

AN BORD PLEANÁLA
LDG- 011024-18 DS
ABP- _____
20 DEC 2018
Fee: € 50.00 Type: CASH
Time: 14:31 By: HAWO

Cappagh House
Cappagh Road
Barna
Galway

19 December 2018

BY HAND DELIVERY

An Bord Pleanála (Strategic Infrastructure Division)
64 Marlborough Street
Dublin 1
D01 V902

RE: N6 GALWAY CITY RING ROAD PROTECTED ROAD SCHEME 2018 (THE "ROAD SCHEME")

Dear sir/madam,

Please find **enclosed** my objections to the proposed Road Scheme with appendices. I am making these objections on behalf of myself and my wife, Mrs Geraldine Kelly.

Kind regards,


Mr Kevin Kelly

OBJECTIONS TO THE N6 GALWAY CITY RING ROAD PROTECTED ROAD SCHEME (THE "ROAD SCHEME")

AN BORD PLEANÁLA

20 DEC 2018

LTR DATED _____ FROM _____

LDG _____

ABP- _____

Dear sir/madam,

I Kevin Kelly, do hereby submit the following objections to the aforementioned Road Scheme on behalf of myself and my wife Mrs Geraldine Kelly:

1. RECURRING FLOOD AFFECTING THE ROAD SCHEME

A recurring flood occurs on the public road outside of the front gate of my residence at Cappagh House, Cappagh Road, Barna, Galway (as described in Appendix 1) during rainy weather (the "**Recurring Flood**"). There is a culvert crossing at that point which does not seem to be able to handle the volumes of water during rainfall. Attempted remedial ^{works} carried out some years ago by Galway City Council appear to have aggravated the Recurring Flood. A substantial amount of run-off water from this Recurring Flood flows down the gradient of the Cappagh Road and gathers in a significant pool of water in the fields at the location of the protected road forming part of the Road Scheme at point 213b.101 (please refer to the point marked "X" on the map in Appendix 2). I submit that this run-off water from the Recurring Flood onto the proposed route of the protected road presents a significant public safety concern for future road users and will interfere with the future maintenance of the protected road comprising part of the Road Scheme. Please see Appendix 3 for photos of the Recurring Flood and related run-off.

In addition, some of the run-off of water from the Recurring Flood currently gathers outside of the front gate of Rockview which is the location of the Proposed Access Route as part of the Road Scheme. I submit that the run-off water from this Recurring Flood would interfere with the works to construct this Proposed Access Route and also interfere with its ongoing use by local landowners wishing to use the road for the movement of cattle and other agricultural machinery for the grazing and maintenance of lands held by them along the Boleybeg Bóithrín.

It has been conceded in Clause 2 of the Section 85 Agreement that Galway County Council will exercise the powers of "*construction, design and implementation*" of the Road Scheme on behalf of Galway City Council in its capacity as a road authority within its functional area. Furthermore, Clause 3 of the Section 85 Agreement outlines that Galway County Council:

"shall be entitled to determine all and any ancillary works that are necessary for and/or consequential and/or incidental and/or in connection with the design, development, construction and implementation of the Scheme."

I submit that works for the resolution of the Recurring Flood are such ancillary, consequential and incidental works as envisaged by this Clause 3 of the Section 85 Agreement that should be carried out by Galway County Council.

I note that section 13(1) of the Roads Act provides that "[s]ubject to Part III, the maintenance and construction of all national and regional roads in a county or city is a function of the council of that county or city." Section 13(7) of the Roads Act goes on to provide that:

"[a] road authority may do all such things as arise out of or are consequential on or are necessary or expedient for the performance of its functions under this Act or otherwise in relation to public roads or are ancillary thereto."

You will be aware that Galway City Council and Galway County Council are both considered a "road authority" for the purposes of the Roads Act and therefore the aforementioned powers and obligations apply to them both. Recital A of the Section 85 Agreement expressly acknowledges these obligations under the Roads Act.

I note that under section 19(1) of the Roads Act, that Transport Infrastructure Ireland (successor to the National Roads Authority) ("TII") has a statutory power to prepare or arrange for "designs for construction or improvement works" or "programmes of maintenance works". Under section 19(3) of the Roads Act, TII has the following statutory power:

"[t]he Authority may do all such things as arise out of or are consequential on or are necessary or expedient for the performance of its functions or are ancillary thereto."

In addition, under section 22 of the Roads Act when performing any function in relation to the construction or improvement of a national road, the TII "shall consider the proper planning and development of the area in which that road is or is to be situated, consider the effects (if any) the works concerned would have on the environment of the area concerned." Therefore I submit that this Recurring Flood is a matter that must be considered in the proper planning and development of the area in which the proposed road is to be situated.

Section 76 of the Roads Act provides for the power of a road authority to carry out drainage works including:

"[w]here as a result of flooding, landslide, subsidence or other emergency there is an immediate and serious hazard to persons using a public road or serious damage has been, is being or will be caused to a public road, a road authority may take immediate action to remove or reduce the hazard or prevent or reduce the damage or any further damage."

Therefore I submit that Galway County Council has the statutory power to eliminate the public safety issue caused by the Recurring Flood and which has been ongoing for a number of years, bearing in mind that section 1 of the Roads Act defines "maintenance" as being "in relation to public roads [and] includes improvement and management."

In light of this, I submit that works for the fixing of the Recurring Flood are deemed "consequential on or are necessary or expedient for the performance of" the functions of Galway County Council and TII under section 13(7) and section 19(3) of the Roads Act. I request Galway County Council to request an allocation of funding from TII, pursuant to Clause 4 of the Section 85 Agreement, for the carrying out of works for the rectification of this Recurring Flood as part of the Road Scheme. I hereby object to this Road Scheme in its current form as it fails to include works for the resolution of the Recurring Flood pursuant to section 22 of the Roads Act. Failure to include such works could be construed as a dereliction of duty by Galway County Council and TII under the aforementioned sections of the Roads Act outlined in this Objection Number 1 and would present a public safety hazard in the future notwithstanding the fact that the Recurring Flood presents an existing and continuing risk to public safety.

From my examining of the drawings concerning the Proposed Access Route and the protected road comprising the proposed Road Scheme, there does not seem to be a proposed solution. Please provide clarity as to how Galway County Council and TII propose to address this issue.

AN BORD PLEANALA

20 DEC 2018

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

2. CHANGE OF LANDSCAPE

The implementation of the Road Scheme would forever change the character of the Cappagh Road of which I have been a resident for over 54 years since my birth and which my family have lived on since the 1700s at the very least. The construction of the protected road as part of the Road Scheme will introduce a significant increase of traffic users once completed. There will be vehicles travelling each day from the east of Galway City towards the west of the County of Galway and beyond. Likewise, traffic will be travelling from the west of the County to the east of Galway City.

Furthermore, the influx of new road users due to the construction of the protected road, the carrying out of road widening works along the Cappagh Road in addition to the construction of the Proposed Access Route will potentially open up the upper Cappagh Road to extensive residential development which is out of character with its current landscape which up to this point has historically been a rural community carrying out agricultural activity.

The widening of the Cappagh Road as part of works comprising the Road Scheme would necessitate an increase in the speed limit for road users thus increasing the danger posed to resident along the Cappagh Road. I request that Galway County Council would provide assurances that no such increase in the speed limit will occur.

I object to this departure of from the traditional character of the area and it is for this reason that I tender this Objection Number 2 to the proposed Road Scheme.

3. NOISE AND POLLUTION

The implementation of the Road Scheme would involve an unprecedented increase in the numbers of vehicles passing through the Cappagh Road area through those using the protected road forming part of the Road Scheme and through increased numbers of vehicles traversing the Cappagh Road once road widening works have been completed. This brings with it a significant increase in noise pollution in the area disrupting my quiet enjoyment of my property not to mention increased carbon dioxide at variance with Ireland's carbon dioxide reducing obligations under both EU and international law. The increase in noise pollution also has the potential to disturb any livestock that are grazed by me along the Cappagh Road thereby having an adverse financial impact upon me.

I object to these significant increases in noise pollution caused by the implementation of this Road Scheme and object to any Road Scheme which does not include noise pollution limitation mechanisms and carbon dioxide pollution limiting measures. At the very least noise barriers should be erected along the protected road as it passes through the Cappagh Road.

It is for the forgoing reasons that I tender this Objection Number 3 to the proposed Road Scheme.

4. PUBLIC LIGHTING

I object in emphatic terms to the erection of any public lighting along the Proposed Access Route. It is not clear from my examination of figure 5.4.01-5.4.15 of the Environmental Impact Statement Report (the "EIS Report") and the EIS Report generally that public lighting will be provided along the Proposed Access Route and the Cappagh Road in general. In any event, I object to such a prospect as to do so would materially alter the character of the Cappagh Road area. I contend that the Proposed Access Route which is essentially a *cul de sac* would merely be an invitation for anti-social behaviour such as the

20 DEC 2018

LTR DATED _____ FROM _____

LDG- _____

ADD.

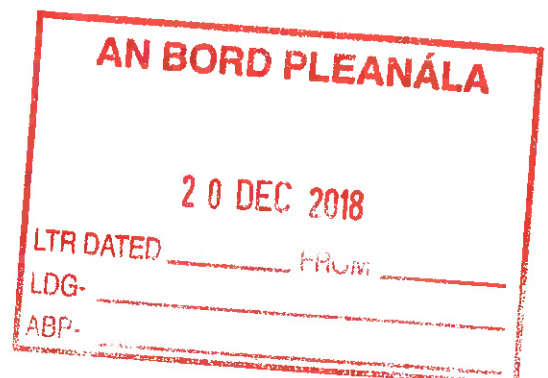
abandonment of cars, the congregating of youths and members of the public generally for illegal activities with the erection of public lighting merely aggravating such a situation. As stated in the aforementioned objections, the Boleybeg Bóithrín has always been a route solely for the purpose of landowners with property adjacent to it for the movement of livestock and their grazing. The erection of public lighting would interfere with these traditional agricultural activities for the aforementioned reasons in this Objection Number 4.

In addition, the erection of public lighting would interfere with the quiet enjoyment by my family and I of lands owned by me on the Cappagh Road.

It is for the forgoing reasons that I tender this Objection Number 4 to the proposed Road Scheme.

5. REQUEST FOR AN ORAL HEARING

In accordance with section 134(2)(b)(i) of the PDA, I request that an oral hearing be held to consider the aforementioned objections and to afford an opportunity for me and my team of experts to present my objections to an Bord Pleanála. I enclose herewith the prescribed fee for the request of an oral hearing pursuant to section 134(2)(b)(i) of the PDA. However, as my property is being materially affected by road widening works at the Cappagh Road comprising the proposed Road Scheme (as I have described above) I request that the prescribed fee be returned to me at the return address set out at the head of the enclosed cover letter.



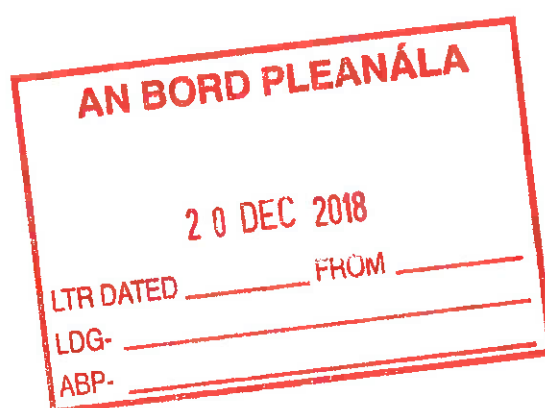
Signed:

Kevin Kelly

Mr Kevin Kelly

Date:

19.12.2018



APPENDIX 1

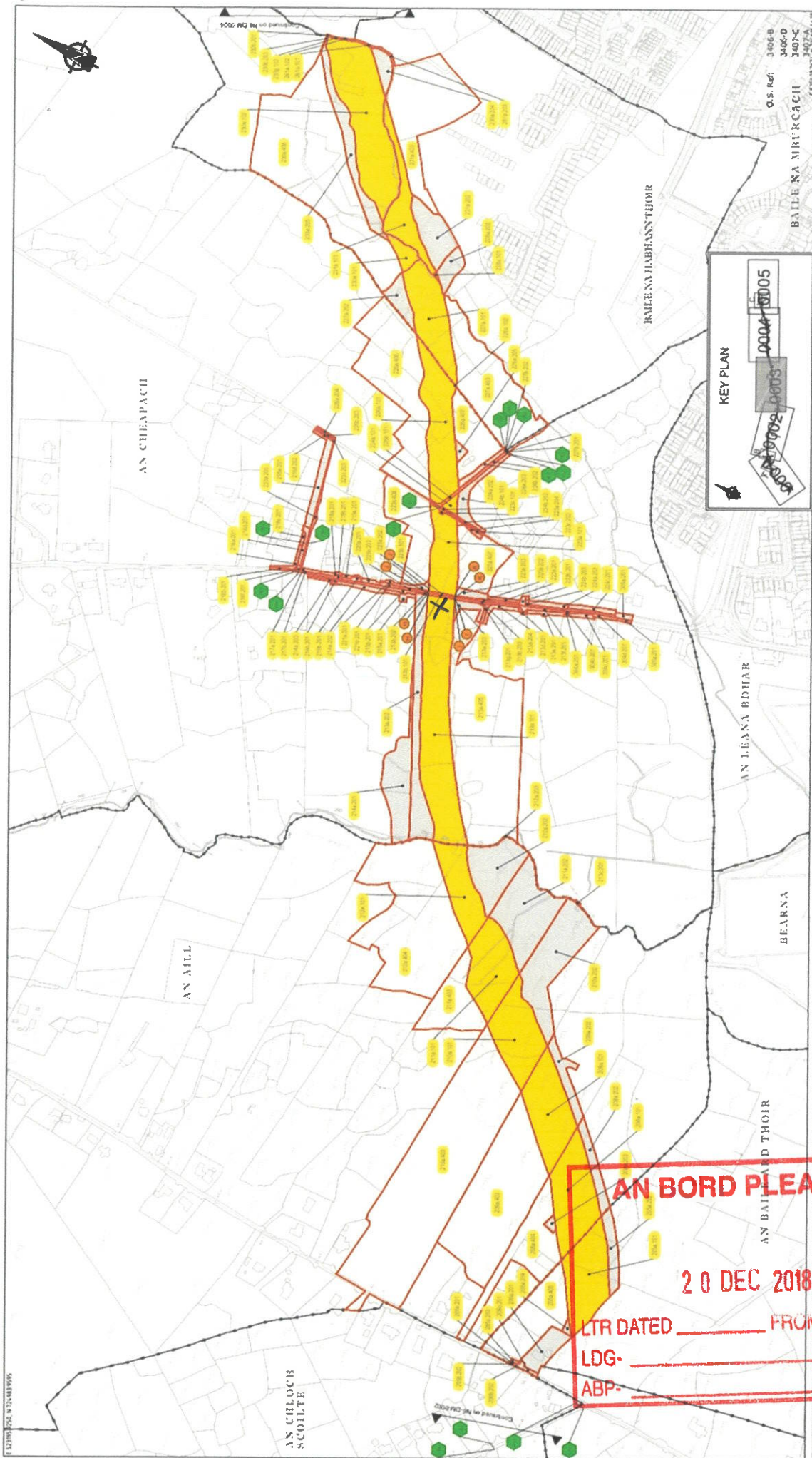
Location of the Recurring Flood

AN BORD PLEANÁLA	
20 DEC 2018	
LTR DATED _____	FROM _____
LDG- _____	
ABP- _____	

APPENDIX 2

Location of run-off water from the Recurring Flood





Legend

- SCHEDULE 1 (Part 1 Shaded in Yellow) (Lands subject to be compulsorily acquired to form part of protected road)
- SCHEDULE 1, Part 2 (Shaded in Grey) (Lands subject to be compulsorily acquired not forming part of protected road)
- Planning Permissions which have been revoked or modified under SCHEDULE 7
- Protected Road Termination Points
- Public and private rights of way to be extinguished under SCHEDULE 3
- Wayleaves and Rights of Access under SCHEDULE 4

Notes:

The boundaries shown on this drawing are based on the digital folio boundaries for the lands received from Land Registry.

Landmarks shown are as follows:

- 1. Galway City Council Survey of 2010
- 2. Galway City Council Survey of 2010
- 3. Galway City Council Survey of 2010
- 4. Galway City Council Survey of 2010
- 5. Galway City Council Survey of 2010
- 6. Galway City Council Survey of 2010
- 7. Galway City Council Survey of 2010
- 8. Galway City Council Survey of 2010
- 9. Galway City Council Survey of 2010
- 10. Galway City Council Survey of 2010
- 11. Galway City Council Survey of 2010
- 12. Galway City Council Survey of 2010
- 13. Galway City Council Survey of 2010
- 14. Galway City Council Survey of 2010
- 15. Galway City Council Survey of 2010
- 16. Galway City Council Survey of 2010
- 17. Galway City Council Survey of 2010
- 18. Galway City Council Survey of 2010
- 19. Galway City Council Survey of 2010
- 20. Galway City Council Survey of 2010
- 21. Galway City Council Survey of 2010
- 22. Galway City Council Survey of 2010
- 23. Galway City Council Survey of 2010
- 24. Galway City Council Survey of 2010
- 25. Galway City Council Survey of 2010
- 26. Galway City Council Survey of 2010
- 27. Galway City Council Survey of 2010
- 28. Galway City Council Survey of 2010
- 29. Galway City Council Survey of 2010
- 30. Galway City Council Survey of 2010
- 31. Galway City Council Survey of 2010
- 32. Galway City Council Survey of 2010
- 33. Galway City Council Survey of 2010
- 34. Galway City Council Survey of 2010
- 35. Galway City Council Survey of 2010
- 36. Galway City Council Survey of 2010
- 37. Galway City Council Survey of 2010
- 38. Galway City Council Survey of 2010
- 39. Galway City Council Survey of 2010
- 40. Galway City Council Survey of 2010
- 41. Galway City Council Survey of 2010
- 42. Galway City Council Survey of 2010
- 43. Galway City Council Survey of 2010
- 44. Galway City Council Survey of 2010
- 45. Galway City Council Survey of 2010
- 46. Galway City Council Survey of 2010
- 47. Galway City Council Survey of 2010
- 48. Galway City Council Survey of 2010
- 49. Galway City Council Survey of 2010
- 50. Galway City Council Survey of 2010
- 51. Galway City Council Survey of 2010
- 52. Galway City Council Survey of 2010
- 53. Galway City Council Survey of 2010
- 54. Galway City Council Survey of 2010
- 55. Galway City Council Survey of 2010
- 56. Galway City Council Survey of 2010
- 57. Galway City Council Survey of 2010
- 58. Galway City Council Survey of 2010
- 59. Galway City Council Survey of 2010
- 60. Galway City Council Survey of 2010
- 61. Galway City Council Survey of 2010
- 62. Galway City Council Survey of 2010
- 63. Galway City Council Survey of 2010
- 64. Galway City Council Survey of 2010
- 65. Galway City Council Survey of 2010
- 66. Galway City Council Survey of 2010
- 67. Galway City Council Survey of 2010
- 68. Galway City Council Survey of 2010
- 69. Galway City Council Survey of 2010
- 70. Galway City Council Survey of 2010
- 71. Galway City Council Survey of 2010
- 72. Galway City Council Survey of 2010
- 73. Galway City Council Survey of 2010
- 74. Galway City Council Survey of 2010
- 75. Galway City Council Survey of 2010
- 76. Galway City Council Survey of 2010
- 77. Galway City Council Survey of 2010
- 78. Galway City Council Survey of 2010
- 79. Galway City Council Survey of 2010
- 80. Galway City Council Survey of 2010
- 81. Galway City Council Survey of 2010
- 82. Galway City Council Survey of 2010
- 83. Galway City Council Survey of 2010
- 84. Galway City Council Survey of 2010
- 85. Galway City Council Survey of 2010
- 86. Galway City Council Survey of 2010
- 87. Galway City Council Survey of 2010
- 88. Galway City Council Survey of 2010
- 89. Galway City Council Survey of 2010
- 90. Galway City Council Survey of 2010
- 91. Galway City Council Survey of 2010
- 92. Galway City Council Survey of 2010
- 93. Galway City Council Survey of 2010
- 94. Galway City Council Survey of 2010
- 95. Galway City Council Survey of 2010
- 96. Galway City Council Survey of 2010
- 97. Galway City Council Survey of 2010
- 98. Galway City Council Survey of 2010
- 99. Galway City Council Survey of 2010
- 100. Galway City Council Survey of 2010

AN BORD PLEANÁLA

20 DEC 2018

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

Galway County Council

N6 Galway City Ring Road

Protected Road Scheme 2018

Deposit Map

Sheet 3 of 7

APPENDIX 3

Photos of Recurring Flood

AN BORD PLEANÁLA

20 DEC 2018

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

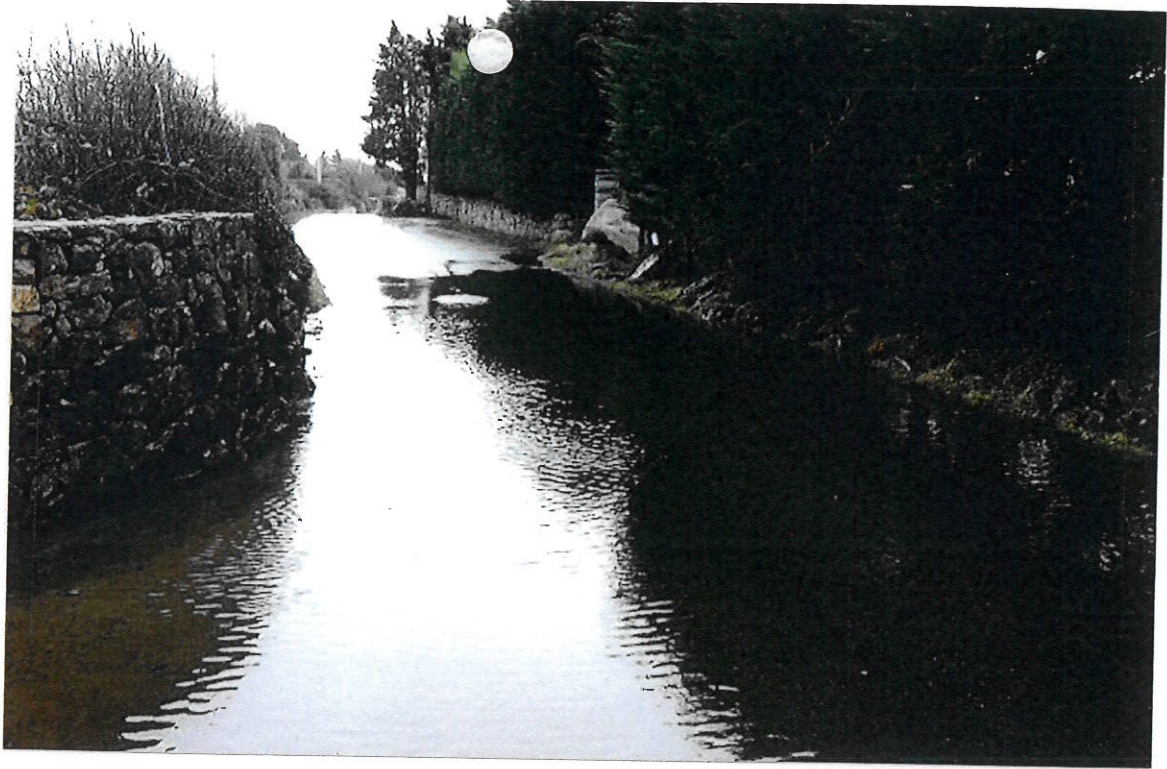
Recurring Flood - Cappagh Road



Recurring Flood - Cappagh Road



Recurring Flood - Cappagh Road



Recurring Flood - Cappagh Road



Recurring Flood - Cappagh Road

