The EIAR failed to provide any mitigation measures regarding traffic generation and climate emissions

12. Hydrology


12.1 The proposed mitigation measures regarding accidental spillage, run off and foul waste water from construction compound, will not provide for protection of ground water and surface water and any residual impacts that will protect public health.

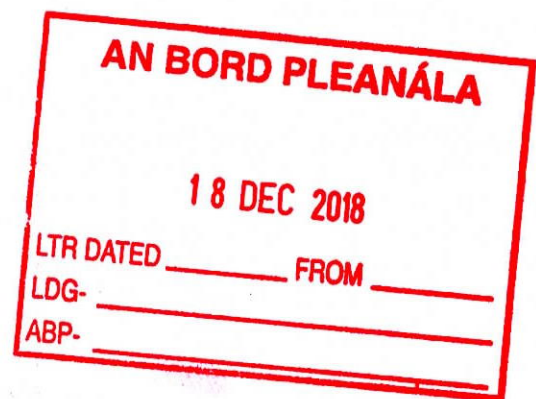
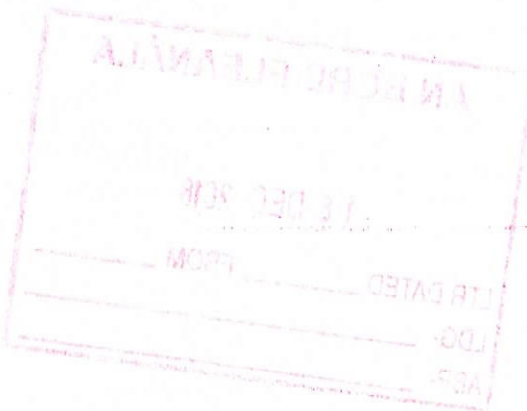
13. CONCLUSION

For the reasons set out above in conjunction with those set out in the submission of the Galway N6 Action Group Company Limited. We ask the Bord to refuse the application.



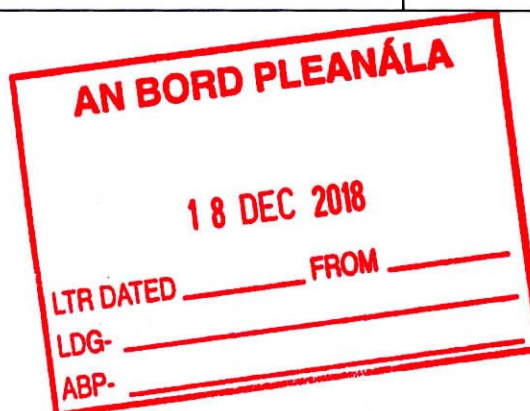
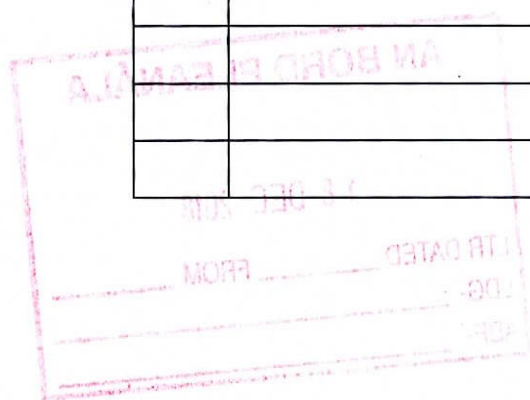
Yours faithfully,


Henry O Bourke Senior Counsel



SCHEDULE 1

	Name	Folio
	James McLoone	GY20148F
	Patrick O'Malley and Marina O'Malley	GY41573F
	Michael Murphy and Patricia Murphy	GY26414F
	Henry Bourke and Barbara Bourke	GY28597F
	Don Courtney and Elizabeth Courtney	GY23431F
	Stephen Meagher and Deborah Meagher	GY26176F



SCHEDULE 2:

5 Page email trail attached.





Stephen Meagher [REDACTED]

*QUESTION FROM AUGHNACURRA***RE: [External] Navigating the website for the Bypass - ref. 531_8274**

Stephen Meagher [REDACTED]

Mon, Nov 26, 2018 at 5:36 PM

To: N6 Galway City Transport Project [REDACTED]

Cc: Eileen McCarthy [REDACTED], Aisling Mooney [REDACTED], Fintan O'Meara [REDACTED]

[REDACTED] Sean Devaney [REDACTED], Barbara Bourke [REDACTED]

Thanks Mary,

- What is the intended status of the existing estate road. Who will own it, who will have right of way? Who will be responsible for the upkeep?
- Will the private right of way for AR08/03 be an exclusive non cancellable right of way inperpetuity for Aughnacurra residents? (I take it, as the owners, GCC will have a right of way fro access) . Do you have an example of a Deed Of Covenant for the right of way we could review?

Stephen

[Quoted text hidden]

STATUS OF PRIVATE ROAD IN AUGHNACURRA.



Stephen Meagher [REDACTED]

LESENSE FROM N6 OFFICE

RE: [External] Navigating the website for the Bypass - ref. 531_8274**N6 Galway City Transport Project** [REDACTED]

Tue, Dec 4, 2018 at 6:30 PM

To: Stephen Meagher [REDACTED]

Cc: Eileen McCarthy [REDACTED], Aisling Mooney [REDACTED], Fintan O'Meara [REDACTED]

[REDACTED], Sean Devaney [REDACTED], Barbara Bourke [REDACTED]

Hazel King [REDACTED]

Hi Stephen,

The existing estate road is included in the Motorway Scheme as a permanent acquisition and if approved can be acquired by Galway County Council and will then be owned by it and as such they will be responsible for the maintenance of that road.

As noted previously, Chapter 5 of the EIAR sets out the intention for the use of the access roads and the Aughnacurra Residents (ref. number 531) will be added to Table 5.15 for a private right of way on AR8/03 in the errata to be submitted to ABP. As a private road in the ownership of GCC the maintenance of the road will be the responsibility of GCC and Aughnacurra Residents will have a right of way on the road. The right of way will be for the benefit of the parties listed on plot ref. 531 to pass over the road and GCC will be the owners of the access road. There is not a draft deed available for forwarding to you at this time.

Kind regards,

Mary

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LDG- _____

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From: Stephen Meagher [REDACTED]**Sent:** Monday 26 November 2018 17:36**To:** N6 Galway City Transport Project [REDACTED]**Cc:** Eileen McCarthy [REDACTED]; Aisling Mooney [REDACTED]; Fintan O'Meara [REDACTED]

[REDACTED]; Sean Devaney [REDACTED]; Barbara Bourke [REDACTED]

[REDACTED]; Hazel King [REDACTED]

[Quoted text hidden]

[Quoted text hidden]



Stephen Meagher [REDACTED]

*RESPONSE FROM NB OFFICE***RE: [External] Navigating the website for the Bypass - ref. 531_8274****N6 Galway City Transport Project** [REDACTED]

Mon, Nov 26, 2018 at 5:20 PM

To: Stephen Meagher [REDACTED]

Cc: Eileen McCarthy [REDACTED], Aisling Mooney [REDACTED], Fintan O'Meara [REDACTED]

[REDACTED], Sean Devaney [REDACTED], Barbara Bourke [REDACTED], Hazel King [REDACTED]

Hi Stephen,

A private road with a private right of way in this instance refers to the fact that the road will be in the private ownership of Galway County Council (GCC) and a private right of way will be given to those parties listed in Table 5.15. It is the intention of GCC that the public will not be permitted to drive on that access road. As discussed at our meeting the Aughnacurra Residents (ref. number 531) will be added to Table 5.15 for a private right of way on AR8/03 in the errata to be submitted to ABP. As a private road in the ownership of GCC the maintenance of the road will be the responsibility of GCC and Aughnacurra Residents will have a right to pass over that road. If required GCC can also gate this access road and provide the Aughnacurra Residents with a key to the gate.

In relation to your email of Thursday 22 November, yes you are correct, AR8/03 refers to the newly constructed access road and not the existing estate road.

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Kind regards,

Mary

From: Stephen Meagher [REDACTED]

Sent: Thursday 22 November 2018 15:39

To: N6 Galway City Transport Project [REDACTED]

Cc: Eileen McCarthy [REDACTED], Aisling Mooney [REDACTED]; Fintan O'Meara [REDACTED]

[REDACTED], Sean Devaney [REDACTED]; Barbara Bourke [REDACTED]

Subject: Re: [External] Navigating the website for the Bypass - ref. 531_8274

Hi Mary,

On this matter. Just looking at Table 5.15 page 216, the description of the access road is "115m access road AR8/03" Perhaps I am mistaken, but this does not include the entire circular route, the route is more than 115 m in length. It appears to relate to the newly constructed "avenue entrance", so this appears to be the access road described as a private road with private right of way on page 216.

Am I correct? If so what is the proposed status of the remainder of our circular route?

Stephen Meagher

1 of 2.



Stephen Meagher [REDACTED]

QUESTION FROM AUGHNACURRA

RE: [External] Navigating the website for the Bypass - ref. 531_8274

Stephen Meagher [REDACTED]

Wed, Nov 7, 2018 at 9:46 AM

To: N6 Galway City Transport Project [REDACTED]

Cc: Eileen McCarthy [REDACTED], Mary Hurley [REDACTED], Aisling Mooney [REDACTED]

[REDACTED], Fintan O'Meara [REDACTED], Sean Devaney [REDACTED]

Thanks Mary,

Can you tell me what the blue shaded area with ref 531b.102 relates to in Aughnacurra? I understand the ref 531b.101 shaded in blue as being required to build the motorway, but I don't understand 531b.102, can you explain? Its does not appear to be consistent with the post scheme photmontage of the same plot of land?

Thanks

Stephen

[Quoted text hidden]

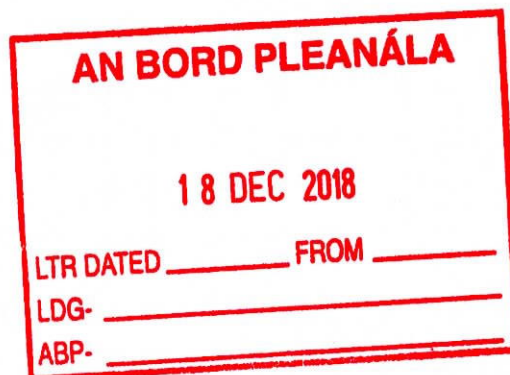


Arup awarded the Business Working Responsibly Mark

ARUP

image001.jpg
9K

CPO REF 531b.102.





Stephen Meagher [REDACTED]

RESPONSE FROM N6 OFFICE

RE: [External] Navigating the website for the Bypass - ref. 531_8274**N6 Galway City Transport Project** [REDACTED]

Thu, Nov 15, 2018 at 7:11 PM

To: Stephen Meagher [REDACTED], N6 Galway City Transport Project [REDACTED]
Cc: Eileen McCarthy [REDACTED], Aisling Mooney [REDACTED], Fintan O'Meara [REDACTED], Sean Devaney [REDACTED]

Hi Stephen,

In relation to your email below, the lands shaded blue with ref 531b.102 are required for the construction of the proposed road development. These have been shaded blue as an embankment for the proposed road development would encompass this area. We note our discussions with you and your request for this embankment to be replaced with a "green embankment" which will reduce the footprint of the proposed road development in this area and the estate road would remain as the existing situation. This was still under discussion with you and your neighbours at the time of publication and it was an oversight on our part that this plot was not changed from blue lands to grey lands. It has however, been assessed in the EIAR as being a "green embankment" with the estate road remaining as it currently is. We can amend this plot to grey lands as an erratum at the Oral Hearing with An Bord Pleanála. However, as there has been some discussions with you and your neighbours debating your preference for a gentler sloped embankment and concerns with respect to the green embankment can you please advise if you wish to have a meeting to discuss further?

Kind regards,

Mary

From: Stephen Meagher [mailto:[REDACTED]]
Sent: Wednesday 7 November 2018 09:46
To: N6 Galway City Transport Project [REDACTED]
Cc: Eileen McCarthy [REDACTED], Mary Hurley [REDACTED]; Aisling Mooney [REDACTED], Fintan O'Meara [REDACTED]; Sean Devaney [REDACTED]
Subject: Re: [External] Navigating the website for the Bypass - ref. 531_8274

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

From: Stephen Meagher [REDACTED]
Sent: Tuesday 30 October 2018 16:12
To: Eileen McCarthy [REDACTED]
Subject: [External] Navigating the website for the Bypass

Eileen,

I am trying to find the section on site that applies to Aughnacurra.

I am looking for the detail on the proposed landscaping, noise mitigation and the detail around the new entrance to Aughnacurra, but I am having difficulty locating same.

Could someone in your office assist?

