

3 Aughnacurra

Dangan

Galway

An Bord Pleanála

64 Marlborough Street,

Dublin 1

17 Dec 2018

AN BORD PLEANÁLA	
LDG-	011010-18
ABP-	
19 DEC 2018	
Fee: €	50
Type:	cheque
Time:	13:05
By:	C. O'Brien

Dear Sir/Madam

Reference Planning Application Reference 07.302848

I enclose the submission from Michael & Trisha Murphy in relation to the planning application from Galway County Council in the matter of the N6 Galway City Ring Road (N6 GCRR).

Galway County Council have served us with a CPO in relation to the Galway Folio GY18666F. This folio is jointly owned by us and our 12 neighbours in 13 undivided shares.

We enclose a cheque for €50 to cover the fees for our submission to the planning application from Galway County Council. We do so in the uncertainty that the CPO on folio GY18666F does not entitle us to an exemption to such fees.

We look forward to presenting our submission to the Inspector at the upcoming Oral Hearing.

Yours sincerely



Michael Murphy

Submission on Application to An Bord Pleanála under
S. 37 of the Planning and Development Act 2000

Application Ref: 07.302848

Submission from: Michael & Trisha Murphy
3 Aughnacurra, Dangan, Galway

Applicant: Galway City and County Councils

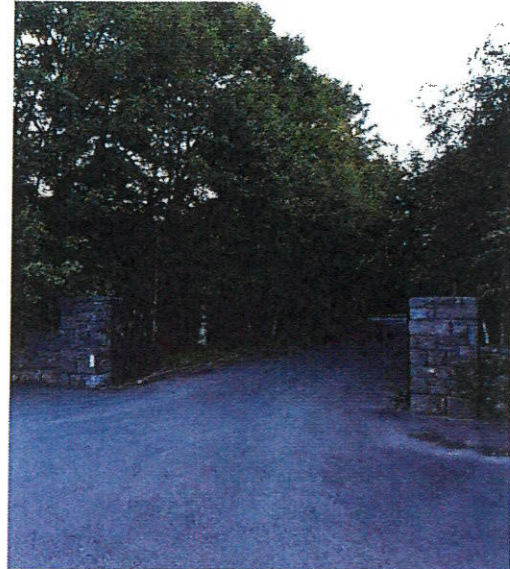
Development: N6 Galway City Ring Road (N6 GCRR)

Dear Sir/Madam

I am submitting my objection to the proposed N6 Galway City Ring Road in anticipation that I will be able to present at an Oral Hearing the compelling reasons as to why this proposed scheme is wrong for Galway people, communities, environment and businesses. In summary my objection is based on a number of substantive issues, namely;

- 1) The case for the Galway N6 motorway scheme is insufficient and is not in accordance of proper development & planning. The proposed routing of a motorway through Dangan Lower does not accord with the planning policy context and therefore is contrary to the proper planning and sustainable development of the area.
- 2) The investigation of all alternatives within the EIAR are inadequate
- 3) The procedures used in the selection of the route were unfair and most certainly not in the best interests of people and communities.
- 4) The scheme will generate serious health & safety risks to people in adjacent homes, schools and businesses
- 5) The impact on the human habitat is unimaginable and grossly misunderstood in comparison to ecology. The damage is extraordinary and is not in accordance with proper development & planning.
 - a. Critical city amenities being destroyed; NUIG sports fields, Letteragh lands, Cappagh\Ballymoneen Natural Heritage Area and Dangan Corrib Riverside.
 - b. Emerging Route proposes significant tracts of road elevated on 7-9 metre embankments, rendering constructions highly intrusive in high amenity areas.

Thanks to the Stewarts Construction company's enlightened outline plans and the foresight and regular maintenance funded by the Residents Association over the years, Aughnacurra residents now enjoy an entrance through a sylvan avenue of understated beauty that is a joy throughout the year but particularly in spring. To destroy this feature and replace it with a subterranean passageway under a dual carriageway is a proposal of wanton insensitivity that would entail a serious loss of amenity to residents. If the entrance avenue has to be changed, it should be reconstructed to the east of the dual carriageway in as close as possible to its current layout including the ornamental (non-closing) gates and mature silver birches."



I will elaborate points 1-3 in greater detail below.

1. The case for the Galway N6 motorway scheme is insufficient and is not in accordance of proper development & planning

- **The ARUP Brief (March 2015) was WRONG**

https://irl.eusupply.com/app/rfq/publicpurchase_frameset.asp?PID=66537&B=&PS=2&PP=ctm/Supplier/PublicTenders

"N6 Galway By-pass Multi-disciplinary Engineering Consultancy Services

The Council requires multi-disciplinary engineering consultancy services in relation to the proposed N6 Galway by-pass, which would extend from the R336 Regional Road west of Galway City, to the N6 east of the City. The proposed road development would have an approximate length of 24 km. The commission is to advance the development of the proposed road to completion of Phase 2, Phase 3 and Phase 4 of the NRA Project Management Guidelines."

It should have been to develop a sustainable transport solution for Galway City and it's environs that addresses the development of the city whilst also reducing traffic congestion through a balanced approach between car usage and public transport.

Despite a number of freedom of information requests, I have not been provided any information nor record as to how the procurement selection process resulted in the appointment of ARUP.

- The proposed road corridor enables the destruction of some 44 homes or thereabouts & is unprecedented in terms of the amount of homes to be destroyed by a public infrastructure in Ireland. This corridor will see, if implemented, the destruction of communities, will impact upon people, will result in the displacement of residents, displacement of business and community services, impact on business and community

services, will have bio-physical impacts, will have socio economic impacts. Furthermore, the design is to motorway standard until the Western fringes, which is a free flow concept with grade separated junctions. The previous similar scheme known as the Galway Eastern Approach Road [GEAR] implemented 1988-1996 used dual carriageway/undivided 4 lane strategy and roundabout junctions to avoid house/home and business destruction. There is no reason why if the N6GCRR strategy repeated the GEAR design rationale that a corridor not involving home/business destruction could come into being. The process and adoption of this objective is done in the absence of a 'Social Impact Assessment and is by definition unjust and flawed.

- The N6 Galway City Transport Project is the single most damaging public project of its type in recent history or ever in the history of this country.
"The single worst mass eviction in Irish history is to be commemorated with a memorial in Mountbellew County Galway. Two hundred and seventy people from 61 families were evicted on the 13 March 1846 on the height of the Great Famine by local landowner Marcella Gerard, who subsequently turned their lands into a cattle grazing area."
<http://www.mountbellew.com/articles.php?id=mba04>
- Furthermore, there are alternative road alignments closely approximately a hybrid between the "green" & "blue" routes (reference Galway City Transport Project – Route Selection Report) that would have only resulted in the destruction of 2 homes and hence would have had a lesser impact on the human habitat, see Schedule 1.

II. The investigation of all alternatives within the EIAR are inadequate

- The examination of alternatives to the destruction of the lower Dangan area are grossly inadequate. The proposed motorway road impacts on a community of 20 homes and also on the NUIG sporting grounds frequently accessed by the Dangan community. It beggars belief that the planning authority could countenance the destruction of a number of playing fields and irreversibly damage the recreational amenity of these grounds.
- The original Galway Outer bypass was excluded from the route selection process at the project steering meeting on Nov 12 2014 based on significant ecological concerns. This was despite a recognition that any route north of the Quincentenary bridge would also impact on SAC's. The decision to exclude the original GCOB was wrong and should have been investigated as another alternative particularly as it had a much lower impact on homes and communities. Extract from the Nov 12 2014 Galway County Council (GCoC) steering meeting minutes recorded the following decision:

	<p>3. Presentation by Arup</p> <p>Arup presented an overview of work done to date. The conclusions of the current work are summarised as follows:</p> <ul style="list-style-type: none"> • Based on the habitat and species surveys completed to date, any option to the north of the existing Quincentenary Bridge is likely to be a 6(4) application. • An option along the route of the former Galway City Outer Bypass is not a feasible option given the significant ecological constraints of international importance. • Client is only allowed progress a 6(4) application in the absence of alternatives.
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- I had been engaged in consultations with the N6 Transport Project Office since the publication of the six emerging routes in Feb 2015. I have requested a number of ameliorations to the route design and none have been granted to date:
 - I requested that the road should be tunnelled under the communities of Aughnacurra and Ard Na Locha until it converged with the motorway intersection at Letteragh. This was rejected based on engineering elevations.
 - I then requested that the road should be excavated using the "Cut & Fill" construction method. This would have enabled homeowners to re-build their houses post the construction of the road subterranean. This again was rejected based on engineering elevations.
 - Finally, I requested that the road was moved eastwards away from the Aughnacurra development to minimise the number of homes to be compulsorily purchased, and also to minimise the devastating destruction of our environment. Not alone was this request rejected, but successive changes to the route design resulted in the road being shifted further into our community lands.

Section 4.8.4 in the EIAR contains a poor and inaccurate assessment of the impacts to the Dangan Bushypark area. It claims that the proposed road was moved to reduce impacts to residential properties.

4.8.4 Dangan Bushypark Area

The proposed mainline of the proposed road development moved slightly west c.15-20m in the Dangan/Bushypark area to reduce direct impacts to a local primary school and residential properties. The alignment over the River Corrib was amended to reduce the overall span and skew over the river.

This is a shockingly inaccurate statement. The re-alignment of the road did indeed protect one home from demolition. However, the road re-alignment resulted in two other homes being CPO'ed and another seven homes being impacted by the road being moved closer to these homes. The rationale for saving one home and impacting nine other homes lacks transparency and certainly raises serious integrity questions. Article 41 of the EU's Charter of Fundamental Rights is entitled 'Right to good administration' and clarifies

- *Every person has the right to have his or her affairs handled impartially, fairly and within reasonable time by the institutions and bodies of the union.*

III The procedures used in the selection of the route were unfair and most certainly not in the best interests of the public

- Brief issued to tender in 2013 was to design a road. There was no request of ARUP to look at alternatives to a motorway bypass. More significantly, the purpose of the brief never referred to the matter of resolving transportation solutions for Galway City.
- The route selection criteria were completely biased on ecological criteria
 - The project steering team decided prior to the public consultation process on route selection, that blue route should be advance tested for environmental testing. The following is an extract of the steering meeting minutes from Dec 10 2014.

	<p>3. Presentation by Arup</p> <p>Arup presented an overview of work done to date, as detailed in Progress Report for Steering Committee Meeting #13.</p> <p>3.1. Systra have generated forecast year Do-Minimum matrices. The 2019 medium growth Do-Minimum demand model run is completed and the results seem logical.</p> <p>3.2. Systra assigned the 2019 Do-Minimum matrices to the Blue Option as a fixed matrix assignment so that the design team could <u>review the operation of the Blue Option</u> and assess the need for any additional infrastructure. This has been completed, the output reviewed, minor changes made to include additional connectivity and the demand model will be run next.</p> <p>3.3. From the review of the Saturn assignments, it appears that the <u>Blue Option can provide relief to the junctions along the existing N6</u> provided that there is good connectivity between the Blue</p>
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	<p>Option and the existing N6. The Blue route was modelled first as it was thought to have the least impact on the designated European SAC. Investigative works are ongoing to assess if the Tunnel is technically feasible. A Geotechnical Engineer and a Geologist will be on site next Monday.</p>
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- Following publication of the 6 routes in Feb 2015, I requested information on the route selection criteria at an initial consultation meeting at the N6 project office in Ballybrit. I was provided the following route selection criteria:
















ARUP Process

All letters of objections should be forwarded to the following address by Feb 20th

N6 Galway City Transport Project
 For the Attention of Ms Eileen McCarthy (ARUP Project Lead)
 Corporate House
 City East Business Park
 Ballybrit
 Galway
 Ireland

ROUTE SELECTION CRITERIA	
ECONOMY	COST / BENEFIT ANALYSIS
ENVIRONMENT	<ul style="list-style-type: none"> • Landscape & Visual • Air • Noise • Agriculture • Ecology • Geology • Hydrology • Hydrogeology • Socio-Economic • Material Assets (<u>utilities, parks, gardens, etc...</u>) • Archeology • Cultural Heritage Sites
SAFETY	
ACCESSIBILITY	
INTEGRATION	<ul style="list-style-type: none"> • Compliance with National & Regional Policies • County Development Plan • SMARTER Travel

- Following this consultation with the N6 project office, I organised a kick off community meeting in Dangan on Feb 8 2015, and I presented the following table highlighting that the blue route was already pre-determined.

CRITERION	ROUTES			
	RED	ORANGE	GREEN	BLUE
COST				
CITY PLAN				
HOMES	120		100	50
ACCESSIBILITY				
ENVIRONMENT				
HERITAGE SITES				
AMENITIES	????	????	????	

- The N6 project team's attempt to down-select to the 6 emerging routes in Jan 2015 was derisory. No explanation was provided at the time as to why original route wasn't brought forward for full assessment under EIAR
- In meeting the GCC/ARUP project leadership team on 27 March 2015, I challenged Mike Evans project director that the blue route was already pre-determined as their decision criteria had clearly pre-determined the selection of this route. I emphasised to him that the criteria would summarise down to three criteria; avoidance of SAC's, least number of homes impacted and lowest capital cost. Mike Evans refuted my claim and committed to a full public meeting whereby full disclosure would be provided as to the final route selected and why. This commitment was never fulfilled and the opportunity to engage in the decision was avoided due to a protracted delay of three months in the publication of the route selection report in August 2015 after the route was announced in May 2015. This was just another example of unacceptable practises with regard to public consultation.
- On April 13 2015, a delegation from the Galway City Council, Galway County Council and TD's travelled to Brussels to meet with the European Commission for the Environment. The briefing document from the Galway County Council stated the following;

"At the monthly meeting held on 23rd February 2015 the Members of Galway County Council unanimously agreed that a deputation would travel to Brussels with a view to getting clarification regarding the possible application of Article 6.4 to the original Galway City Outer

By-pass Route". Attendees were as follows

Galway County Council:	Councillors - Mary Hoada, Donagh Killlea, Eileen Mannion, James Charity Directors — Liam Gavin, Michael Timmins Community Reps (under PPN): Caoimhin O'Faharta (Moycullen), Tom Gavin (Ballinasloe)
Galway City Council:	Joe O'Neill (Director Services), Donal Lyons (Mayor), Cllr Noel Larkin
MEP's	Luke Ming Flanagan, Marian Harkin, Mairead McGuinness, Trevor O'Clocharaigh (for Matt Carty)
Commission	Michael O'Brian, Ms. Treacy (Lawyer)
Others	Noel Grealish, Fidelma Healy Eames, Tom Kilgariff, Michael Murphy

Marion Harkin in her media briefing summarised the meeting as follows:

"In my opinion, the core message from the EU Commission today was, all options are on the table but any assessments undertaken on routes, either to eliminate one or choose one, must be thorough, rigorous, have a well-argued evidence base, and must comply with the relevant legislation", Marian Harkin concluded.

The Galway County Council refused to facilitate representation of impacted community residents at this meeting and chose to invite two community representatives from Moycullen and Ballinasloe who had no direct involvement with the motorway scheme. In fact, both representatives declined to comment when asked for any input during the roundtable. Again, it was a pathetic attempt to fulfil their requirements for public representation and a waste of tax payers money.

Despite much opposition from Galway County Council, Michael Murphy & Tom Kilgariff were extended an invite by the independent MEP Marian Harkin. This clearly demonstrated that the planning authority were actively excluding representation of impacted community members at critical consultation discussions. I enclose my meeting minutes in Schedule II.

- Despite regular participation in the consultation process, reference Schedule III, the selected route published in May 2015 actually resulted in a deterioration in the alignment of the proposed motorway through the Aughnacurra estate. It appears that the project office prioritised the retention of one homeowner in Ard Na Locha and this resulted in a more destructive alignment of the road through Aughnacurra and further resulted in an alternative home being CPO'ed in Ard Na Locha. The transparency around how certain homes were included and excluded in the planning process was absurd and contrary to my citizen rights. Despite significant efforts, there was no attempt from the planning authority to engage and collaborate.
- Subsequent to the announcement of the preferred route in May 2015, I requested freedom of information from the Galway County Council as to why the original Galway City Outer Bypass was not brought forward for approval under Article 6.4. Despite numerous requests over 18 months to Galway County Council and the Information Commissioner, I was unable to acquire any written documentation from Galway County Council nor the NRA as to the reasons why they did not re-submit the planning application for the original GCOB scheme under article 6.4. See Schedule IV for all related correspondence between Galway County Council & myself.

- I should point out that I am aware that, following on the judicial finding that An Bord Pleanála (ABP) approval of the eastern section of the original Galway City Outer Bypass (GCOB) plan contravened the European Habitats Directive, ABP took the decision against having derogation recourse to Article 6(4) of the Directive. As a consequence, and as the primary agent, ABP's decision effectively bound all of the other GCOB active parties, including Galway County and City authorities. I find it incredible that, in regard to such a momentous decision, there was no exchange of correspondence between the affected parties either preceding or subsequent to this decision. "
- The development of the Galway Transport plan subsequent to the finalisation of the preferred route significantly questions the integrity of the N6 Galway City Ring Road (GCRR) scheme. The development of the GTS was in response to the guidance from the European Commission to examine all alternatives to the construction of a motorway. It is my contention that the planning procedures on the chosen scheme are seriously flawed and the continuation of the scheme was a desperate attempt from the developer to salvage 2 years of road planning work that should have been scrapped and re-started.
- Specific observations/submissions regarding Galway City Development Plan Section 3.10 'SPECIFIC OBJECTIVES'- 'TRAFFIC AND ROAD NETWORK' include inter alia;
 - (a) *Implement the programme of actions and measures as provided for in the Galway Transport Strategy (GTS) in partnership with the National Transport authority and on a phased basis and co-ordinated basis based on priority needs.* – This objective is indefinite and vague and only commits itself to unknown phasing based upon unknown priority needs. Furthermore, the N6GCRR process espoused in the ARUP Report takes the GTS and its unknown outcomes as read & proceeds as if they were known. As all N6GCRR outcomes are predicated on the taking as read unknown outcomes this particular objective is flawed, unjust and unreasonable;
 - (b) *Reserve the preferred route corridor of the N6GCRR project which has been selected to accommodate the requirements of an emerging strategic road and the associated bridge crossing of the River Corrib-* This objective is predicated upon an incomplete process, wherein EIA outcome is unknown, statutory processes and procedures are incomplete & therefore is premature.
 - (c) *The removal of in or around 44 houses is contrary to the national housing strategy promoting the making available of privately occupied housing and therefore is contrary to the proper planning and development of the area;*
 - (d) *The said removal of 44 houses or thereabouts begs the question where do the dispossessed owners go & is the forced homelessness the probable outcome;*
 - (e) *The said house destruction has implications for education, employment, activities and health of the dispossessed;*
 - (f) *Give Priority to the reservation of the N6GCRR & the associated land requirements over other land uses and objectives in the City Development Plan & prohibit developments within the corridor which could potentially prejudice the development of this strategic road and river-crossing.* This objective is a sequitor to the previous one & penalises homeowners who have got current permissions. Also, all of the previous observations apply to this objective;
 - (g) *Investigate & development Road Improvements, junction improvements, traffic management solutionsbe subject to the requirements and consent procedures of the Planning and Development Acts and*

the Roads Acts – This approach is legally questionable. It proposes to adopt unknown solutions and developments in post hoc scenarios through legal processes and by implication takes such approvals as given and proposes to advance in that context. It is by analogy akin to National government making legal decisions on the basis that it will be successful in its challenge to the EU Commission's judgement in the Apple case. Furthermore, in a scenario where the current city traffic management was advanced upon real time active management which has not always existed, the credibility to factually implement the objective is questionable;

- (h) *The Traffic and Road Network Specific Objectives* – ignore previous City Development Plan objectives. The Western Distributor Road was the subject of previous plans and the land corridor is held for the purposes of a 4-lane roadway to accommodate the distribution of traffic and a Barna By Pass. Indeed, its objects were to provide the capacity and functionality that the Western elements of the N6GCRR now envisage.
- o The Fifth EC Environmental Action Programme – Towards Sustainability, which is incorporated into the Maastricht Treaty defines "SUSTAINABLE DEVELOPMENT" as development meeting the needs of the present, without compromising the ability of future generations to meet their needs. The land corridor with its destruction of 44 houses and adverse impingement on many others is at variance with this principle & therefore contrary to the proper planning and development of the area;

COMPULSORY ACQUISITION OF AUGHNACURRA COMMUNITY LAND (folio GY 18666F)

In order to facilitate the proposed scheme, it is proposed to compulsorily acquire land which comprises of roads and a green area within the Aughnacurra estate, reference Galway Folio GY 18666F. There is nothing in the documentation supplied by the developer which purports to justify this proposed acquisition. In the absence of any consideration of alternatives to routing the N6 GCRR through this estate, it is submitted that there is no basis upon which the Board could be satisfied that the proposed acquisition from the Aughnacurra Residents Association meets the statutory and constitutional threshold.

We contend that there is existing case law that supports our views above. In particular, we submit that the developer has failed to establish that, in respect of the element of the proposed scheme which affects the Aughnacurra Community that (a) it is necessary, (b) it is proportionate, (c) it is in the interests of the common good and (d) there are no demonstrably better alternatives.

PROPOSED SOLUTIONS AVAILABLE TO THE BOARD

Given the inherent issues with the retrospective justification of a motorway scheme following the later publication of the GTS and the Galway City Development plan (2017-2023); we contend that there are better alternatives to be considered within the EIAR:

- Option 1: Request the applicant to revise their design and reroute the proposed N6 GCRR following the alignment indicated in Schedule 1. This is an amalgamation of alternate routes previously proposed by the N6 Transport project office and that would result in the demolition of 2 homes only.
- Option 2: Request the applicant to investigate the option of tunnelling the motorway section under the river Corrib and under the estates of Aughnacurra and Ard Na Locha. This will result in the preservation of the beautiful parkland and river walk in NUIG, and the protection of 24 homes in the Lower Dangan area. It is our contention that this option should be seriously considered, on the basis that tunnelling is being used by the applicant to mitigate impacts to limestone SAC's and horse stables.
- Option 3: Request the applicant to investigate the option of a single carriageway scheme on the western section of the ring road across the river Corrib, constructed at grade level. This road should be constructed with standard junctions and follow an alignment that doesn't require the destruction of home owners.

We understand that consideration on these 3 options will require considerable additional information and associated environmental assessment.

It is our opinion that the original GCOB should not have been excluded at the outset. The EIAR includes a long justification as to the reasons for it's exclusion. However, it's exclusion happened prior to the publication of the GTS and this consequently resulted in the GCOB being excluded pre-maturely on ecological grounds. It is our contention that the GCOB should have been fully assessed as per the requirements of 2014 EIA Directive. After all, the GCOB eastern section was originally approved by Bord Pleanala in 2006.

CONCLUSIONS

Our main grounds of objection to the applicant proposal may be summarised as follows:

- The public participation process has left much to be desired and frequently seemed to be a process of 'going through the motions'; a pretence of engagement whereas, in fact, the decisions had already been made.
- The lack of meaningful consideration of reasonable alternatives is contrary to the 2014 EIA Directive and the correct approach as established by case law
- The use of the GTS as a justification for the chosen N6 GCRR alignment is flawed and contrary to the EIA directive.
- The proposed motorway through Lower Dangan does not accord with the planning policy context and therefore is contrary to the proper planning and sustainable development of the area
- Finally, the proposal, in our view, constitutes a major breach of adopted plans and policy; local, regional and national. The City and County Development Plans, as well as the RPGs, government policy (Smarter Travel) and the Galway Transport Strategy all talk about developing more sustainable forms of transport. This includes:
 - A reduction in the use of the private car and increased use of more sustainable modes of travel including public transport, walking and cycling.
 - Reduced commuting distances
 - The integration of land use planning and transport planning.

We respectfully submit that the proposed N6 GCRR motorway route does not serve the common good, due to its adverse impacts on the significant numbers of homeowners and communities.

We are looking forward to our opportunity to present the reasons why this proposed Galway N6 GCRR scheme is wrong for Galway people, homeowners, communities and businesses. We therefore request the Board to consider one of the proposed three alternative options outlined above.

Yours sincerely



Michael Murphy



Trisha Murphy

ATTACHMENTS

- A. Fee (€50)
- B. Schedule 1: Alternative N6 GCRR route requiring demolition of 2 homes
- C. Schedule 2: Meeting minutes – GCoC delegation April 2015
- D. Schedule 3: Galway N6 Action Group Limited - submissions
- E. Schedule 4: Correspondence between Michael & Trisha Murphy and GCoC in relation to why original GCOB was not re-submitted under Article 6.4

Schedule I

Alternative route alignment that results in the destruction of only 2 homes

It is a hybrid of the original blue & green routes – reference route selection report



Schedule II

Minutes from the meeting in Brussels in April 2015

Meeting with European Commission April 14 2015 to review the process for selecting the Galway City outer bypass

Meeting Attendees -

Galway County Council:	Councillors - Mary Hoade, Donagh Killilea, Eilíeen Mannion, James Charity Directors – Liam Gavin, Michael Timmins Community Reps (under PPN): Caoimhin O’Faharta (Moycullen) , Tom Gavin (Ballinasloe)
Galway City Council:	Joe O’Neill (Director Services), Donal Lyons (Mayor), Cllr Noel Larkin
MEP’s	Luke Ming Flanagan, Marian Harkin, Mairead McGuinness, Trevor O’Clochartaigh (for Matt Carty)
Commission	Micheal O’Brian, Ms. Treacy (Lawyer)
Others	Noel Grealish, Fidelma Healy Eames, Tom Kilkarriff, Michael Murphy

Executive Summary

- Purpose of delegation meeting with European Commission was to get clarification regarding the possible application of the Article 6.4 process to the original G.C.O.B. route
- Key Points
 - Should the Competent Authority have contacted Commission before proceeding with selection of routes [Grealish] ? Not necessary, but advisable to make contact regularly throughout the process (O’Brian)
 - There is flexibility to re-submit GCOB under Article 6:4, only after all alternatives have been eliminated.
 - Alternatives have to be reasonable. For example, if new road costs 10x original road proposal, this would not be reasonable. (O’Brian)
 - If you eliminate the six routes, then GCOB becomes the alternative . (O’Brian)
 - GCOB was excluded based on new transportation objectives [Joe O’Neill]
 - Tom Kilkarriff clarified that the objectives of the original project scope are the same
 - Commission provided no guidance on how many homes would be considered of greater importance to protecting a SAC. (O’Brian)
 - There is no requirement or guideline on how many homes would be significant
 - “You can replace a house, you cannot replace a habitat” . (O’Brian)
 - Sought advice if 6 routes should have a full environmental analysis conducted before a route is down-selected ? (Murphy)
 - Full environmental study will have to be completed on any route before proposal can be put forward to Bord Pleanala (O’Brian)
 - Kilkarriff having had knowledge of GCOB pointed out that it was not solely a bypass but encompassed Western Distributor Road & Galway Eastern approach Rd. Also, Bord Pleanala never considered 6.4 made no mention of bog cotton or tonabrooky bog & actually excluded west section on basis of effect on human & environmental issue. Also deductive reasoning must show that the exclusion of GCOB represented a flaw in the process; The River Corrib itself is a priority habitat & SAC & populated by Annex 1 Birds

- General Advice *(O'Brain)*
 - Commission needs to be informed of Compensatory Measures
 - Need to take consideration of Irish Courts & original Complainant when looking at alternatives
 - Consult with Natural Parks & Wildlife
 - Every route should have an environmental, social & economic impact carried out

Other Observations:

- Marian Harkin facilitated (chaired) the meeting.
- She handed the chair to Mary Hoade for the first hour. Only questions or inputs from County & City Council members were allowed (I was told on 3 occasions to wait my turn – treated like a primary school pupil !)
- Community Reps were asked if they had a question. They declined any question or input. Some community representation.
- I was allowed the right to speak after a wait of 90 minutes at least.

Schedule III

We attach the following submissions that we have previously tendered to the Galway City Council and Galway County Council on their planning process for this motorway scheme.

1. Route Selection Process
 - Community Impact Report Mar 2015
 - Technical Advisory Assessment Report Mar 2015
2. Integrated Traffic Management Programme
 - ITMP Submission N6 Action Groups 29 July 2015
3. Galway Transport Strategy
 - Galway Transport Strategy Submission 14 Jul 2016
4. Galway City Development Plan Amendment 2017
 - Submission (30.9.16) to Draft Galway City Development Plan 2017 2023
 - Galway City Development Plan – Stephen Dowd Submission
 - GN6AG Submission to the National Roads Project Office Dec 1 2016

We also attach the submissions presented to Minister Pascal Donohoe & Minister Shane Ross on 1 July 2015 & 20 Jan 2017.

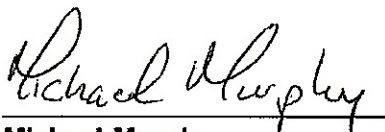
Bushypark, Dangan, Circular Road Communities

GALWAY N6 - Outer Ring Road

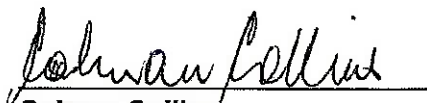
**Route Corridors
Public Consultation
February 2015**

Initial Comments on the proposed Route Corridors

This submission is made on 6th March 2015 by



Michael Murphy
Galway N6 Action Group Chairperson



Colman Collins
Galway N6 Action Group PRO

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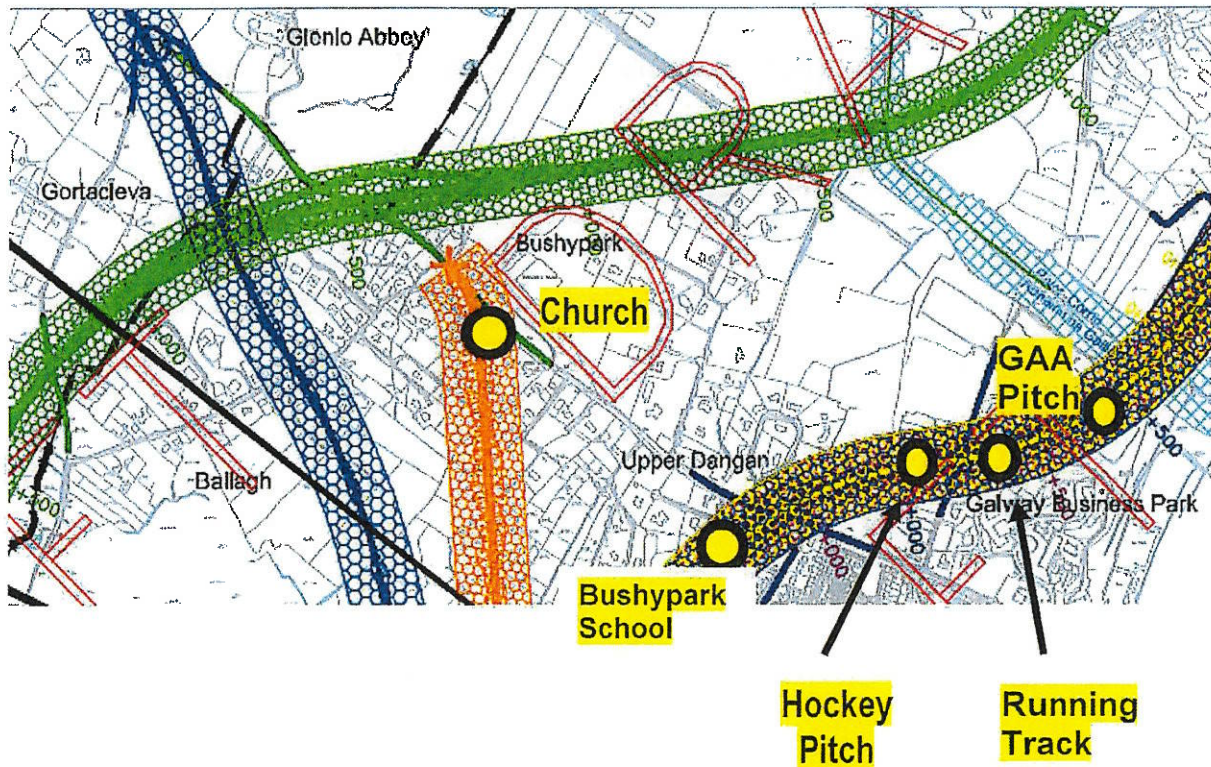
- 1 Introduction**
- 2 Summary**
- 3 Our Comments**
- 4. Appendix - Health Implications of Proposed Routes**
 - Dr Mary Regan
 - Prof. Michael Kerin
- 5. Appendix - Petitions from Galway Residents**

1. Introduction

The Public Consultation sessions for the N6 Galway City Transport Project started during week beginning 26th January 2015.

This document has been prepared by the Galway N6 Action Group in response to the limited decision criteria shared at these sessions.

The map extract below shows the approximate location of our West Galway communities relative to the proposed new route corridors.

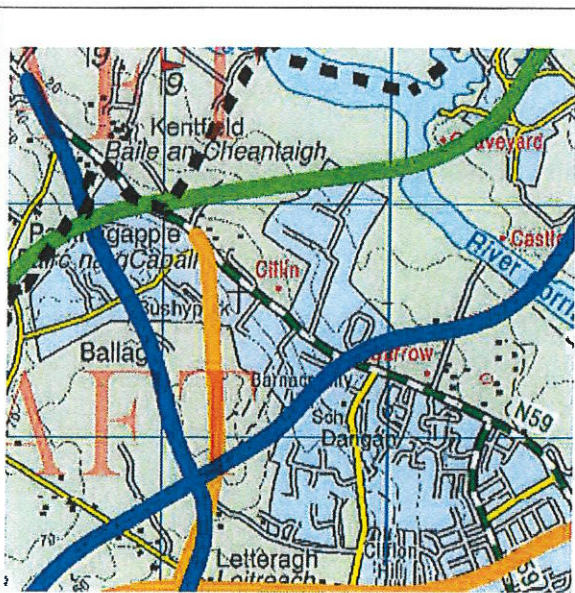


The graphic shows the impacted Bushypark/Circular Road/Dangan and The Heath community areas relative to the proposed route corridors; St James School Bushypark, built in 1973, has over 400 children – the proposed blue route runs right over the new astro pitch which is right beside the school.

The NUIG Sports grounds are used by several clubs in Galway including several hockey clubs, secondary schools hockey clubs, athletics clubs, and GAA clubs.

2. Summary

The population of Busypark, Dangan, Circular Road & The Heath are hard working, progressive and industrious people; our tradition and hallmark has been our determination to improve our lot while at the same time developing and maintaining a strong and vibrant community. As a people we are not anti-progress but we are united and resolute in our strong opposition to the routing of a new motorway / high-grade dual carriageway **through our communities.**



A route through either of the blue' or 'green' corridors as currently proposed would have a **devastating effect** on our quiet suburban area. Our quality of life and our sense of community would be destroyed by this road project..

We well understand the driving forces behind the need for an improved east to west distributor road network. We are not against the economic development of **Galway and satellite towns** but we vehemently believe this can and must be done without the **irreversible decimation** of the unique communities such as our own. These communities form the backbone of Galway Society, a society with cultural and social values and traditions to which all of Europe aspires.

We noted with some disbelief that the 'N6 Outer Ring Road Consultation process' makes no reference to the importance of '**community**' and the need to minimise the impact of the project on communities such as ours. ***We believe that 'protection of the community' must be the primary criterion in the route selection.***

We are well known for our **community spirit** and **resolve**; in our opinion this issue presents the greatest threat we have ever encountered, both to our community and our way of life. ***We are determined to protect both, not alone for our sakes, but for those of the generations yet to come.***

3. Our Comments

- **Who we are – Community Life – What it means**
- **The Need for the Road**
- **The Route Selection Criteria**
- **The Impact of the Road on our Communities**
- **The ‘Pain – Gain’ Principle**
- **The Next Stage**

3.1 Who we are - Community Life – what it means.



Our Community is very important to us – it's at the core of the life that we lead and is central to the quality of that life.

We live in this quiet suburban area with friends and neighbours sheltered beneath the majestic rolling hillside lands of Circular Road, Barnacranny and Ballagh Bushypark. It is an area rich in heritage with its fair share of historical sites and links to our ancient past. For example, the Bushypark church has a heritage graveyard plot from the Famine period.

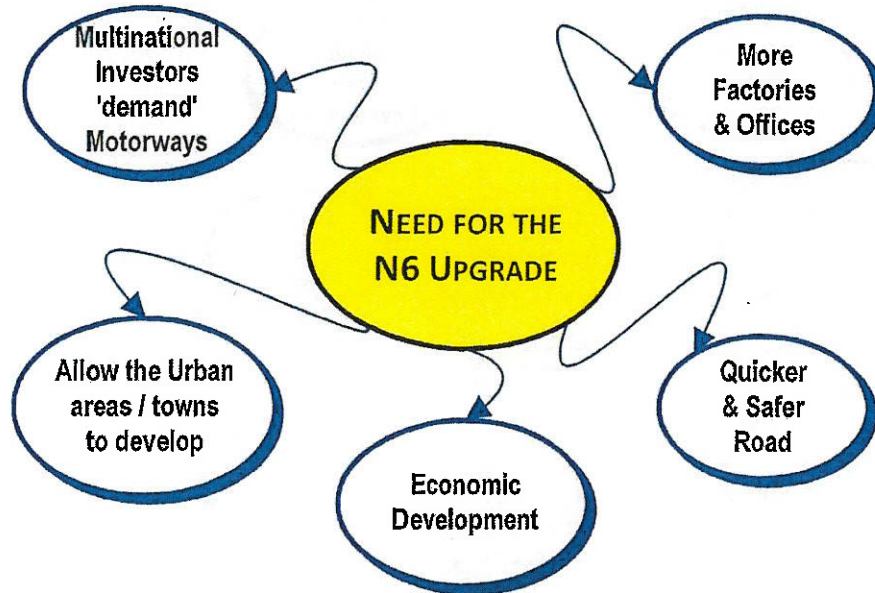
Our community gives us a common sense of identity; Church, School, Community Centre, Sport and Social; these are all key and vital aspects of our lives.

What we have is what many individuals and even whole countries aspire to; a close knit hard working community, an excellent quality of life and a safe place for our children to grow up.

For us to **sacrifice** this would be to do our children and future generations a **great injustice**.

It is too high a price to demand from any community.

3.2 The Need for the Road

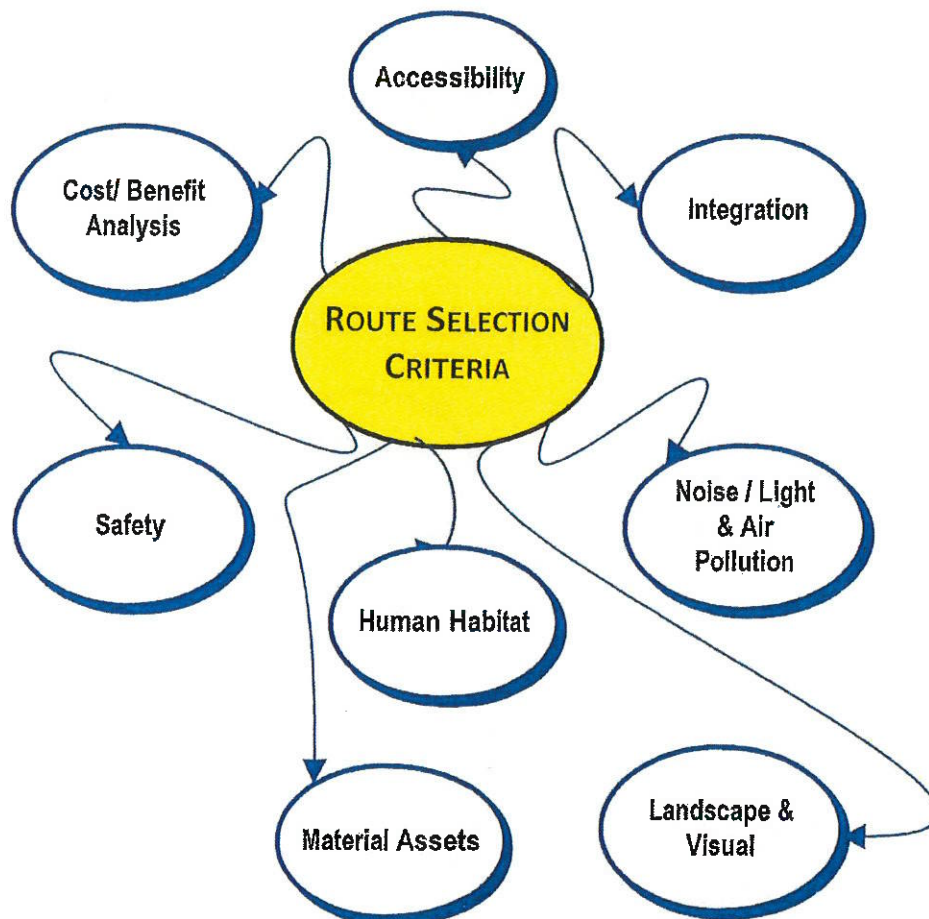


To allow Galway to develop, we agree that there is a need for an improved road network through the Galway city environs. We appreciate that improvements in the quality of existing roads also need to be implemented. Nobody can deny that an upgrade of the Galway road network is necessary.

It is understood by all that such upgrades are key to bringing inward investment to the Western capital. An effective road network access is required for Industrial companies that require raw materials and goods to be quickly and efficiently transported.

We understand and appreciate that Galway and surrounding western townland areas 'need' an effective road network in order to grow. We don't understand why our suburban communities 'need' be sacrificed in a rush for this growth.

3.3 The Route Selection Criteria



Reading the Public Consultation brochure, the words '**community**' and '**social impact**' were very noticeable by their absence. While the consultation process in the Westwood House Hotel and the Menlo Hotel addresses some environmental and natural concerns it **blatantly ignores** the issue of social impact upon community or parish.

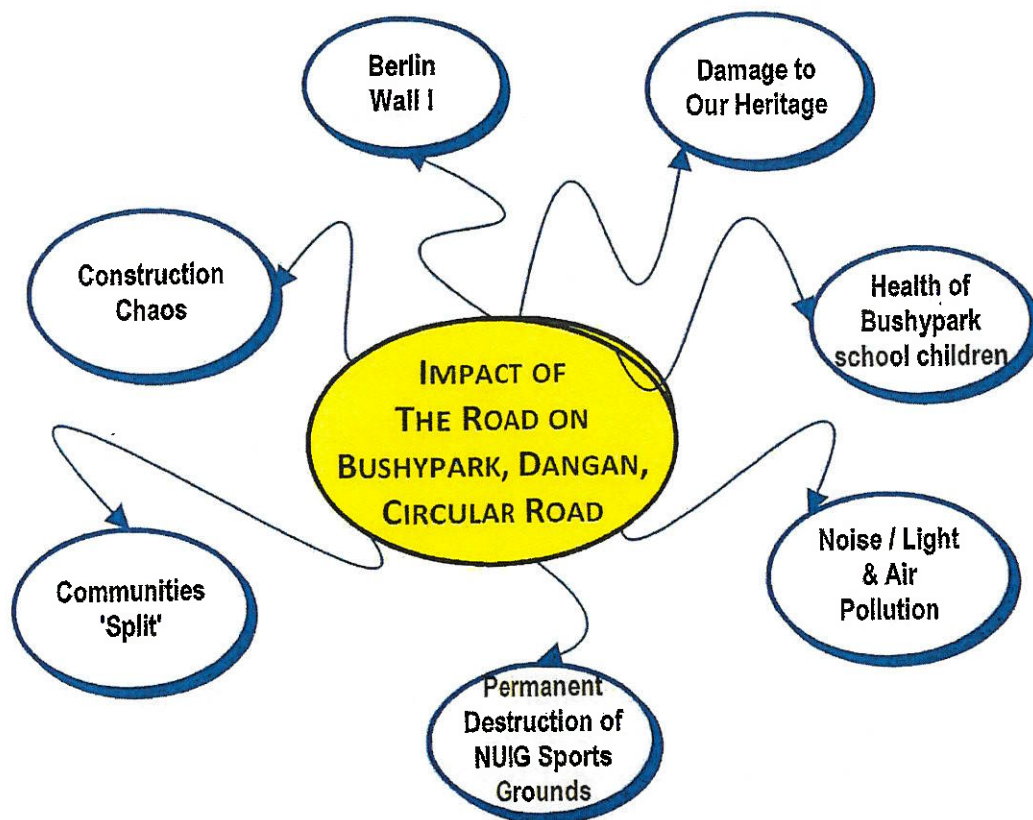
To us this is key – the **impact on communities** in Bushypark/Dangan/Circular Road should sit highest in the ranking of selection criteria.

We understand that no matter where the road is routed there will be an impact on some individuals, their land and possibly even their homes. However, the routing selection team must have as one of it's **guiding**

principles that communities, such as ours, must not be carved up and destroyed.

Route selection criteria such as Schedule and Capital Cost, while important, should 'weigh' very low in comparison to **social / community impact**.

3.4 The Impact of the Road on Bushypark, Circular Road & Dangan



The impact of the project on the Bushypark/Dangan/Circular Road communities would be felt in two phases – firstly the **Construction chaos for several years**, and secondly the reality of a '**Berlin wall**' the effect of which would be to **carve up** our communities forever. Routing the road through our communities would overpower and destroy what has grown and developed over **countless generations**.

The *construction* phase alone would drive **children** to other **schools**. Longer term the **future of our school** would be seriously threatened. **Noise, Light and Air Pollution** would also be sad legacies for the community to contend with.

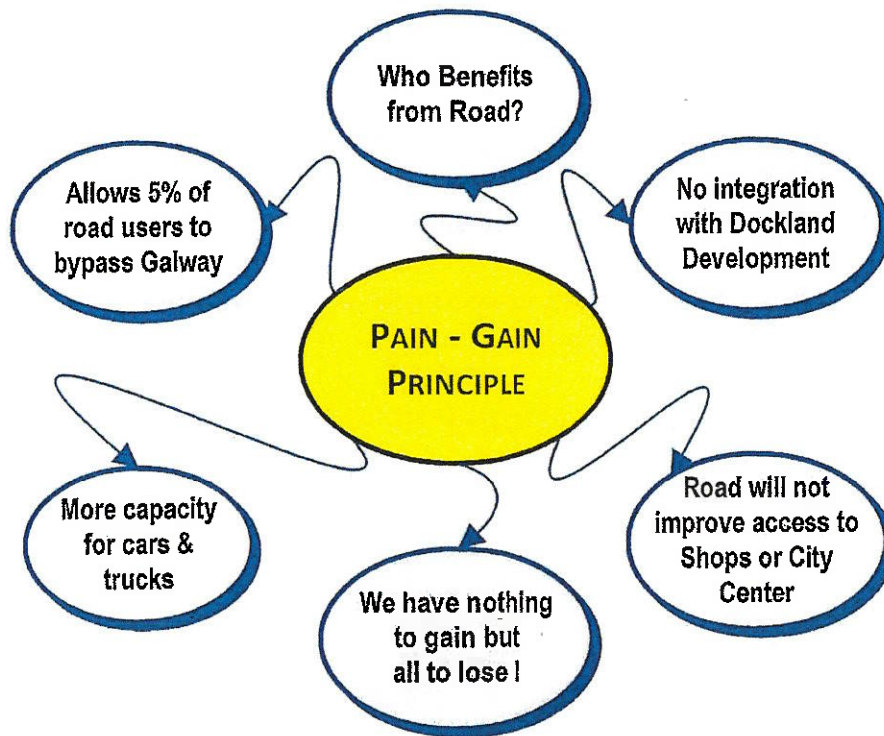
The permanent destruction of the GAA pitches, running track and Hockey pitch in the **NUIG sports grounds** would create a devastating loss of amenities to residents in the Galway west city communities.

We attach medical assessment reports which outline comprehensive health implications of the proposed routes.

- Professor Michael J Kerin MCh FRCSI FRCSEd FRCSGen
- Dr Mary Regan M.B. B.Ch. B.A.O.

In our opinion, and based on similar experiences around the country, our Community would be irreversibly split with our Way of Life, our Sense of Identity and our Quality of Life wrecked forever!

3.5 The Pain – Gain Principle



We have little to gain from the proposed 6 road routes but much to lose!

Satellite towns on the N6 route would benefit from innovative Galway Transportation solutions, that would develop a sustainable and long term solution to congestion issues around Galway City. However, one of the most important design principles of the N6 Galway City Transport project should be to eliminate or minimize motor traffic in and around the city areas. Addressing traffic volumes within the city area would go a long way to eliminating the need for a ring road system so close to the city. The outer bypass should be built far out from the city to allow traffic from major townlands outside Galway to navigate around the city border.

We suggest that those who stand to 'gain' should be those who have to put up with the 'pain'.

We recommend that communities & expert urban developers engage in a 21st century solution to a 20th century problem.

3.6 The Next Stage

We hope that in this document we convey the strength of feeling in the community regarding the routing of this project.

We are not opposed to economic progress but we do believe that Galway Traffic problems cannot be resolved by a poorly designed outer ring road that destroys Galway communities. The traffic congestion can only be addressed by re-examining the Galway City Plan and looking for smart solutions to removing the need for attracting large volumes of motor vehicles into the urban center.

We believe that there are other options open to the project team, to allow Galway communities and residents to continue to thrive and help Galway to sustain it's unique heritage in Ireland as a great place to live, work & visit.

The challenge is not to allow short term 'tactical' issues such as time & money overrule long term 'strategic' issues such as protecting communities, environment & heritage like our own.

4. APPENDICES

- **Health Implications of Proposed Routes**

- **Professor Michael Kerin**
- **Dr Mary Regan**



The Impact of the N6 development on human health

The planning and construction of a new road network is always a contentious decision and has major implications for human health. There is a well-established body of evidence that air contaminants and noise pollution as a result of residential proximity to increased traffic is associated with adverse health effects.

Illnesses include:

- Increased prevalence and severity of asthma and other respiratory diseases
- Cardiovascular disease
- Cancer
- Mental and behavioural health

The proximity to a motorway can have several deleterious consequences for human health. Air pollution causes or exacerbates childhood asthmas and reduces lung function. It causes increased respiratory and cardiovascular problems in adulthood. Increased traffic causes noise related problems, brain developmental abnormalities and an increased incidence of leukemia and other childhood cancers.¹

There is increasing evidence that long term exposure to ambient air pollution is associated with deaths from cardiopulmonary disease. Air pollutants are linked to hypoxia, neurological deficits and increased cardiovascular (heart disease and stroke) disease incidents.^{2,3} For an increase in traffic density of 10,000 motors in 24 hours there was a significant increase in natural cause and all-cause mortality – cardiovascular and lung mortality.⁴

Children are a particularly vulnerable group. They are more susceptible than adults to air pollution as they have a larger lung surface area per kilogram of body weight. Also they have a higher respiratory rate and their lungs are not mature. They tend to be more physically active and total particle deposition from traffic emission increases greatly with exercise. In 2007 a study published in The Lancet found pronounced deficits in lung development of children who lived under 500 metres from a motorway.⁵ Neurodevelopment and neurobehavior in children and adolescents have also been shown to be negatively impacted by proximity to high traffic area and air pollutants.^{6,7}

A pan European study published in 2014 in The Lancet has reported statistically significant associations between long-term exposure to traffic pollutants (even within concentration ranges below existing European annual mean limit values) and natural cause mortality.⁸

In summary increased traffic density has major deleterious consequences for adults and children and it is logical to locate motorways and highways such as this out of town and away from high density population areas.

1. Pearson *et al.* (2000) *J Air Waste Manag Assoc.* Feb;50(2):175-80.
2. Schwela (2000) *Rev Environ Health.* Jan-Jun; 15 (1-2): 13-42
3. Wilker *et al* (2013) *J Stroke Cerebrovasc Dis.* 2013 Nov;22(8):e366-72
4. Brunekreef *et al.* (1997) *Epidemiology* May;8(3): 293-303
5. Gauderman *et al.* (2007) *Lancet.* Feb 17;369(9561):571-7.
6. Kicinski *et al* (2015) *Environ Int.* 2015 Feb;75:136-43.
7. Calderón-Garcidueñas *et al.* *Front Hum Neurosci.* 2014 Aug 12;8:613.
8. Beelan *et al.* (2014) *Lancet*; 383: 785-95

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- **Health implications of proposed routes.**

There is a well established body of evidence that air pollution has an adverse effect on health. There is a strong body of evidence that residential proximity to traffic is associated with adverse health effects.

Epidmiological studies have shown significant associations with residential proximity to traffic and illnesses including:

- Increased prevalence and severity of symptoms of asthma and other respiratory diseases.
- Diminished lung function.
- Cardiovascular diseases

There is now increased concern about the links of air pollution to cardiovascular disease such as heart attacks. Indeed in lights of this evidence The British Heart Foundation have issued the following advice:

'People with heart disease should avoid spending long periods outside in areas where traffic pollution is likely to be high such as on or near busy roads'

Children are a particularly vulnerable group. They are more susceptible than adults to air pollution as they have a larger lung surface area per kilogram of body weight. Also, they have a higher respiratory rate and their lungs are not mature. They tend to be more physically active, total particle deposition from traffic emissions increases greatly with exercise.

In 2007 a study published in The Lancet found pronounced deficits in lung development of children who lived closest to motorways - under 500 Meters. Previous studies had shown that children in proximity to motorways were more

likely to develop asthma and asthma exacerbations. However this study links permanent lung damage, which can shorten life expectancy to traffic pollution. Even children who did not have asthma were found to be at risk.

In California new schools have had separation distances for location of new schools enshrined in planning law since 2003.

In Canada, U.S., New Zealand, Holland and many other countries there are health issues as schools have in the past been sited too near motorways. Because planning did not allow for adequate distances from schools they are now having to look at secondary preventative measures such as filtration systems for schools and limiting time exercising. No secondary solution is as effective as preventing in first instance and we are in a position to learn from experiences in other countries.

Studies in Prague in the Czech Republic found that even indoor levels of pollution measured in school gyms did not differ much from outdoor level in areas of high traffic.

In St James's School Bushypark there are over 400 pupils. The school gym and state of the art newly completed Astroturf pitch are just next to proposed motorway. These are the very areas where children are encouraged to take aerobic exercise and hence would be most at risk.

- **Adverse Health Effects of noise**

Noise is an unwanted or objectionable sound. Traffic is a common source of both indoor and outdoor noise. There is much evidence that noise is injurious to health. Indeed, so many studies have produced evidence in this respect that the European Commission recognizes that noise is a serious health risk. To this effect in January 2015 the E.C published a Thematic Issue on Noise impacts on health in it's 'Science for Environment Policy'. This acknowledges that in addition to annoyance and a perception of a lower quality of life long term exposure to Environmental noise can affect people's health in many ways. It states that population studies have in general revealed a link between noise exposure, raised blood pressure and stroke.

The results of over 20 studies have shown that environmental noise can affect childrens learning and cognitive development. Exposure to road, rail and air craft noise over long periods can reduce memory, reading and cognitive development. The World Health Organization has a presentation document outlining the adverse effects of noise on children. It essentially reiterates that environmental noise has indirect adverse effects on cognition, such as reading, concentration, memory and attention and that it also has psychological ill effects such as annoyance or isolation. There is frequently high ambient noise in class rooms anyway. It is found that when children are in a class room that is exposed to noise children speak more loudly than they would normally in order to be heard.

However, quieter children may become more quiet under these conditions and this can impact negatively on self confidence and cause isolation.

Essentially The World Health Organization have stressed the importance of recognizing noise as a cause of health problems in children and that noise exposure should be considered when planning setting's for children.

St. Jame's National School would be in close proximity to the proposed blue route and hence the children attending there would be subjected to adverse affects of traffic noise.

- **Dangan pitches and amenity area.**

The river walk area and pitches at Dangan are the main recreational areas for residents of this side of the city. Athletes train on the running track and sports pitches are in constant use. It is a tranquil haven for walkers of all ages and abilities. Again, the proposed siting of this route would mean that there are adverse respiratory effects to all these groups.

Many studies have linked mental health and wellbeing to availability and access to clean, green amenity areas. We are living in very stressful times at present due to ongoing recession and austerity measures. There is a very high incidence of depression and anxiety, suicide rates are sadly very high. Walking in a tranquil area is a very therapeutic pastime and is prescribed as both a preventative measure and as part of therapy for mental health. This facility would be removed if proposed route proceeds and would adversely affect health and wellbeing of residents.

Dr Mary Regan

Mary Regan 02/03/2015

5. APPENDICES

- Signed Petitions (533)

**GALWAY N6 ACTION GROUP SUBMISSION/COMMENTS ON EMERGING
PREFERRED ROUTES PUBLIC CONSULTATION PROCESS GALWAY CITY N6
TRANSPORTATION PROJECT.**

Whereas, the Galway N6 Action Group was formed for the purposes of ensuring that the solutions adopted by the competent authority are legal, equitable, correct, responsible & in keeping with correct principles, & whereas the said 'Action Group' is representative of the wider community in the Newcastle, Dangan & Bushypark areas of both Galway city & adjoining Galway County areas; the Galway N6 Action Group, makes the following submission under the consultative process:

PRELIMINARY ISSUES.

1. The return date of March 6th 2015, being too short in time does not represent true consultation & is unreasonable and unjust in preventing complete considered professional advice being procured by the community & individuals;
2. Notwithstanding the foregoing, it is evident that the process is rushed & the procedure wherein the 'Selection of the Preferred Option' is to be made in April 2015, represents a choice made in the absence of complete facts.

LEGAL ISSUES

- A. While the original GCOB proposal was promoted using Article 6(3) of the Habitats Directive [92/43/EEC] (meaning that process involves no risk of a significant effect), The ECJ ruled (Case C-258/11) that this proposal was incompatible with Article 6(3). In the judgement the court stated; "In these circumstances, the project cannot be authorised on the basis of Article 6(3) of the Habitats Directive. Nevertheless, in such a situation the competent authority could where appropriate grant authorisation under Article 6(4) of the directive, provided that the conditions therein are satisfied (para 60 Waddenvereniging & Vogelbeschermingsvereniging). That is to say that GCOB original route is an alternative under A6(4) procedure;
- B. The procedure being used in the current process is the Article 6(4) process, which means that there is a derogation which allows plans or projects to be approved having a risk of significant effect where all alternative solutions are considered under IROPI [Imperative Reasons of Overriding Public Interest]. The absence of the GCOB, as an alternative, establishes that the current process is an abuse of process in that all alternatives have not been considered & flies in the face of the direction given by ECJ in C-258/11;
- C. A6(4) allows a derogation if & only if 3 tests are met (a) no feasible less damaging alternatives; (b) IROPI exists for plan to proceed; (c)[Environmental]Compensatory measures are secured ensuring maintenance on Network of European Sites. –The absence of GCOB route + other alternatives represent a complete & absolute breach of the law;

- D. The IROPI procedure being undertaken in the subject case, is being improperly used to subvert the legal rights of the community & this taken with the absence of a full hierarchy of alternatives is an abuse of process;
- E. The Jurisprudence in the Dibden Bay, Southampton; River Elbe, Hamburg; German Motorway Bridge, shows that 'Alternatives' have to be strictly interpreted & the use of 'Decoy/Phantom' alternatives & the ignoring of actual 'alternatives' is legally unacceptable. In the subject case it is circumstantially apparent that decoy alternatives arise & actual alternatives are ignored.

ROAD ISSUES

- (i) The options provided are akin to the Galway Eastern Approach Road completed in 1996. This route from N6/N18 junction to Corrib Park/Thomas Hynes road UHG/Snipe Avenue Roundabout became over capacitated many years ago & the current alternatives will suffer that fate;
- (ii) At the presentation to Galway City Council on 9/2/'15 The Project Director's analysis, through deductive reasoning adduced, that the two real alternatives were green & blue, but green, given the impact upon Menlo appeared to be environmentally more significant. Therefore, while adducing that no option had been chosen, cognitive dissidence is ruling that only one exists with minor interplay with others;
- (iii) 7m high embankments & heavy bridge structures having deck plan widths of 25m are seriously imposing. Given the City Council Policy in relation to densities & ridge height levels it flies in the face of fundamental reason & common sense that heavy engineering structures are tolerable when houses have to be counter sunk into the terrain in the interests of the proper planning & development of the area;
- (iv) OPW gauge 30098 installed at Dangan 1996 shows the engineered channel bed at 3.3m OD, Max recorded level 9.469m OD (23/11/09), average max yearly level 9.1m OD. Thus a bridge soffit level of 15.46 m would be called for which would seriously damage the visual & environmental amenity;
- (v) The solutions proposed are limited in nature & extent & reflect short term solutions to long term problems;
- (vi) At public sessions & Galway City council meeting, tunnelling to avoid disruption to the human habitat & SAC/NHA/SPA areas was ruled out by ARUP on economic grounds. This unjustified approach must be viewed in the context of the 4.5 km Dublin Port Tunnel carrying 15,000AADT (40% HGVs-even though designed to carry 80% HGVs) with a €10 toll at peak for non HGVs/Busses & €3 off peak. Non consideration of this alternative represents both failure to fulfil IROPI /A6(4) stipulations, but also represents discrimination on grounds of geographic location.

ENVIRONMENT & HABITAT

- (a) The blue route transgresses an area of 'Extreme Aquifer Vulnerability' between Cuirt Ciarán & the Heath & this is of serious significance;
- (b) The approach roads to the Corrib Crossing Blue Route geologically represents an area underlain by Visean (Carboniferous) limestone subject to Karstification. The upper comprise highly weathered limestone overburden & LIMESTONE PAVEMENT. In fact the nature & extent & dimensionally, this pavement is greater in significance than that condemned by ECJ in the GCOB A6(3) procedure.
- (c) Karstified Limestone is impossible to seal & therefore construction of the bridge crossing will result in loss of drilling mud, grouting, gunnites & concrete & result in significant risk to the general & environment & in particular to the fishery;
- (d) The Galway City Biodiversity Plan 2013 – 2013 specifies no loss of habitats. The Annex 1 birds of Kingfisher, Great Northern Diver Common Tern, sandwich Tern, together with other species will be displaced contrary to the plan terms;
- (e) Archaeologically a 30m cordon around monuments is scheduled. However an initial project stipulation of 500m was reduced to 300m. This use of subjective criteria has resulted in the blue crossing being directed towards wholesale destruction of the human habitat (dwellings) and has reduced the possibility of other A6(4) alternatives, & so is contrary to the legal principles of A6(4);
- (f) Bord Pleanála PLO7ER2056/CH2305 in the GCOB ruling (which is authoritative having been upheld by Courts/Tribunals of ultimate jurisdiction) held that with 8 properties only being demised & given the community benefits of GCOB the scheme was positive. Ipso facto, the destruction of 50 -110 houses & the injurious affection to 200-1000 more in the Blue /Green options is on that rationale intolerable & unacceptable.

OTHER

1. The proposal in terms of Blue Green represent the destruction of a community, the eviction of people, the loss of amenity, the significant damage to the human habitat, which in all of the circumstances would be avoided if proper alternatives in terms of A6(4) procedure were investigated;
2. The Blue proposal in terms of Health & safety to the students & teachers at Bushypark/St James' National School is most serious. Noise, Air pollution & flying debris from HGVs are significant risks;
3. Given the topography of the blue Route reverberation will occur in the Western post Corrib side, which will be impossible to engineer out of the design. This is exacerbated by the NRA acceptance of a very poor 60Leq standard, which is deemed unacceptable to our partners in Europe in their project assessment;
4. The lack of objectivity is reflective of outsider imposed solutions to indigenous issues, analogous to the rejected Mater/Children's hospital.

CONCLUSION

- A. The process is legally flawed;
- B. The scheduled alternatives are limited & exclude real alternatives;
- C. A6(4) is being misapplied;
- D. The Human Environment is totally ignored;
- E. Amenity & Habitat are sacrificial lambs at the table of rule misapplication;
- F. The Community School is offered no protection;
- G. The process in its implantation is subjective & arbitrary;
- H. The proposal in the opinion of many represents, a censure on the general community of Galway, reflective of the rejection of a quasi benign positive scheme requires the visitation upon the community of a 'shock & awe' series of proposals that would be lesson teaching in their conceptuality.

NOTE

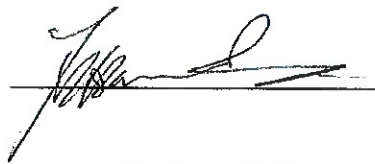
THE N6 COMMUNITY GROUP WILL RELY ON THE FOREGOING IN ALL FUTURE ACTIONS & THE NATURE OF THE PROCESS & WILL ON THE BASIS OF RECOMMENDATIONS FROM THEIR LEGAL ADVISORS INSTITUTE LEGAL PROCEEDING ON THE BASIS OF INADEQUACY OF CONSULTATION IN TEMPORAL TERMA AND THE FLAWED APPLICATION OF A6(4).

We, the undersigned, are authorized to sign this document on behalf of the Galway N6 Action Group,



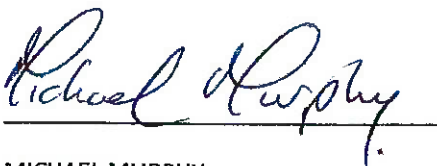
TOM KILGARRIFF

GALWAY N6 ACTION GROUP



FRANK HAREWOOD

GALWAY N6 ACTION GROUP



MICHAEL MURPHY

GALWAY N6 ACTION GROUP CHAIRPERSON

29th of July, 2015

Integrated Traffic Management Programme
Galway Transportation Unit
Galway City Council
City Hall
College Road
Galway

Dear Concerned Parties:

This submission is being made in response to a public notification by Comhairle Cathrach na Gaillimhe, Údarás Náisiúnta Iompair and Aonad Iompair na Gaillimhe requesting a public consultation in the development of an **Integrated Transport Management Programme (ITMP)** for Galway City and environs.

The **Galway City Development Plan 2011-2017** was implemented to embrace the findings of the **Habitats Inventory (2005)**, the **Heritage Plan (2006)** and the **Draft Biodiversity Plan 2008-2013**. The purpose of this plan is to prevent habitat fragmentation and increase biodiversity, along with supporting linkage and connection of natural heritage areas and creating wildlife corridors. In addition to this, at a national level, the Wildlife Act was amended in 2000 to strengthen existing protection to wildlife through statutory protection. The **European Union Habitats (1992)** and **Birds (1979) Directives** form the heart of European nature conservation policy. The directive protects over 1,000 animal and plant species and over 200 'habitat types' of international importance.

The Review of **Galway City Development Plan 2011-2017 and Preparation of Draft Development Plan 2017-2023** states that: 'Despite the common perception of the City being completely built up, over 55% of the landmass is zoned for either RA – recreational amenity or A/G – agricultural purposes. Combined, this constitutes the largest area of zoned amenity lands located within an Irish city'.

As such, the city faces enormous problems when considering how best to serve its people while at the same time abiding to National and International law in the protection of species and habitats. The construction of additional roads is laboured by the need to avoid destruction of the rich habitats in Galway city. The need to best utilise existing available infrastructure and to ensure the most efficient and sustainable use of limited road space is paramount.

There is another major issue of concern in that according to the **Report on Traffic and Travel Trends in Galway City (2015)**, the majority of people who work in the city drive to work with less than 5% using public transport. Yet, despite the belief that constructing more roads is a solution to traffic congestion, the Braess Paradox proves that this is counter-intuitive and leads to longer travel times. The Braess Paradox formulated by Dietrich Braess in 1968 has shown that in urban areas adding a new road in a transportation network causes increases in travel times of all individual travellers. New roads have the effect of leading car drivers to the weakest links in the network. The paradox occurs, because each driver chooses the route that is quickest without considering the implications his or her choice has on other drivers. Car drivers only care about the number of vehicles in the queue in front of them and do not care about the vehicles in the queue behind them. This, the classic problem in game theory, is very similar to the type for which the American mathematician, John Nash, won the Nobel Memorial Prize for Economic Sciences in 1994. Anna Nagurney, the John F. Smith Memorial Professor at the University of Massachusetts Amherst, has proven Braess Paradox, and has stated that “it is important to analyse not only the old and the proposed network topologies, but also the demands, the underlying congestion-dependent costs, and the behaviours of the users of the networks so that these investments are made wisely” (Nagurney, 2010).

A new route added to a transportation network increases the travel times of all individual travellers. In 1969, a new road built in Stuttgart, Germany, did not improve congestion in the city. After closing this road again, congestion decreased. There are several other examples of this happening such as 42nd street in New York, USA; Sydney Harbour and many more. Time and again the Braess Paradox has been proven to occur as expanding road capacity resulted in worse traffic conditions in cities across the world. Matthew Beck, a senior lecturer in Infrastructure Management, and Michiel Bliemer, Professor in Transport and Logistics Network Modelling at the University of Sydney state that ‘roads alone do not solve congestion in the long term; they are only one (problematic) tool in a transport management toolkit’.

As such, scientific research dictates that the **N6 Galway City Transport Project** is an ineffective strategy in reducing traffic congestion in the city of Galway, and that other more sustainable options must be considered in a city that has 55% of its land zoned recreational or agricultural (the largest area of zoned amenity lands located in an Irish city) and has a strategic City Development Plan to protect habitat fragmentation and increase biodiversity.

WHITE PAPER – Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system (European Commission, Brussels, 28.03.2011) outlines key goals to be reached by

2050. These include no more conventionally fuelled cars in cities, and a 50% shift of medium distance intercity passenger and freight journeys from road to rail and waterborne transport. The result of this action is to contribute to a 60% reduction in transport emissions by the middle of the century.

The **White Paper 2011** insists that transport infrastructure is planned in a way that maximises positive impact on economic growth and minimises negative impact on the environment. This leaves Galway City with the dilemma of how to get the cars off the roads. It is no longer acceptable for the city to construct new roads, as these will add to the congestion and this action will not be in sync with European Policy or Directives. Instead, the European Union has almost doubled funding to support local authorities to drive a sustainable transport solution in their transport planning. EU Investment in Urban Transport and Promotion of Cleaner Urban Transport from 2007 to 2013 was €7.82 billion (10% of ERDF and CF transport budget). From 2014 to 2020 this stands at €11-12 billion (>40% increase).

COMMISSION DELEGATED REGULATION (EU) No 275/2014 of 7 January 2014 amending Annex I to Regulation (EU) No 1316/2013 of the European Parliament and of the Council establishing the Connecting Europe Facility states that funding priorities are for the objective of ensuring sustainable and efficient transport systems in the long run with a view to preparing for expected future transport flows, as well as enabling all modes of transport to be decarbonised through transition to innovative low-carbon and energy-efficient transport technologies, while optimising safety.

DIRECTIVE 2001/42/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment. Article 1 of the Directive states that its objective is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development”.

The **National Climate Change Strategy 2007 – 2012** commits Ireland to achieving a 2% reduction on 1990 levels of Green House Gas (GHG) emission by 2020. This strategy acknowledges that transport is a major contributor to emissions, and as such, has highlighted the need for a mode shift to public transport along with the introduction of a *sustainable transport action plan*. It is now more vital than ever that the **Galway City Development Plan 2017 – 2023** align with the National Transport Authority of transport user hierarchy identifying user needs in the order:

1. Pedestrians (including those accessing public transport)
2. Cyclists
3. Public Transport Users
4. Freight, Delivery and Waste Vehicles
5. Private Vehicle Users

The cornerstone of the **National Transport Strategy** is the requirement that ‘land use planning and transport planning need to be considered together in the overall development of the region’. Inappropriate land use planning would lead to a failure to be able to provide effective and efficient transport solutions. A failure to provide appropriate transport solutions ‘results in the growth of development reliant on unsustainable car based travel with ensuing congestion and environmental degradation’ (National Transport Authority Greater Dublin Area Draft Transport Strategy 2011-2030).

Galway city is growing, and the west side of the city is currently almost saturated in terms of residential planning. The east side of the city has seen enormous growth in residential housing in recent years. There is a great need to implement a sustainable transport solution to provide easy access for citizens between the west and east of the city. The vast majority of schools are situated in the heart of the city, yet there is no school public transport system in Galway. The implementation of a schools public transport system will facilitate removing cars from the centre of the city during peak school opening and closing times. In addition to this, it is imperative that we provide sustainable transport solution that is light rail.

This light rail system will facilitate transport of workers between the west and east sides of the city, to and from work, and in addition to this it will act to remove cars from the roads. The vast majority of such cars are single occupant vehicles. By providing the citizens of Galway with a clean and efficient light rail service, there is the potential to drastically reduce traffic congestion. In contrast, by implementing the N6 Galway City Transport Project, the city authorities will choose to add to the congestion. This road through the city will have a devastating effect on people, habitats, and the landscape of the city. Statistics reveal that when a road is built, it adds more car users to the road and leads to increased congestion. Alternately, sustainable public transport, such as light rail and increased bus routes that link west and east of the city will take cars off the roads, and reduce GHG emissions and traffic congestion.

The **Permeability Best Practice Guide** released by the National Transport Authority on 28th of July, 2015, noted that ‘residents of a neighbourhood may not be aware that if a very simple intervention was made, such as

a gate being inserted in a wall, their door-to-door journey to their workplace by walking and public transport could be cut to less than their current journey by car. This time saving would likely be accompanied by an associated financial saving. This would help meet the objective of increased use of public transport, thereby maintaining further current levels of service and even rendering further improvements viable’.

In short:

- *“When history records the actions we take or fail to take at this our moment of truth, we will not have the excuse that we did not understand, that we did not know. We have been gifted, in a global communications order, with the knowledge and the opportunity to act,”* Michael D. Higgins, Uachtarán na hÉireann (speaking at the Climate Change Summit, Paris - Irish Examiner, Tuesday, July 21st, 2015).
- The practice of constructing roads, and in particular the N6 Galway City Transport Project to deal with traffic congestion must be stopped in line with scientific research analysis and EU and National Transport Policy.
- An **interconnected pedestrian and cycle street network** must be considered in Galway City. Cycling is a highly convenient and efficient form of door-to-door travel, requires far less space and fewer resources than motorised transport.
- There is a need for an absence of high walls and fences segregating housing areas and local/district centres
- There must be an absence of cul-de-sacs for pedestrians and cyclists in line with the National Transport Authority Permeability Best Practice Guide 2015.
- Secure, well-lit, overlooked pedestrian and cycle links between housing areas and between housing and local/district centres must be considered.
- **Schools bus routes** must be considered as a priority in reducing traffic congestion.
- **New bus routes** must be introduced, and the practise whereby all bus routes must pass through Eyre Square must be relaxed, to give rise to new and efficient routes linking east and west of the city. In addition to this, seasonal services must be considered to best support the influx of tourists during specific weeks in the year.
- Introduce policy to move the bus fleet currently servicing Galway City from diesel based to electric.
- Ensure that bus shelters and live route data feeds are in place at all bus and light rail stops.
- It is now necessary to study, plan and implement a **Light Rail Network** that will serve the people of Galway now and into the future (Please refer to figures 1 and 2 provided).
- Imp/Mini Buses must be considered to act as feeders into the **Light Rail Network**.
- Implement park and ride facilities at the feeder points into the **Light Rail Network**.

- Investigate leveraging the waterways of Galway to supply this renewable energy for the city, in a sympathetic way to protect the habitats and biodiversity.

All of the above proposals facilitate Galway City to grow physically and economically whilst creating potential for improvement of the urban environment. The Galway City Habitat Inventory (Natura 2005) identified fifty-eight different wildlife habitats within the city boundaries, which is a phenomenally high rate in comparison to other urban areas of a comparable size. Twenty-two of the habitats identified are considered to be nationally or internationally rare and are of high ecological or biodiversity value. Galway city stands out as unique in that it has the largest area of zoned amenity lands located within an Irish city. The city recognises this and wishes to not only preserve, but also increase the biodiversity of the habitats residing on these lands. The transport solutions for Galway must, without hesitation, move towards sustainable transport to protect and preserve the culture and the habitats of Galway city into the future.

Sincerely,

Marguerite Tonery

Chairperson Castlegar Community Group

Acting Chairperson of N6 Action Group

Kevin Gill

N6 Action Group Steering Committee Member

Joseph Kelly
SUIG

Simon Comer
An Cosáin

Michael Murphy
Chairperson of N6 Action Group

Colman Collins
PRO N6 Action Group

Adrian Boyle
Secretary Castlegar Community Group

Niamh Grogan
PRO Castlegar Community Group

Frank Flynn
Chairperson of Barna Community Group

Tina Concannon
PRO Barna Community Group

CITY	COUNTRY	POPULATION	LINES
Gmunden	Austria	13200	1
Soller	Spain	13600	1
Badan Bei Vien	Austria	25200	1
Naumberg	Germany	32800	1
Neuchatel	Switzerland	33500	1
Halberstadt	Germany	40500	2
Valenciennes	France	41300	1
Nordhausen	Germany	44200	3
Jablonec	Czech Republic	44800	1
Gotha	Germany	46000	5
Frankfurt Oder	Germany	58500	5
Plauen	Germany	66300	5
Most	Czech Republic	67100	4
Brandenburg	Germany	71800	4
Norrkoping	Sweden	83500	2
Resista	Romania	84000	2
Liepaja	Latvia	87000	1
Avignon	France	89300	2
Dessau	Germany	89900	3
Zwickau	Germany	92200	4
Gera	Germany	95400	3
Grudziadz	Poland	99000	2
Cottbus	Germany	99900	4
Delft	Netherlands	100000	2

Figure 1: List of Comparable Cities in Europe served by Light Rail Networks.

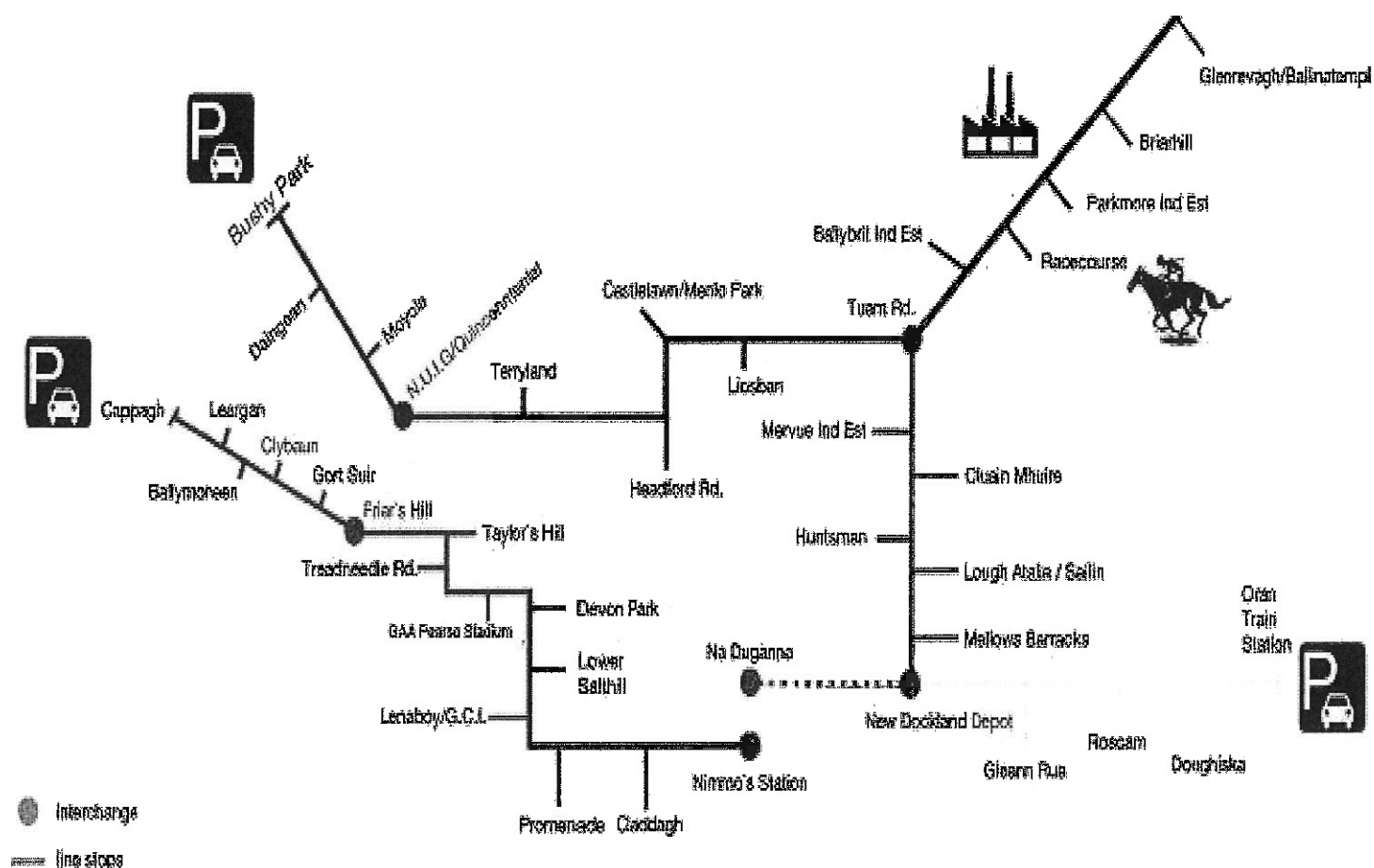


Figure 2. Example of Possible Light Rail Network in Galway City (Solas Uirbeach Iarnrod na Gaillimhe)

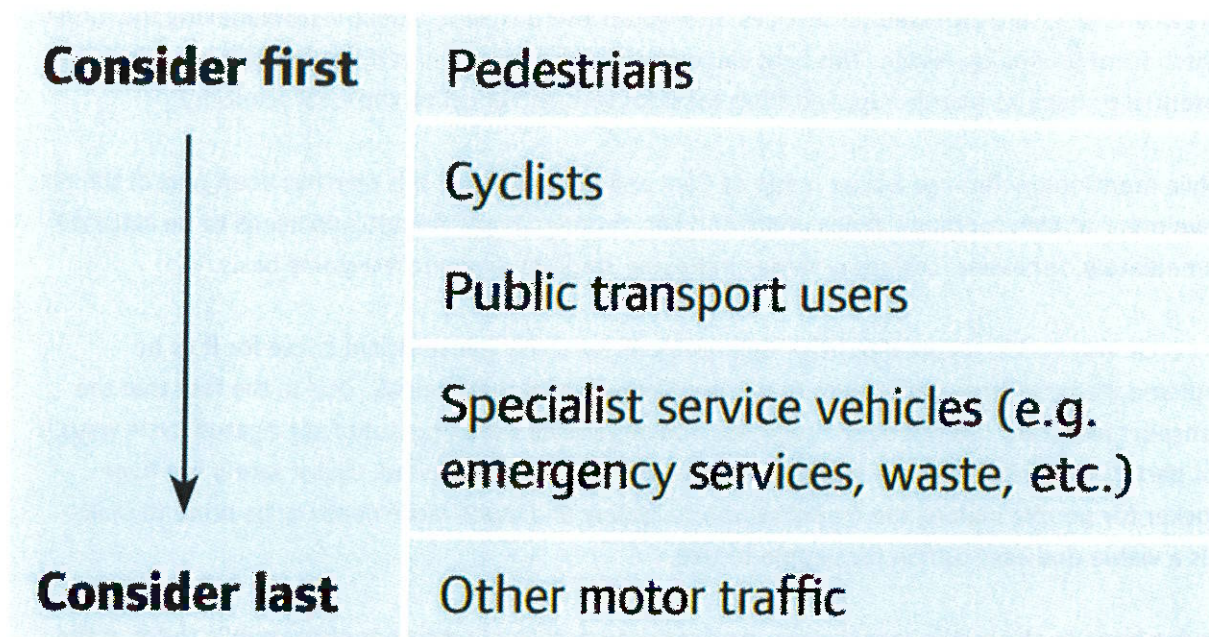
14th of July, 2016

Galway Transport Strategy
Galway Transportation Unit
Galway City Council
City Hall
College Road
Galway

Dear Concerned Parties:

This submission is being made in response to a public notification by Galway Transportation Unit requesting submissions in response to the Galway Transport Strategy 2016-2036.

While commendable in many ways this plan is flawed as it fails to implement a new transportation hierarchy and still places the private vehicle as the preferred means of transportation in Galway City. The transportation hierarchy for Galway needs to be reworked in line with the priority outlined below.



More effort has to be made to replace manual pedestrian crossings with pedestrian first options like pelican or zebra crossings in all areas of the core city centre and where safe to do so further out from the city centre.

No effort has been made to reduce vehicle emissions in the city either for public or private vehicles and considering Galway City has one of the worse air quality levels in the country, this is not acceptable. The Galway Transport Strategy 2016-2036 should be looking to move the entire public transport fleet to renewable energy so that we are not importing this energy from abroad. While there is reference to the Climate Action and Low Carbon Development Bill 2015, no mention of the

climatic effects of the changes of the Galway Transport Strategy have been outlined. More vehicles whether private or public will reduce our air quality even more.

While the new Bus Network is admirable in design, this needs to be implemented immediately, to encourage a modal shift in the city. I was informed at the public consultation that these new routes better serve the schools within the city and will encourage children to travel to school by bus instead of car, but without more detail on capacity and regularity of the services on these routes this is a dubious assertion. More work is needed to make it both possible and safe for children to make their way to school by cycling or walking. Without reworking the transportation hierarchy this will not be possible in the current plan.

Regarding the quality bus corridors and bus network as a whole, this plan really does open up the city and make alternative destinations to Eyre Sq possible. However not implementing a new road bridge beside the Salmon Weir is a missed opportunity and appears to be more related to funding reasons rather than good design.

The lack of a light rail solution in the strategy is a gross oversight as this is one of the most acceptable alternate forms of travel for car users and would encourage more dense land usage within the city. Implementing the N6 Ring Road would have the opposite effect, creating more urban sprawl and pressure on essential services and would also discourage people from making the modal switch from private car usage. This light rail network would future proof the city and again has the potential to have its energy supplied from local sources and boosting the local economy.

While mentioning that use will be made of Park and Ride facilities, this plan has been part of the City Development plan for many, many years and has not been implemented and needs to be actioned immediately, for events such as matches in Pearse Stadium, and on an ongoing basis.

The cycle network is mapped out through areas where there is insufficient space for it to be implemented and large parts seem to be more aspirational than realistic. Due to the fact that the transport hierarchy has not been reworked and large scale development of segregated cycle ways is not part of the plan, there are still safety concerns not being addressed. Cyclist safety is a huge blocker for people making the modal switch to cycling and much more needs to be done to make this a viable and easy option for people to use.

Having been to the public consultation, as pretty much the only member of the public there at the time, and for the entire hour or more I spent there, it seems to me that public involvement was not a major concern of the Galway Transport Strategy. The public consultation was not adequately advertised nor were people given enough time to be made aware that it was occurring. It should have been reorganised.

What I did find interesting at the public consultation is that with the exclusion of the N6 Ring Road, it was confirmed by the representative that I was talking to; all other aspects of the Galway Transport Strategy could be implemented in less than five years. It seems to me that the Galway Transport Strategy would be a 5 year plan, if it were serious about helping the people of Galway make the modal switch from private cars to other options. Not only that, by encouraging the implementation

of the N6 Ring Road in the Galway Transport Strategy, it will negate all other work on alternative modes, all other changes across the transportation networks and will remove passengers from the new Bus Network, Cycle Lanes and Pedestrian areas. It is self-defeating for the Galway Transport Strategy to promote the N6 Ring Road as a solution for anything other than getting more vehicles on the road.

Now when it comes time for requesting submission for the Galway Transport Strategy, members of the public have to request when exactly the deadline is as so many different details have been publically published; is it the 4th July, 11th July, 14th July or 16th July?

FÓGRA POIBLI	PUBLIC NOTICE
<p>De réir I.R. Uimh 435/2004 – Rialacháin na gComhphobal Eorpach (Measúnacht Timpeallachta ar Phleananna agus ar Chláir Airithe) 2004 (agus leasuithe), cuireann Comhairle Cathrach na Gaillimhe fáilte roimh iarratais ón bpobal ar Dhréacht-Straitéis Iompair na Gaillimhe (GTS).</p> <p>Tá an GTS ar fáil ar mhaithe le hiniúchadh in Oifigí Iompair Chomhairle Cathrach na Gaillimhe i gcaitheamh uaireanta oifige agus ar: http://www.galwaycity.ie/galway-transport-strategy/.</p> <p>Glacfar le hiarratais go dtí an 4pm, Déardaoin an 16 Iúil, tríd an bpost chuig GTU, Comhairle Cathrach na Gaillimhe, Bóthar an Choláiste, Gaillimh, nó ar an ríomhphost chuig gtu@galwaycity.ie.</p>	<p>As per S.I. No. 435/2004 - European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (and amendments), Galway City Council invites submissions from the public on the Draft Galway Transport Strategy (GTS).</p> <p>The GTS is available for inspection in the Transportation Offices of Galway City Council during office hours and at http://www.galwaycity.ie/galway-transport-strategy/.</p> <p>Submissions shall be accepted until 4pm Thursday July 16th, by post to GTU, Galway City Council, College Road, Galway or via email togtu@galwaycity.ie.</p>

Lessons have obviously not been learnt from the issues regarding advertisement and requesting submissions for the ITMP project, which was done numerous times in 2015.

Yours Sincerely,

Kevin Gill
Galway N6 Action Group



ITMP Submission N6 Action Groups.zip

3 Aughnacurra
Dangan,
Galway

Senior Planner
Planning Department
Galway City Council
City Hall
College Road
Galway
(email: [REDACTED])

30th September 2016

Dear Sir

PROPOSED MATERIAL ALTERATIONSTO THE DRAFT GALWAY CITY DEVELOPMENT PLAN

OBSERVATIONS/SUBMISSIONS OF GALWAY N6 ACTION GROUP [GN6AG]

The GN6AG hereby makes the following observations/submissions in the context of the proposed Material Alterations to the Draft Galway City Development Plan 2017-2013 [PMADGCDP]. In making these observations and submissions GN6AG is exercising its right under the Doctrine of Exhaustion of Rights to take further action where and if required at Administrative, Legal, Quasi Legal Forums arising from this process.

Specifically the GN6AG observations/submissions, which are in the context of the nature, extent, implications, circumstances, routing, proposals, processes, procedures and all other matters relating to the 'N6 Galway City Ring Road' [N6GCRR], comprise inter alia the following;

1. As a preliminary issue the sheer volume of material produced by/for the planning authority in support of the proposed material alteration is so extensive as to make the time available for making a response to be absolutely unreasonable, because the extent is such that the time taken to read and make responses is impossible within the allotted time;
2. Furthermore the document compilers took a lot longer to prepare the documents than that given to interested parties to make responses and submissions;
3. Because the process is an ongoing work in process, the PMADGCDP will if adopted, partially or in total, by City Council, will result in the making of decision/decisions based upon incomplete information or partial information. The making of policy on a partial basis is flawed.
4. Arising from 1 above the process is unfair, unjust and unreasonable and contrary to Supreme Court judgement that the Development Plan is a contract between the Planning Authority and the Community. The point being that a contract where the actual subject of a contract is only partially known is void ab initio;
5. Specific observations/submissions regarding Section 3.10 'SPECIFIC OBJECTIVES'- 'TRAFFIC AND ROAD NETWORK' include inter alia;
 - (a) *Implement the programme of actions and measures as provided for in the Galway Transport Strategy (GTS) in partnership with the National Transport authority and on a phased basis and co-ordinated basis based on priority needs.* – This objective is indefinite and vague and only commits itself to unknown phasing based upon unknown priority needs. Furthermore the N6GCRR process espoused in the ARUP Report takes the GTS and its unknown outcomes as read & proceeds as if they were known. As all N6GCRR outcomes are predicated on the

taking as read unknown outcomes this particular objective is flawed, unjust and unreasonable;

- (b) *Reserve the preferred route corridor of the N6GCRR project which has been selected to accommodate the requirements of an emerging strategic road and the associated bridge crossing of the River Corrib-* This objective is predicated upon an incomplete process, wherein EIA outcome is unknown, statutory processes and procedures are incomplete & therefore is premature. Furthermore this corridor enables the destruction of some 43 homes or thereabouts & is unprecedented in terms of the amount of homes to be destroyed by a public infrastructure in Ireland. This corridor will see, if implemented, the destruction of communities, will impact upon people, will result in the displacement of residents, displacement of business and community services, impact on business and community services, will have bio-physical impacts, will have socio economic impacts. Furthermore the design is to motorway standard until the Western fringes, which is a free flow concept with grade separated junctions. The previous similar scheme known as the Galway Eastern Approach Road [GEAR] implemented 1988-1996 used dual carriageway/undivided 4 lane strategy and roundabout junctions to avoid house/home and business destruction. There is no reason why if the N6GCRR strategy repeated the GEAR design rationale that a corridor not involving home/business destruction could come into being. The process and adoption of this objective is done in the absence of a 'Social Impact Assessment and is by definition unjust and flawed;
 - (c) *The removal of in or around 43 houses is contrary to the national housing strategy promoting the making available of privately occupied housing and therefore is contrary to the proper planning and development of the area;*
 - (d) *The said removal of 43 houses or thereabouts begs the question where do the dispossessed owners go & is the forced homelessness the probable outcome;*
 - (e) *The said house destruction has implications for education, employment, activities and health of the dispossessed;*
 - (f) *Give Priority to the reservation of the N6GCRR & the associated land requirements over other land uses and objectives in the City Development Plan & prohibit developments within the corridor which could potentially prejudice the development of this strategic road and river crossing.-* This objective is a sequitor to the previous one & penalises homeowners who have got current permissions. Also all of the previous observations apply to this objective;
 - (g) *Investigate & development Road Improvements, junction Improvements, traffic management solutionsbe subject to the requirements and consent procedures of the Planning and Development Acts and the Roads Acts –* This approach is legally questionable. It proposes to adopt unknown solutions and developments in post hoc scenarios through legal processes and by implication takes such approvals as given and proposes to advance in that context. It is by analogy akin to National government making legal decisions on the basis that it will be successful in its challenge to the EU Commission's judgement in the Apple case. Furthermore in a scenario where the current city traffic management was advanced upon real time active management which has not always existed, the credibility to factually implement the objective is questionable;
 - (h) *The Traffic and Road Network Specific Objectives –* ignore previous City Development Plan objectives. The Western Distributor Road was the subject of previous plans and the land corridor is held for the purposes of a 4 lane roadway to accommodate the distribution of traffic and a Barna By Pass. Indeed its objects were to provide the capacity and functionality that the Western elements of the N6GCRR now envisage.
6. The Public Transport specific Objectives fail to deal with public transport as an integrated exercise or a connected exercise with the N6GCRR. During the statutory process involving development plan consultation the focus presented in regard to public transport have now evaporated and are nonexistent. The process informed that N6GCRR and the public

transport are part of an integrated solution, but the abandonment of that is contrary to the process advised by the implementing authority at the onset.

7. The Natura Impacts Report, as prepared by the Record of Protected Structures (RPS) in support of the amendments at Section 4.4, asserts that projects that are subject to Appropriate Assessment (AA) screening, will meet the requirements of Articles 6(3) & 6(4) of the Habitats directive. That cannot be guaranteed in so far as they relate to N6GCRR since compensatory habitats adjacent to compromised habitats have neither been agreed/designated/ or approved by Parks and Wildlife Section of Dept Arts, Culture & Gaeltacht;
8. In Section 4.8 & its accompanying tables dealing with mitigation measures to ameliorate potential impacts, little or no account has been taken of air pollution arising from traffic on the N6GCRR. The emissions from traffic that are important hazards to health are, carbon monoxide, nitric oxide, aldehydes, aliphatic hydrocarbons, aromatic hydrocarbons including benzpyrene 3,4; solid particles [soot], organic acids, lead. Average emissions from petrol [P] & Diesel [D] engines in Kg/1000 litres of fuel burned are : Carbon Monoxide 274P/7.1D; Hydrocarbons 24P/16.4D; Nitrogen Oxide 13.5P/26.4D; Sulphur Dioxide 1.1P/4.8D; Organic Acids 0.5P/3.7D; Aldehydes 0.5P/1.2D; Solid Particles 1.4P/13.2D; 3,4 benzpyrene [mg m⁻³] 72P/105D. In not dealing with foregoing, in bringing a new heavily trafficked roadway adjacent to populations the nature and extent of the effects is not meaningfully dealt with & that is a serious flaw in the attempted justification. Traffic is responsible for 63% of carbon monoxide in cities & its persistence has been estimated up to 5 years. The mortality & morbidity rates in relation to traffic on different population groups have addressed by inter alia; Martin & Bradley, Winkelstein, Zeidberg, Petrilli, Dohan, Burn, Pemberton, Douglas, Waller, & the finding in relation to respiratory ailments [chronic bronchitis], emphysema, infectious diseases, lung cancer] and circulation ailments [general arteriosclerosis, heart infarction, high blood pressure, and various forms of myocardial degeneration] & yet these remain unaddressed in the mitigation measures. Furthermore the reduction in sunlight & poor visibility remain unaddressed also;
9. The foregoing is the reason that Distributor roads/bypasses/Approach roads are brought out from areas of population & therefore proof that the subject proposal is contrary to all accepted rationales;
10. In Section 1.3 PROPOSED AMENDMENTS TO SEA ENVIRONMENTAL REPORT [DECEMBER 2015] by BSM & in particular Table 3.1 [KEY PLAN ASSOCIATED WITH THE DEVELOPMENT PLAN & SEA PROCESS] relating to GALWAY CITY NOISE ACTION PLAN 2013-2018 the disturbance upon the protected species and human populations remain inadequately addressed in terms of the [1] Intensity of the sound/noise levels; [2] duration of the separate sound impulses; [3] the frequency of the sound impulses; [4] the subjective reaction to noise and individual sensitivity. The mitigation & amelioration remains not fully addressed;
11. Policy 3.5 regarding Public Transport is a clear proof that the ethos and policies promoted in justification of the N6GCRR as being an Integrated Road solution with Public Transport, is not so. The policies lack innovation and content and are basically continuances of previous Development Plan Policies.
12. The BSM 'SEA ENVIRONMENTAL REPORT ADDENDUM' at Section 2 referring to Section 4.28 of AA NATURA IMPACT REPORT 2016 FINDINGS & Section 2.2 is incorrect in fact. In declaring positive impacts under 'Strategic Environmental Objects' in respect of 'POPULATION & HUMAN HEALTH' regarding GTS in Alterations A42, A49, A71, A77 it flies in the face of fundamental reason and common sense & is at variance with fundamental reason and common sense, because, it ignores that some 43 properties or thereabouts are to be destroyed resulting in unprecedented harm to homes families and people and their health;

13. The mitigation measures promoted in the BSM report does not allude to the said home, house, family, people loss, damage, inconvenience and damage to health;
14. The procedure followed in the adoption of the City Development Plan, where the CEO historically prepares a report for the members as direction in adopting the plan has legal implication. This methodology means either; [a] Members are unduly influenced; or [b] interference with the democratic mandate; or [c] implication that members do not understand the plan and ipso facto do not know what they are doing; [d] That members are considering extraneous matters.
15. The proposed adoption of the amendments to the draft & the draft plan itself flies in the face of the designation of European City of Culture, since destruction of 43 homes in or abouts and the social consequences thereof are by definition anti cultural;
16. The Fifth EC Environmental Action Programme – Towards Sustainability, which is incorporated into the Maastricht Treaty defines “SUSTAINABLE DEVELOPMENT” as development meeting the needs of the present, without compromising the ability of future generations to meet their needs. The land corridor with its destruction of 43 houses and adverse impingement on many others is at variance with this principle & therefore contrary to the proper planning and development of the area;
17. The International Institute of Sustainable Development defines Sustainable Development as “For the business enterprise, sustainable development means adopting business strategies and activities to meet the needs of enterprise and its stakeholders today while protecting, sustaining and enhancing the human and natural resources that will be needed in the future”. The destruction of the human and business habitats in the context of the Road corridor is contrary to the definition of sustainable development and thus contrary to the proper planning and development of the area;
18. The jurisprudence in Ferris v Dublin County Council Supreme Court 1990 states that a local authority development may be prevented even if it does not materially breach the development plan if it is very unreasonable. As the indicia are that the proposed N6 proposals are unreasonable reliance on the said jurisprudence is appropriate;
19. Article 40.3 of Bunracht na hEireann [Constitution] pledges the state as best it can to protect private property rights from unjust attack and to vindicate those rights. Given the unprecedented nature of the house destruction appropriate reliance on this is appropriate;
20. Section 22(2) of the Roads Act 1993 compels TII/NRA requires that effects of road construction development on the environment be considered;
21. In GREAT PORTLAND ESTATES [1984] 3 AER 744 the personal circumstances of a person or group of people may be taken into account in exceptional circumstances. By definition the destruction of a large number of houses consequent of this adoption is exceptional and unprecedented;
22. The effects of the N6 corridor on Environmentally Sensitive Areas & SPA are subjectively addressed in some areas of the supporting documents;
23. In presenting observations/submissions to the adopting members of the planning authority the Chief Executive Officer has a report prepared for him & therefore the members are subject to an interpretation and recommendation and therefore whether matters are properly considered is open to the courts to decide;
24. The strategy promoted in the current proposed material alterations to the Development Plan Draft must be questionable in that houses granted planning permission under the existing plan are to be demolished under this draft plan aided and abetted by the proposed material alterations, because of their location within the proposed N6 corridor, so the existing plan and the proposed draft are in conflict and contrary to the legitimate expectation that the occupants of such houses have to long term peaceable occupation;

25. In EU Commission v Spain 335/90 ECJ held that Economic interests are not superior to ecological interests protected under the directives & the proposed draft in the context of the amendments is contrary to that jurisprudence;
26. If A 6(4) is accommodated by this amendment then factors such as human health, public safety re relevant and the proposed N6 corridor and its destruction of the human habitat are contrary to those principles;
27. The RPS report assures that EU Directives are correctly interpreted & in the context it is appropriate to query if the tests outlined in Coppinger v Waterford County Council [unreported 22/3/1996] & ECJ in the Foster Case are actually met;
28. The query as to whether The European Environmental Agency & EIONET have been consulted in respect of the amendment has relevance.

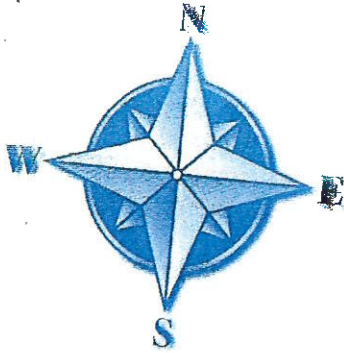
SIGNED



MICHAEL MURPHY
CHAIRPERSON

DATE:-

30 Sept 2016



STEPHEN DOWDS ASSOCIATES

TOWN PLANNING CONSULTANTS,
5 MARY STREET,
GALWAY.

TEL: [REDACTED]

FAX: [REDACTED]

MOBILE: [REDACTED]

E-mail: [REDACTED]

Senior Planner
Planning Department
Galway City Council
City Hall
College Road
Galway
(email [REDACTED])

29th September 2016

Re: Proposed Material Alterations to the Draft Galway City Development Plan
2017-2023
My Ref: 15-1089

Dear Sir

I act for Galway N6 Action Group. This is a group set up by residents of the city to represent their interests in current road proposals for the city of Galway and to protect their homes. On their behalf I make this submission on the proposed material alterations to the above draft development plan.

Chapter 3 of the Draft Plan deals with Transportation. It has been entirely rewritten in the Material Alterations (Alteration A49). We quote below entirely from the Material Alterations.

Need for a Ring Road

It is the aim of the draft plan "to integrate sustainable land use and transportation" (Section 3.1). It refers to the preparation of the Galway Transport Strategy 2016 (Policy 3.2 and Section 3.3) and seeks the integration of transportation and land use (Policy 3.2). This document also contains wide ranging proposals with regard to transport including the provision of public transport and efforts to support movement by foot and bicycle. It also supports the N6GCRR project (Galway City Ring Road). The draft plan states:

Notwithstanding the extent of the strategy measures, the GTS has established that the reduction in traffic congestion requires both improvements to public transport, cycling and walking networks and the provision of a new orbital route. This route is not considered to be in conflict with an enhanced sustainable transport network as it will focus on supporting trips that cannot be facilitated by such measures such as city bound, cross-city, cross county movements. In this regard the planned N6 GCRR is considered to be part of the Transport Strategy for the city in order to deliver the necessary capacity and support the delivery of sustainable transport measures.

and

While there will be a shift to sustainable modes on implementation of the GTS through a number of measures, the efficiencies of these modes is jeopardised by the significant level of

congestion that will still remain on the network and on the main river crossings. The strategy therefore indicates that it will only be successful where improvements to public transport, walking and cycling networks are delivered in conjunction with a new orbital route. (Section 3.3).

Galway N6 Action Group is very concerned about the destruction of their members' homes across many communities in Galway.

There appears to be an element of post-decision justification involved in this project. We note that the currently available version of the Galway Transport Strategy is still a 'Draft'. As it is the purpose of this Strategy to set out an overall, coherent transport strategy that covers not only roads and cars, but also pedestrian movements, public transport etc, it appears necessary that such a strategy be complete and adopted prior to proceeding with the decision and assessment of a road option. The Draft Development Plan states, for example:

The evaluation of the transport options affirmed the need for a strategic ring road incorporating a new river crossing. (Section 3.7)

How can this statement be upheld when it relies on a Strategy that is still in Draft form only?

Objective to Provide a Ring Road

Item A50 of the Material Alterations to the Draft Plan provides for the insertion of a specific objective concerning the N6 Galway City Ring Road (N6GCRR). This is included on the accompanying map. The problem again here is that there is a significant element of 'jumping the gun'. The route marked on the map is a route derived from a draft proposal on which work continues and from a project that itself is reliant on an overall strategy that itself is still in draft form.

The Material Alterations do not reflect these facts. The wording associated with the proposed GCRR is all presented in emphatic form alleging that it has been established that there is a need for such a road and that there is a route identified for such a road whereas this case has not as yet been made.

The Draft Transport Strategy and the Material Alterations to the Draft Development Plan both state, in numerous places that existing road junctions in the city operate at or over capacity (See for example Section 3.6 of the Summary of the Draft Transport Strategy). How is this conclusion reached? Several of the principal junctions in Galway City have recently been redesigned with roundabouts replaced with traffic lights. These new arrangements have hardly had time to prove their worth. We understand too that there is an issue concerning the monitoring of these junctions: in short, such monitoring is not being done. If that is the case, then it is hardly surprising that such junctions are at capacity.

This seems to be part of an overall reluctance to properly and efficiently manage the existing road network of the city in order to achieve maximum efficiency of vehicle movement. It seems logical that, prior to making decisions on major multi-million euro road schemes, the potential of the existing network should be fully investigated and the improvements made be given an opportunity to demonstrate their worth.

Furthermore, the analysis seems to miss the fairly obvious point that it is the junctions and not the legs of the road network that are the problem and therefore that the potential for further improvements to the junctions needs to be considered as a cheaper and less intrusive measure that might well solve the congestion problem. For example, the capacity of the Quincentennial Bridge is determined by the junctions at either end not by the bridge.

Integration of Land Use and Transport

Section 8.3 of the Draft Galway Transport Strategy addresses the issue of the integration of land use with transport – Land Use Integration. This feeds into the Draft Development Plan whose opening ‘Aim’ at the beginning of the chapter on Transport is: *“To integrate sustainable land use and transportation”*.

It seems that there is little actual effort being made in this direction albeit that the importance of the matter is recognised. How is it to be done? How is the Aim going to be achieved? There are various objectives set out in the Strategy but some of these could hardly be described as more than lip service. For example, the proposal to consider right of way extinguishment only when it does not create circuitous walking/cycling routes is hardly likely to have any significant impact on transport in Galway city. Other objectives seem to be largely ignored in the Draft City Development Plan. For example, where in the Draft Plan is it proposed to prioritise development of residential lands that are proximate to high capacity public transport (see section 8.3.1 of the Strategy).

The integration of land use and transport is nothing new to either land use planning or transportation and has, in many urban areas led to the preparation of Land Use and Transportation (LUTS) plans. These seek to integrate zoning with transport. There is no such plan in Galway. There is much in the existing and proposed Galway City Plans that flies in the face of such principles. For example, the Galway City Plan is highly unusual in the extent of low density residential zonings (‘LDR’ in the Draft Plan); substantial areas reserved for low density housing, much of it restricted to 5 houses/ha. These are exceptionally low urban development densities. The guidelines on “Sustainable Residential Development in Urban Areas” encourage densities of 50 houses/ha and more depending on the location). Such an approach to zoning flies in the face of claims to integrate zoning and transport.

Furthermore, there has been no significant change or revision to the land use zonings contained in the Draft Development Plan by comparison with the existing development plan (2011-2017). Are we being asked to accept that the existing land use zonings were examined and, by extraordinary chance, they were found to accurately reflect what was needed to achieve this objective? We have a draft plan and a draft Transport Strategy that recognise the importance of integrating land use and transport but, when it comes to it, all that can be pointed to are some individual sites such as the Ceannt Station site where high density inner city development is being encouraged and marginal matters such as limitations on the closure of rights of way. The fact is that there is no overall attempt to relate zoning to transport and only individual projects such as Ceannt Station can be quoted. There does not seem to be any attempt to guide development to locations that are likely to reduce traffic demand. For example, the schools in Galway, particularly the secondary schools, are largely concentrated in the city centre and are far away from the extensive modern residential suburbs. The large residential areas of Knocknacarra are pitifully short of places of employment, local convenience shopping, educational facilities etc.

As noted, secondary schools are greatly concentrated in the city centre. This is a major generator of traffic in Galway leading to significant differences in traffic congestion in the city during term time as compared to school holiday time because these sites are inconveniently located with regard to the main residential areas. There is a need to consider relocating some such facilities. Although this is stated in the plan (Section 2.5) there is nothing in the way of identified school sites.

Strategic Environmental Assessment (SEA).

We note that the Material Alterations are accompanied by a revised Strategic Environmental Assessment (SEA) - the 'SEA Environmental Report Addendum'. With regard to the potential impacts of the new road, it states:

By its nature, and when assessed in isolation, projects such as the proposed N6 GCRR increases potential negative impacts on greenhouse gas emissions. However, when the N6 GCRR is considered in conjunction with the full suite of GTS measures, it will also provide for potential direct and indirect positive impacts on Air Quality and Climate by facilitating the implementation of other traffic reducing measures within the city which cannot otherwise occur without the construction of a ring road to alleviate existing city centre traffic congestion. (P. 12).

It seems that the proposed new road is assessed entirely on the basis that it is going to facilitate other beneficial traffic reducing measures. This seems entirely counter-intuitive. New roads not only facilitate existing traffic. They also encourage it - the more open and free flowing the roads, the greater the attraction of bringing the family car. It is illogical to suggest that a new road will bring an environmental benefit by reducing traffic volumes. Obviously it may have benefits such as reduction in congestion but those benefits will come at the cost of an increased use of the private car and of vehicular traffic in general.

There is not a mention in the SEA of the shocking impact of the proposed ring road in the form of demolition of people's homes and the severance of communities.

Yours Sincerely



Stephen Dowds BA MRUP MIPI



National Roads Project Office
Galway County Council
Ballybrit
Galway
(email [REDACTED])

1st December 2016

Dear Sir/Madam

N6 Galway City Ring Road – Public Display – 14/11/2016

OBSERVATIONS/SUBMISSIONS OF GALWAY N6 ACTION GROUP COMPANY LIMITED BY GUARANTEE [GN6AG]

The GN6AG hereby makes the following observations/submissions in the context of the latest N6 Galway City ring road design (N6GCRR) . In making these observations and submissions GN6AG is exercising its right under the Doctrine of Exhaustion of Rights to take further action where and if required at Administrative, Legal, Quasi Legal Forums arising from this process.

Specifically the GN6AG observations/submissions, which are in the context of the nature, extent, implications, circumstances, routing, proposals, processes, procedures and all other matters relating to the 'N6 Galway City Ring Road' comprise inter alia the following;

1. N6GCRR is unfair, unjust, arbitrary, unreasonable;
2. N6GCRR will result in the destruction of some 41 houses and interference with 100+ others;
3. Imposing a motorway solution to a non motorway project exacerbates the matter;
4. N6GCRR is anti-people, anti-families;
5. N6GCRR is contrary to Article 41.1 of the Constitution wherein the Irish State promises to protect the family;
6. N6GCRR represents a manipulation to the Development Plan unforeseen by the enactors of same.

We also attach our submission to the Senior Planner in Galway City Council on 30th September 2016, outlining our observations/submissions to the proposed material alterations to the Draft Galway City Development Plan.

SIGNED

MICHAEL MURPHY
CHAIRPERSON

DATE:- 1 Dec 2016

20th Jan 2017

Ministerial Briefing Document

N6 Galway City Transport Project (formerly known as the Galway City Outer Bypass in the Section 85 Agreement)



Our Vision

Galway to become one of the top 10 sustainable cities in the world to live and work in harmony

Our Mission

To convince Galway City and County Council and the TII to find a solution to Galway's traffic problems, while also protecting the Human Habitat

The ARUP Brief (March 2015) is WRONG

https://irl.eusupply.com/app/rfq/publicpurchase_frameset.asp?PID=66537&B=&PS=2&PP=ctm/Supplier/PublicTenders

"N6 Galway By-pass Multi-disciplinary Engineering Consultancy Services

The Council requires multi-disciplinary engineering consultancy services in relation to the proposed N6 Galway by-pass, which would extend from the R336 Regional Road west of Galway City, to the N6 east of the City. The proposed road development would have an approximate length of 24 km. The commission is to advance the development of the proposed road to completion of Phase 2, Phase 3 and Phase 4 of the NRA Project Management Guidelines."

- Why was the brief scoped as ostensibly a bypass road proposal, but has since become primarily an inner city ring road solution?
- Why is the Brief not scoped to solve the chronic Galway City Traffic Congestion?
 - The brief assumes incorrectly that traffic congestion is related to high volumes of traffic moving radially around the city.
- Article 6.4 requires all alternatives to be assessed – roads, public transport, cycling, etc. The emerging route was selected before any public transport solutions were promoted to the public as an after-thought.
- An inner city motorway will limit expansion of the city boundary as it is cutting through existing suburban communities.

The N6 Galway City Ring Road Plan is WRONG

- Road designed not to serve the community but rather to get through European Environmental Policies.
- At least 41 family homes will be destroyed.
- Sustainable alternatives exist that are business, community and family friendly.
- Road is over designed and the consequence of that over design is the destruction of family homes.
- The 120 houses materially affected + 41 houses represent 0.644% of homes in Galway.

What are the Consequences of this disjointed Galway Transport Strategic Plan?

The Human Toll

- A minimum of 41 homes proposed to be demolished. ~10 to be acquired by and sold by Galway City Council. 100+ homes substantially impaired due to proximity to the inner city motorway.
- Insufficient equivalent housing stock or sites to re-accommodate impacted homeowners.
- Critical city amenities being destroyed; NUIG sports fields, Letteragh lands, Cappagh\Ballymoneen Natural Heritage Area and Dangan Corrib Riverside.
- Emerging Route proposes significant tracts of road elevated on 7-9 metre embankments, rendering constructions highly intrusive in high amenity areas.
- Key City Infrastructure being impacted:
 - Schools: Bushypark & Castlegar (National), Coláiste Na Coiribe (Secondary).
 - Commercial Businesses: Claddagh Minerals, Kenny's Motorpark, Little Stars Crèche.

Potential legal challenges

- A road was the predetermined outcome to the N6 Galway City Transport Project according to the Brief put out to tender for the project. No alternative traffic congestion solutions or transportation solutions were considered and, given that the National Roads Authority was the original project mover, alternatives other than motor routes were unlikely to receive priority.
- Proposed route has never appeared in any historical revision of the City Development Plan, leaving numerous homeowners caught unaware of the impending planning risk to their property.
- Emerging Route was effectively pre-determined before the 6 proposed routes were shared at the public consultation meetings in February 2015. Alternatives given could only be regarded as "red herrings" such were the variations that ensued.
- Lack of public transparency on how the 6 proposed routes were down-selected from a candidate list of 16, and why the original Galway City Outer Bypass was mysteriously eliminated without any public announcement in Oct 2014. Despite numerous FOI requests to the Galway County Council, there is no record of a review or decision as to why the original GCOB was not re-submitted to An Bord Pleanála under Article 6.4, despite a minimum of €14m having been invested which, presumably, is now quietly written off.
- Consultation process is not considerate of the human & community impact. Article 6.4 of Habitats Directive states that all reasonable "alternatives" must be investigated before seeking planning approval to impacted SAC's. Emerging Route is not a reasonable alternative.
- No "new" Public Transportation study will take place as part of the N6 Galway City Transport Project, only a review of old studies.

- The proposed Material Alterations to the Draft Galway City Development Plan 2017-2023 will if adopted, partially or in total, by the City Council, result in the making of decision/decisions based upon incomplete information or partial information. The making of policy on a partial basis is flawed.
- The design is to motorway standard until the Western fringes, which is a free flow concept with grade separated junctions. The previous similar scheme known as the Galway Eastern Approach Road [GEAR] implemented 1988-1996 used dual carriageway/undivided 4 lane strategy and roundabout junctions to avoid house/home and business destruction. There is no reason why if the N6GCRR strategy repeated the GEAR design rationale that a corridor not involving home/business destruction could come into being. The process and adoption of this objective is done in the absence of a 'Social Impact Assessment' and is by definition unjust and flawed;
 - a) *The removal of in or around 41 houses is contrary to the national housing strategy promoting the making available of privately occupied housing and therefore is contrary to the proper planning and development of the area;*
 - b) *The said removal of 41 houses or thereabouts begs the question where do the dispossessed owners go & is forced homelessness the probable outcome;*
 - c) *The said house destruction has implications for education, employment, activities and health of the dispossessed;*
 - d) *The Traffic and Road Network Specific Objectives – ignore previous City Development Plan objectives. The Western Distributor Road was the subject of previous plans and the land corridor is held for the purposes of a 4 lane roadway to accommodate the distribution of traffic and a Bearna Bypass. Indeed its objects were to provide the capacity and functionality that the Western elements of the N6GCRR now envisage.*
- The Fifth EC Environmental Action Programme – Towards Sustainability, which is incorporated into the Maastricht Treaty, defines "SUSTAINABLE DEVELOPMENT" as development meeting the needs of the present, without compromising the ability of future generations to meet their needs. The land corridor with its destruction of 41 houses and adverse impingement on many others is at variance with this principle & therefore contrary to the proper planning and development of the area.
- The jurisprudence in Ferris v Dublin County Council Supreme Court 1990 states that a local authority development may be prevented even if it does not materially breach the development plan if it is very unreasonable. As the indicia are that the proposed N6 proposals are unreasonable reliance on the said jurisprudence is appropriate.
- Article 40.3 of Bunreacht na hÉireann [Constitution] pledges the state as best it can to protect private property rights from unjust attack and to vindicate those rights. Given the unprecedented nature of the house destruction appropriate reliance on this is apposite.

Our Expectation

- We invite the Minister to view the route himself or to nominate a senior official within his Dept. to view the proposed route and compare it with the GCOB and the other 5 routes that were ruled out after the initial consultation process, which ended in week 1st March 2015.
- Immediately direct Galway City Council, NTA & other required bodies, to investigate & understand all options to ameliorate the causes of traffic congestion in Galway.

FACTS

- GEAR [Galway Eastern Approach Road] Oranmore Bypass to Corrib park, and M50 similar to this proposal, became obsolete before being built. Original proposal will be required immediately;
- Distribution of traffic is the problem and requires to be solved first;
- Solution proposed is not a long term one

Short Term (2017-203)

- Expand School transportation.
- Public buses using Quincentennial Bridge: 30 years after building the bridge it is still not used for public transport. Meanwhile ALL Galway bus routes still go through Eyre Square. Why?
- Proliferate an integrated intelligent traffic signalling system to all major junctions.
- Incentivise alternatives to car usage (80% car usage rate in Galway).

Long Term Solution (2023-2050):

- Public transport network (light rail) to remove vehicle traffic journeys axially in & out of the city centre environs.
 - An additional bridge crossing built further out from the city to allow city expansion for homes & schools in the suburbs. A ring road constructed to a dual carriageway/undivided 4 lane strategy and roundabout junctions to avoid house/home and business destruction.
- Seriously consider the experiences of other European cities of similar size in solving traffic congestion problems – our group presented Galway County Council and ARUP with a list of 24 European cities of 100k people or less which have successful light rail systems. Galway City Council announced plans investigating the private provision of a light rail network in Galway in 2008.

In light of the highly probable legal challenges to the Emerging Preferred Route, due to the catastrophic environmental impacts outlined, we urge that the Minister recommends a revision of ARUP's brief to include alternative solutions in their planning and design work.

Appendix: A comparison of road only solution Vs Light Rail only solution.

Economy: The N6GCTP Motorway will at best provide a short term economic boom while it is being built and will drastically increase sprawl in Galway. Sprawl in a city increases the costs to run and provide services, which results in the requirement for more council staff, higher rates, etc. thus impacting businesses, which pays these rates. The N6GCTP Motorway could also end up causing the doughnut effect in Galway, as happened in Limerick, where retail moves from the Central Business District to the cheaper land at the outskirts. As new businesses set up in the new land bank, services are slow to follow; therefore it encourages piecemeal planning and even more car use that quickly fills up the new road with new drivers.

Light Rail on the other hand encourages dense growth in the city, as it increases the value of adjacent land, thus making higher capacity housing worthwhile, keeps the Councils cost to run and provide services down. It encourages more multi-use in developments, i.e. accommodation, retail, and services as there is higher level of population available. It could be powered by locally generated electricity, which would in turn allow new local service providers to flourish.

Safety: While new roads generally tend to reduce car fatalities initially, this dissipates with time. The N6GCTP Motorway has the potential to increase crime in Connemara as it will open up the area to criminal gangs, as has happened in many other areas of rural Ireland where other motorways have been built. It will also increase the speed limits in the city to 100kph, which currently have a maximum of 80kph on a few roads. The N6GCTP Motorway intersects many of the axial routes around Galway City, some of which can only handle single file car movements. In a city, which already has Particulate Matter 70% higher than WHO recommended safe levels, users of the N6GCTP Motorway will be making matters worse, thus increasing the likelihood of health issues and death.

Light Rail causes very few fatalities, e.g. only four have occurred in relation to the Luas. If powered by renewal energy it will be better for the environment, human health and reduce air pollution. The small amount of exercise people get walking to the Light Rail Network can have long term health benefits.

Environment: Human Beings, Ecology, Landscape and Visual, and Material Assets: As many as fifty homes in Galway could see people evicted, with over 41 of those homes demolished, and an unspecified number of homes, believed to be over 150, will be left within metres of a motorway standard road. This motorway passes under, over and through SAC's, NHA's and some of the most visually stunning areas of the city and county.

No homes should need to be demolished to provide a light rail network in Galway and land is already owned by the city where the depot could be placed.

Accessibility and Social Inclusion: While all tax payers pay for roads only some people use them, those who can afford cars and their running costs or where public transport makes use of them. There is no plan for the provision of public transport on N6GCTP Motorway, as is the case on the Quincentennial Bridge over 30 years since was built. Numerous communities along the route of the N6GCTP Motorway will be split in two, which is in direct contravention of Irish and EU policy.

With Light Rail comes greater accessibility for all users whatever their movement capacity. It increases the independence of all people to move around. It is easier for young families, those with disabilities, tourists, and all levels of society to enjoy and travel around Galway City.

Integration: The N6GCTP Motorway is in contravention of the Transport Policy for Ireland 2009-2020, which aims to reduce car dependence and increase sustainable public transport options. The project provides no information in regards to the effect on the environment, e.g. diesel emission levels, air pollution as per the Climate Action and Low Carbon Development Bill 2015. It aids in breaking our promises to the Paris Agreement 2016 (COP21) and will result in fines from the EU as we will miss our targets for reducing emissions by 2020 and 2030.

Light Rail is the preferred method for the provision of public transports in cities in the EU and there are many projects currently underway and being fully or partially funded by the EU. 24 cities of similar or smaller capacity than Galway already have systems in place. It would help to reduce car dependency and emissions, thus keeping Ireland's international and EU promises and following our own National Policy.

GALWAY N6 ACTION GROUP



Pro Community, Pro Business
Pro People

1st July 2015

Ministerial Briefing Document

N6 Galway City Transport Project (aka Galway Inner City Motorway)



The Human Toll

- 41 homes proposed to be demolished. 10 to be acquired by and sold by Galway County Council. 300+ homes substantially impaired due to proximity to an inner city motorway:
 - A substantial but as yet unquantified number of houses are in very close proximity to the route that is not within the 150 meter corridor.
 - Though badly affected in terms of quality of life and property values these people are not entitled to any compensation.
- Insufficient equivalent housing stock or sites to re-accommodate impacted homeowners
- Critical city amenities being destroyed; NUIG sports fields, Letteragh lands, Cappagh\Ballymoneen Natural Heritage Area and Dangan Corrib Riverside
- Emerging Route involves tunnelling underneath limestone pavements ledges which could easily see the project being overruled.
- It also involves significantly pile driving in the Corrib River, which is a protected area, again leaving it open to legal challenge on habitat environment grounds.
- Emerging Route proposes significant tracts of road elevated on 7-9meter embankments, rendering constructions highly intrusive in high amenity areas
- Key City Infrastructure being impacted:
 - Schools: Bushypark & Castlegar (National), Colaiste Na Coirbe (Secondary)
 - Commercial Businesses: Claddagh Minerals, Kenny's Motorpark, Little Stars Crèche

Process Mis-Management

- A road was the predetermined outcome to the N6 Galway City Transport Project according to the Brief put out to tender for the project. No alternative traffic congestion solutions or transportation solutions were considered and, given that the National Roads Authority is the prime project mover, alternatives other than motor routes are unlikely to receive priority.
- Proposed route has never appeared in any historical revision of the City Development Plan, leaving numerous homeowners caught unaware of the impending planning risk to their property.
- Emerging Route was effectively pre-determined before the 6 proposed routes were shared at the public consultation meetings in February. Alternatives given could only be regarded as "red herrings" such were the variations that ensued.
- Lack of public transparency on how the 6 proposed routes were proposed, from a candidate list of 16, and why the original Galway City Outer Bypass was mysteriously eliminated without any public announcement last Oct. FOI request rejected by Galway County Council on 19th May as there was no available record of any decision in relation to this issue, despite a minimum of €14m having been invested which, presumably, is now quietly written off.
- ARUP have not provided traffic modelling data to support the business case for Emerging Preferred Route, despite numerous requests.
- Consultation process is not considerate of the human & community impact. Article 6.4 of Habitats Directive states that all reasonable "alternatives" must be investigated before seeking planning approval to impacted SAC's. Emerging Route is not a reasonable alternative.

- No “new” Public Transportation study will take place as part of the N6 Galway City Transport Project, only a review of old studies.
- €80 to €100 million alone will be spent to purchase the lands and homes for a road solution, according to ARUP.
- ARUP Public Consultation process is grossly negligent:
 - Only 5 weeks were allowed for making submissions even though people were hearing about these plans for the first time.
 - Process of consultation with homeowners at the ARUP offices before closing date for submissions on 6th March was rushed and grossly inadequate.
 - ARUP consistently understated the number of houses affected on the original 6 routes.
 - Latest phase in the consultation process is largely a waste of time as meaningful mitigation of the Emerging Route is impossible because the route runs through the densely populated suburbs of Galway, so relieving one householder by as little as 10 metres, automatically impacts another.

Our Expectation

- Insist that original GCOB & latest Emerging Preferred Route are assessed through a transparent public process:
 - In the case of the GCOB, as pointed out, this was taken out from the choice of routes without any public consultation.
 - In the case of the Emerging Route, no information was given as to why that route was selected ahead of the other 5 that were presented to the public in February.
- We invite the Minister to view the route himself or to nominate a senior official within his Dept. to view the proposed route and compare it with the GCOB and the other 5 routes that were ruled out after the initial consultation process, which ended in week 1st March.
- Immediately direct Galway City Council, NTA & other required bodies, to investigate & understand all options to ameliorate the causes of traffic congestion in Galway:
 - School transportation.
 - Public buses using Quincentennial Bridge: 31 years after building the bridge it is still not used for public transport. Meanwhile ALL Galway bus routes still go through Eyre Square. Why?
 - Intelligent traffic signalling systems.
 - Incentivise alternatives to car usage (80% car usage rate in Galway).
 - Seriously consider the experiences of other European cities of similar size in solving traffic congestion problems – our group presented Galway County Council and ARUP with a list of 24 European cities of 100k people or less which have successful light rail systems.
 - Consider the likely impact of the Emerging Preferred Route on the campaign to secure Galway City the title of ‘European City of Culture 2020’.

In light of the highly probable legal challenges to the Emerging Preferred Route, due to the catastrophic environmental impacts outlined, we urge that the Minister

recommends a revision of ARUP's brief to include alternative solutions in their planning and design work, and remove NRA as the sole national body overseeing their brief.

Overall

There is general consensus that the city traffic congestion is unlikely to be resolved without some road network enhancement. However, what is now proposed is not an outer bypass but an inner relief motorway/ road. Empirically, throughout Europe, inner relief roads afford only temporary relief and, inevitably, in time, authorities are compelled to address provision of an outer bypass. What should be prioritised here is a new road approximating to the route of the original GCOB, i.e., routed through open country rather than driven through residential areas. Risk obviously lies, as before, in breaching the European Habitats Directive but, as was cogently pointed out by both the Advocate General to the European Court of Justice and by the Court itself recourse can be had to a derogation by way of case stated to the Commission. For whatever reason, this facility was ignored by the Irish authorities – reasons have never been given nor debated – and since over 90% of all exemption applications made by other Member States have been successful, it cannot be beyond the capacity and competence of the Irish authorities to emulate that record.

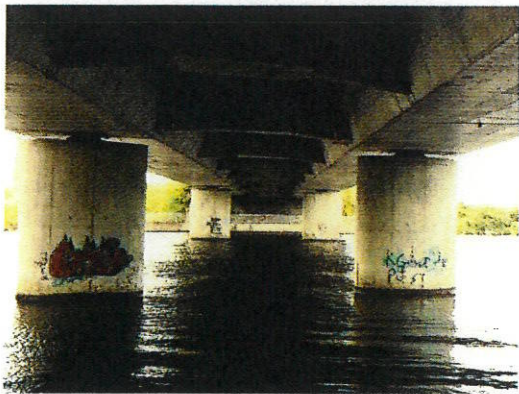
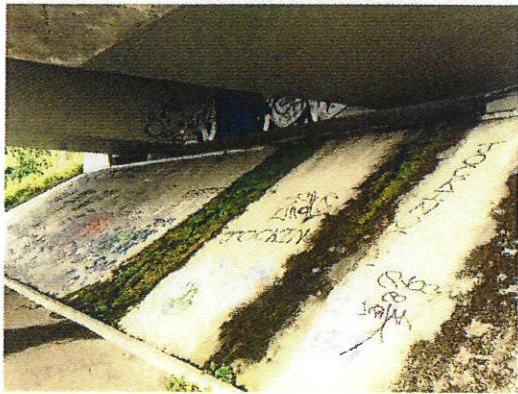
Galway N6 Action Group - Steering Committee

Michael Murphy	Dangan
Frank Flynn	Bearna
Marguerite Tonery	Castlegar
Kevin Gill	Cappagh
Colman Collins	Bushypark
Henry Bourke S.C.	Dangan
Tom Kilgarriff	Circular Road
Professor Michael Kerin	Dangan
John Hughes	Dangan

Existing Quincentennial Bridge



**Proposed N6 Bridge Crossing:
Existing Dangan Amenities**



3 Aughnacura
Lower Dangan
Galway

Galway County Council
Prospect Hill,
The Docks,
Galway

April 17 2015

Dear Ms Healy

Freedom of Information Request – Galway City Outer Bypass

On Monday April 13, a delegation from Galway County Council travelled to Brussels with a view to getting clarification regarding the possible application of Article 6.4 to the original Galway City Outer By-pass Route.

As part of this meeting, Michael Timmins Senior Engineer with Galway County Council, informed the meeting attendees that the original route was one of several options that was examined and discounted early on in the process, before the six current options were brought forward.

Under the Freedom of Information Act 2014, I would like to request all meeting information and correspondence between ARUP and the Galway County Council, in the matter together with all correspondence details and reports including the decision process, describing how the decision was reached to eliminate the original Galway City Outer by-pass route. This decision was reportedly made in October 2014 according to Michael Timmins. However, Mike Evans from ARUP had previously informed some members of the Galway N6 Action Group on March 27th that this decision had been made in November 2014.

I believe that the Freedom of Information Act specifies this information is to be furnished legally no later than 40 days from the receipt of this letter. However, I would appreciate the information much sooner if this is possible.

Yours faithfully



Trisha Murphy

Galway N6 Action Group Secretary

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Áras an Chontae,
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FOI 15/41



5th May, 2015.

Comhairle Chontae na Gaillimhe
Galway County Council

Ms. Trisha Murphy,
Galway N6 Action Group Secretary,
3 Aughnacurra,
Lower Dangan,
GALWAY.

A Chara,

I refer to your request which was received on the 21st April, 2015.

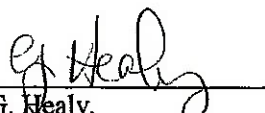
I wish to inform you that the officer handling your request is Ms. Nuala Heffernan, Administrative Officer. She may be contacted by telephone on [REDACTED] should you have any questions or concerns about your request.

A final decision on your request would normally be sent to you within 4 weeks of your request. This means that you can expect to receive a decision by 20th May, 2015. There are some limited situations under the Freedom of Information Act which would mean that the period for a final decision may be longer than the normal 4 weeks. If this occurs in your request, we will promptly advise you in writing. Should our final decision not reach you on time, please feel free to call the contact officer named above to discuss any problems which may have arisen.

If you have not heard from us once the allotted time has expired, you are automatically entitled to appeal to the Council for a review of the matter. This review proceeds on the legal basis that the initial request is considered to be refused once the specified time for responding has expired. The review is a full and new examination of the matter carried out by a more senior member of staff of the Council.

In the event that you need such an appeal, you can do so in writing to the County Secretary, at the address given above. You should state that you are appealing because an initial decision was not sent to you within the time permitted. In that event, you would normally have 4 weeks (after the initial decision should have been sent to you) in which to make the appeal. The Council, however, allows the appeal to be made late in appropriate circumstances. An appeal attracts a fee of €30, reduced to €10 in respect of Medical Card holders.

Yours faithfully,


G. Healy,
Staff Officer,
Corporate Services.

Áras an Chontae,
Cnoc na Radharc, Gaillimh.
Áras an Chontae,
Prospect Hill, Galway.

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RT FOI 15/41



Comhairle Chontae na Gaillimhe
Galway County Council

Contact Name: Nuala Heffernan Telephone: 091 509 368 E-Mail: nheffern@galwaycoco.ie

19th May 2015

Ms Trisha Murphy
Galway N6 Action Group Secretary
3 Aughnacurra
Lower Dangan
Galway

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✉planning@galwaycoco.ie

Leabharlann
Library
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✉info@galwaylibrary.ie

Re: Freedom of Information Acts 1997, 2003 and 2014

A Chara

I refer to the request which you have made under the Freedom of Information Act 1997, 2003 & 2014 for records held by this office, regarding records relating to reports made about you personally.

In accordance with Section 13 of the Freedom of Information Act 2014, I now inform you that I, Nuala Heffernan, Administrative Officer, Galway County Council have on the 19th May 2015 made a decision to refuse your request. This refusal is in accordance with Section 15 of the Freedom of Information Act 2014 as the record you seek does not exist, i.e. the Council does not have minutes, correspondence or reports regarding the decision to eliminate the original Galway City Outer By-Pass route. I attach herewith a copy of Section 15 of the Freedom of Information Act 2014 for your convenience.

I am to advise you that if you wish to appeal this decision, you can do so by writing to the Freedom of Information Officer, Corporate Services Unit, Galway County Council, Áras an Chontae, Prospect Hill, Galway seeking an internal review of the matter. Please refer to this decision in your letter. You must make your appeal within 4 weeks of receiving this letter, but the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of staff in this Authority and a decision will be communicated to you within 3 weeks. Please note that a fee of €30 is payable (€10 in respect of Medical Card holders) before your appeal can be processed.

Mise le meas


Nuala Heffernan

Administrative Officer
Roads, Transportation, Marine and General Services Unit

Freedom of Information Act 2014

Refusal on administrative grounds to grant FOI requests

15. (1) A head to whom an FOI request is made may refuse to grant the request where—

- (a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken,
- (b) the FOI request does not comply with section 12 (1)(b),
- (c) in the opinion of the head, granting the request would, by reason of the number or nature of the records concerned or the nature of the information concerned, require the retrieval and examination of such number of records or an examination of such kind of the records concerned as to cause a substantial and unreasonable interference with or disruption of work (including disruption of work in a particular functional area) of the FOI body concerned,
- (d) the information is already in the public domain,
- (e) publication of the record is required by law and is intended to be effected not later than 12 weeks after the receipt of the request by the head,
- (f) the FOI body intends to publish the record and such publication is intended to be effected not later than 6 weeks after the receipt of the request by the head,
- (g) the request is, in the opinion of the head, frivolous or vexatious or forms part of a pattern of manifestly unreasonable requests from the same requester or from different requesters who, in the opinion of the head, appear to have made the requests acting in concert,
- (h) a fee or deposit payable under section 27 in respect of the request concerned or in respect of a previous request by the same requester has not been paid, or
- (i) the request relates to records already released, either to the same or a previous requester where—
 - (i) the records are available to the requester concerned, or
 - (ii) it appears to the head concerned that that requester is acting in concert with a previous requester.

(2) Subject to subsection (3), a head may refuse to grant—

- (a) a record that is available for inspection by members of the public whether upon payment or free of charge, or

3 Aughnacurra
Lower Dangan
Galway

Geraldine Healy,
Corporate Services,
Galway County Council
Prospect Hill,
Galway

May 25 2015

Dear Ms Healy Freedom of Information Request – Galway City Outer Bypass

I have your letter of 19 May which, in effect, advises that your Council do not have any records in respect of the decision to abandon the original Galway City Outer Bypass plan.

The ruling of the European Court of Justice that found the plan contravened Art. 6(3) of the Habitat Directive was dated 11 April 2013. Additionally, a spokesman – a Mr. Timmins - evidently on your behalf, recently announced that the plan had been dispensed with in October 2014. It is inconceivable that, in the intervening period of some eighteen months, your Council participated in such a momentous and costly decision merely by way of oral transacting. The ineluctable conclusion is that your Council had little or no function in formulating the decision.

As it happens, this conclusion is consistent with a persistent report that, consequential to Court rulings, the National Roads Authority (NRA), for whatever reason(s), set itself against having recourse to Art. 6(4) of the Directive, and other parties to the plan were obliged to acquiesce.

In the circumstances, I now submit a request under the Freedom of Information Act 2014 to be furnished with a copy of records pertaining to all communications between the NRA, ARUP and your Council (including internal notes and memoranda) in respect of decisions made or opinions expressed as to action to be taken, or not to be taken, in relation to the Galway City Outer Bypass plan subsequent to its being found in contravention of the European Habitat Directive and corresponding Irish law.'

Yours faithfully



Trisha Murphy

Galway N6 Action Group Secretary

Áras an Chontae,
Cnoc na Radharc, Gaillimh.
Áras an Chontae,
Prospect Hill, Galway.

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www.gaillimh.ie



Comhairle Chontae na Gaillimhe
Galway County Council

FOI 15/41

24th July, 2015.

Ms. Trisha Murphy,
Galway N6 Action Group Secretary,
3 Aughnacurra,
Lower Dangan,
GALWAY.

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Housing Loans/Grants
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Housing Applications
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Environment & Veterinary
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Leabharlann
Library
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✉info@galwaylibrary.ie

RE: FREEDOM OF INFORMATION REQUEST

N6 Galway City Outer By-pass.

A Chara,

I refer to your Freedom of Information Request dated 21st April, 2015, to this Council's decision dated 19th May, 2015, and to your request for an internal review which was received by the Council on 26th May, 2015

I, Jim Cullen, Director of Services, am a delegated officer in accordance with Section 21 of the Freedom of Information Act 2014 and I hereby confirm that I am of a higher grade than the person who made the decision on your original request, ie Ms. Nuala Heffernan, Administrative Officer.

I wish to inform you that I have re-examined your request and that I, on this day, 24th July, 2015 have made a decision on your appeal.

My decision is to provide such records in relation to your original request as exist and which can be made readily available and to refuse that element of your request where, in my opinion, the provisions of Section 15(1)(c) of the Freedom of Information Act has application.

1) Records in respect of the decision to grant the request:

Copies of Minutes of Steering Committee Meetings for the period May 2013 to April 2015, viz Minutes of Galway By-pass 1-3 and Minutes of N6 Galway City Outer Bypass 1 to 18 and Presentation to Steering Committee No. 12, as per attached schedule.

**3 Aughnacurra,
Lower Dangan,
GALWAY**

**Mr. Jim Cullen,
Director of Services,
Galway County Council,
Áras an Chondae,
Prospect Hill,
GALWAY**

4 Sept 2015

Ref : FOI 15/41

**RE : FREEDOM OF INFORMATION REQUEST
N6 Galway City Outer By-pass (GCOB)**

A Chara,

Thank you for your response of 24 July 2014 with the enclosures specified in your document schedule.

For ease of reference, I number my points as follows :

1. In re your refusal under Section 15(1)(c) of the Freedom of Information Act 2014, I reframe the request and submit it to you as follows :

'A record of exchanges with the National Roads Authority in relation to a course or courses of action to be taken following the judicial rulings that the planning approval granted in respect of part of the GCOB was in contravention of environmental protection legislation.'

2. I further request copy records under the Act as follows :

2.1 Terms of Reference of the Steering Committee (SC) with a note as to any revisions of the terms since the first SC meeting on 16.05.2013

2.2 Minutes of the SC meetings for August to November 2013, inclusive.

2.3 Notes from Start Meeting held on 06.12.2013 and referred to in the SC meeting on 11.12.2013

2.4 SC minutes for meetings held subsequent to 30.04.2015.

3. I also request that you reconsider the withholding of information under Sections 31 and 36 of the Act.

Your apology in relation to your Council's response of 19.05.15 has been noted and accepted.

Please advise by return if a fee is payable in respect of these requests.

Is mise, le meas,

A handwritten signature in blue ink, appearing to read 'Trisha Murphy', with a stylized flourish at the end.

(Ms.) Trisha Murphy

**Secretary,
Galway N6 Action Group.**

Áras an Chontae,
Cnoc na Radharc, Gaillimh.
Áras an Chontae,
Prospect Hill, Galway.

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www.galway.ie

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Twitter: @galwaycoco

CC6 15/140



Comhairle Chontae na Gaillimhe
Galway County Council

16th September, 2015.

Ms. Trisha Murphy,
3 Aughnacurra,
Lower Dangan,
GALWAY.

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Housing
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Planning
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✉ planning@galwaycoco.ie

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✉ info@galwaylibrary.ie

A Chara,

I wish to acknowledge receipt of your Freedom of Information Request addressed to Mr. Jim Cullen, Director of Service, which was received on 14th September, 2015.

Items 1 & 2 of your letter will be treated as a fresh request under the FOI Act. Ms. Nuala Heffernan has been delegated the function of decision maker under the FOI Act for the Roads & Transportation Department and therefore she will handle your request. She may be contacted by telephone on [REDACTED], should you have any questions or concerns about your request.

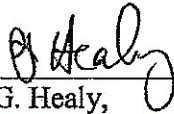
A final decision on your request would normally be sent to you within 4 weeks of your request. This means that you can expect to receive a decision by 12th October, 2015. There are some limited situations under the Freedom of Information Act which would mean that the period for a final decision may be longer than the normal 4 weeks. If this occurs in your request, we will promptly advise you in writing. Should our final decision not reach you on time, please feel free to call the contact officer named above to discuss any problems which may have arisen.

If you have not heard from us once the allotted time has expired, you are automatically entitled to appeal to the Council for a review of the matter. This review proceeds on the legal basis that the initial request is considered to be refused once the specified time for responding has expired. The review is a full and new examination of the matter carried out by a more senior member of staff of the Council.

In the event that you need such an appeal, you can do so in writing to the County Secretary, at the address given above. You should state that you are appealing because an initial decision was not sent to you within the time permitted. In that event, you would normally have 4 weeks (after the initial decision should have been sent to you) in which to make the appeal. The Council, however, allows the appeal to be made late in appropriate circumstances. An appeal attracts a fee of €30, reduced to €10 in respect of Medical Card holders.

With regard to Item 3 of your request, I am to inform you that if you wish to appeal the Council's decision to refuse you records in respect of your previous FOI appeal dated 25th May 2015, the procedure under the FOI Act is to write to the Information Commissioner, 18 Lower Leeson Street, Dublin 2. If you wish to appeal, you must do so not later than 6 months after receiving the decision on your appeal. If an appeal is made by you, the Information Commissioner will review the decision. The fee payable to the Information Commissioner in respect of an appeal is €50.00 (reduced to €15.00 in respect of Medical Card Holders).

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'G. Healy', is written over a horizontal line.

G. Healy,
Staff Officer,
Corporate Services.

Áras an Chontae,
Cnoc na Radharc, Gaillimh.
Áras an Chontae,
Prospect Hill, Galway.

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Twitter: @galwaycoco

RT FOI 15/140



Comhairle Chontae na Gaillimhe
Galway County Council

Contact Name: Nuala Heffernan Telephone: 091 509 368 E-Mail: nheffern@galwaycoco.ie

14th October 2015

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✉ info@galwaylibrary.ie

Ms Trisha Murphy
Secretary N6 Action Group
3 Aughnacurra
Lower Dangan
Galway

Re: Freedom of Information Acts 1997, 2003 and 2014

A Chara

I refer to the request which you have made under the Freedom of Information Act 1997, 2003 & 2014 for records held by this office, regarding the N6 Galway City Outer By-Pass.

In accordance with Section 13 of the Freedom of Information Act 2014, I now inform you that I, Nuala Heffernan, Administrative Officer, Galway County Council have on the 14th October 2015 made a decision to partially grant your request. This refusal is in accordance with Section 15 (1) (a), i.e. that some of the records do not exist. I can confirm that minutes of Steering Committee meetings for the period August to September 2013 do not exist, as no Steering Committee meetings were held in this period. I attach herewith a copy of Section 15 of the Freedom of Information Act 2014 for your convenience. As regards request number 1, I wish to advise that the Council is currently reviewing its extensive records in relation to this request and a reply will issue when the review has been completed. I also attach herewith a Schedule of the relevant records.

I am to advise you that if you wish to appeal this decision, you can do so by writing to the Freedom of Information Officer, Corporate Services Unit, Galway County Council, Áras an Chontae, Prospect Hill, Galway seeking an internal review of the matter. Please refer to this decision in your letter. You must make your appeal within 4 weeks of receiving this letter, but the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of staff in this Authority and a decision will be communicated to you within 3 weeks. Please note that a fee of €30 is payable (€10 in respect of Medical Card holders) before your appeal can be processed.

Mise le meas



Nuala Heffernan

Administrative Officer

Roads, Transportation, Marine and General Services Unit

3 Aughnacurra,
Lower Dangan,
GALWAY

Mr. Jim Cullen,
Director of Services,
Galway County Council,
Aras an Chondae,
Prospect Hill,
GALWAY

8 Dec 2015

Ref : FOI 13/140

RE : FREEDOM OF INFORMATION REQUEST

A Chara,

I refer to your Council's response of 14 October and to preceding correspondence in relation to our statutory information requests.

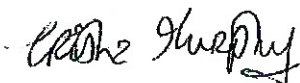
I shall be glad to learn if your Council are now in a position to reply to our previously stated request as follows :

To furnish 'a record of exchanges with the National Roads Authority in relation to a course or courses of action to be taken following the judicial rulings that the planning approval granted in respect of part of the Galway City Outer Bypass was in contravention of environmental protection legislation.'

I also ask that you note that this request is also made pursuant to the provisions of the Aarhus Convention to which Ireland is a subscriber and which, as you no doubt know, imposes a duty of disclosure on the part of public agencies in relation to environmental matters.

I look forward to hearing from you shortly,

Mise le meas



Ms. Trisha Murphy

Secretary, Galway N6 Action Group

3 Aughnacurra,
Lower Dangan,
Galway

Mr Kevin Kelly,
CEO,
Galway County Council,
Aras an Chondae,
Prospect Hill,
GALWAY

3 May 2016

RE : FREEDOM OF INFORMATION REQUEST

A Chara,

On Monday April 13 2015, a delegation from Galway County Council travelled to Brussels with a view to getting clarification regarding the possible application of Article 6.4 to the original Galway City Outer By-pass Route.

As part of this meeting, Michael Timmins Senior Engineer with Galway County Council, informed the meeting attendees that the original route was one of several options that was examined and discounted early on in the process, before six route options were brought forward for public consultation in Feb 2015.

Under the Freedom of Information Act 2014, I would like to request all meeting information and correspondence between ARUP and the Galway County Council, in the matter together with all correspondence details and reports including the decision process, describing how the decision was reached to eliminate the original Galway City Outer by-pass route. This decision was reportedly made in October 2014 according to Michael Timmins. However, Mike Evans from ARUP had previously informed some members of the Galway N6

6/24/2016

Gmail - Freedom of Information Request: Galway N6 Motorway

#####

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CC6/1 FOI 16/56



Comhairle Chontae na Gaillimhe
Galway County Council

19th May, 2016.

Mr. Michael Murphy,
3 Aughnacurra,
Lower Dangan,
GALWAY.

A Chara,


I refer to your request under the Freedom of Information Act which was received on the 6th May 2016. I wish to inform you that the officer handling your request is Ms. Nuala Heffernan, Senior Executive Officer. She may be contacted by telephone on [REDACTED] should you have any questions or concerns about your request.

A final decision on your request would normally be sent to you within 4 weeks of your request. This means that you can expect to receive a decision by the 3rd June 2016. There are some limited situations under the Freedom of Information Act which would mean that the period for a final decision may be longer than the normal 4 weeks. If this occurs in your request, we will promptly advise you in writing. Should our final decisions not reach you on time, please feel free to call the contact officer named above to discuss any problems which may have arisen.

If you have not heard from us once the allotted time has expired, you are automatically entitled to appeal to the Council for a review of the matter. This review proceeds on the legal basis that the initial request is considered to be refused once the specified time for responding has expired. The review is a full and new examination of the matter carried out by a more senior member of staff of the Council.

In the event that you need such an appeal, you can do so in writing to the County Secretary, at the address given above. You should state that you are appealing because an initial decision was not sent to you within the time permitted. In that event, you would normally have 4 weeks (after the initial decision should have been sent to you) in which to make the appeal. The Council, however, allows the appeal to be made late in appropriate circumstances. An appeal attracts a fee of €30, reduced to €10 in respect of Medical Card holders.

Yours faithfully,


G. HEALY,
STAFF OFFICER
CORPORATE SERVICES.
FOI 16/56

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3 Aughnacurra,
Lower Dangan,
Galway

County Secretary,
Galway County Council,
Aras an Chondae,
Prospect Hill,
GALWAY

3 June 2016

A Chara, Reference: FOI 15/140

I refer to my letter for freedom of information on 3rd May 2016, and the acknowledgement letter from Ms Healy on 19th May 2016.

Ms Healy stated in her letter that I could expect a decision by the 3rd of June 2016. As of this date, I have received no further correspondence from any member of the Galway County Council.

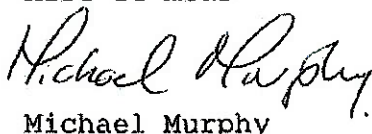
According to your procedures, as I have not received a response from Ms Nuala Heffernan by the allotted time, this means that she has refused my request.

I am requesting an appeal to the County Secretary for my freedom of information request (FOI 15/140) to be provided to me within the next 3 weeks or no later than 24th June 2016.

Under the Freedom of Information Act 2014, the Galway County Council are required to fully cooperate with citizens who are impacted calamitously by the proposed N6 motorway ring road. I sincerely hope that pursuant to the provisions of the Aarhus Convention, that the Galway County Council executive team will be fully transparent in the information disclosure. Please find a cheque for €30 to cover the costs of the Appeal.

I look forward to hearing from you shortly,

Mise le meas



Michael Murphy

Chairperson, Galway N6 Action Group

CC Mr Kevin Kelly (CEO), Ms Nuala Heffernan (Senior Executive Officer)

6/24/2016

Gmail - Freedom of Information Request: Galway N6 Motorway



Michael Murphy <[REDACTED]>

Freedom of Information Request: Galway N6 Motorway

Michael Murphy <[REDACTED]>

Mon, Jun 6, 2016 at 2:50 PM

To: Kevin Kelly <[REDACTED]>

Cc: Jim Cullen <[REDACTED]>

>, Liam Gavin <[REDACTED]>, Geraldine Healy <[REDACTED]>

<[REDACTED]>, Trisha | SCCUL Enterprises <[REDACTED]>, Michael Timmins <[REDACTED]>

Bcc: [REDACTED]

Dear Mr Kelly

Further to my FOI request on May 3rd 2016, I received no response from your office other than a confirmation letter from Ms. Geraldine Healy notifying me that my request was being handled by Ms Nuala Heffernan.

As no decision was provided by June 3rd 2016, the letter from Ms Healy states that I am automatically entitled to appeal to the Council for a review of the matter with a more senior member of staff. I have posted the following letter to the County Secretary on June 4 2016, and enclosed a cheque for €30 to cover the fees associated with this appeal.

I am requesting that my freedom of information request (FOI 15/140) is provided to me in full, within the next 3 weeks or no later than 24th June 2016.

Yours faithfully
Michael Murphy

Gmail - Freedom of Information Request: Galway N6 Motorway

County Secretary,
Galway County Council,
Aras an Chondae,
Prospect Hill,
GALWAY

A Chara, Reference: FOI 15/140

Ms Healy stated in her letter that I could expect a decision by the 3rd of June 2016. As of this date, I have received no further correspondence from any member of the Galway County Council.

I am requesting an appeal to the County Secretary for my freedom of information request (FOI 15/140) to be provided to me within the next 3 weeks or no later than 24th June 2016.

I look forward to hearing from you shortly.

Michael Murphy

Chairperson, Galway N6 Action Group

CC Mr Kevin Kelly (CEO), Ms Nuala Heffernan (Senior Executive Officer)

https://mail.google.com/mail/u/0/?ui=2&ik=73171ce753&view=pt&q=frank_flynn18%40yahoo.co.uk&qs=true&search=query&msg=15525fab8ad45ead&siml=15... 2/2

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Comhairle Chontae na Gaillimhe
Galway County Council

RT FOI 16/56

Contact Name: Nuala Heffernan Telephone: [REDACTED] E-Mail: [REDACTED]

28th June 2016

Mr Michael Murphy
3 Aughnacurra
Lower Dangan
Galway

Re: Freedom of Information Acts 1997, 2003 and 2014

A Chara

I refer to the request which you have made under the Freedom of Information Acts 1997, 2003 & 2014 for all meeting information and correspondence between ARUP and Galway County Council, including all correspondence and reports describing how the decision was reached to eliminate the original Galway City Outer Bypass route.

In accordance with Section 13 of the Freedom of Information Act 2014, I now inform you that I, Nuala Heffernan, Administrative Officer, Galway County Council have on the 28th June 2016, made a decision to grant your request. I attach herewith a schedule of all the records covered by your request.

Whilst outside the remit of the Freedom of Information Act, I wish to advise that the European Court decision was made on 11th April 2013. The Council was advised by the Department of Transport, Tourism and Sport on 16th May 2013 that the moratorium on expenditure on the Galway By-Pass project was lifted on the 16th May 2013. The Supreme Court decision to quash the original Galway City Outer Bypass was made on the 23rd July 2013.

I am to advise you that if you wish to appeal this decision, you can do so by writing to the Freedom of Information Officer, Corporate Services Unit, Galway County Council, Áras an Chontae, Prospect Hill, Galway seeking an internal review of the matter. Please refer to this decision in your letter. You must make your appeal within 4 weeks of receiving this letter, but the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of staff in this Authority and a decision will be communicated to you within 3 weeks. Please note that a fee of €30 is payable (€10 in respect of Medical Card holders) before your appeal can be processed.

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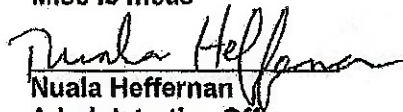
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(091) 509 308
planning@galwaycoco.ie

Leabharlann
Library
(091) 562 471
info@galwaylibrary.ie

Mise le meas

A handwritten signature in black ink, appearing to read 'Nuala Heffernan', written over a horizontal line.

Nuala Heffernan

Administrative Officer

Roads, Transportation, Marine and General Services Unit

Freedom of Information Officer,
Corporate Services Unit,
Galway County Council,
Áras an Chondae,
Prospect Hill,
GALWAY

17 July 2016

Ref : RT FOI 16/56

Freedom of Information Acts - Appeal

A Chara,

I hereby submit an appeal in relation to the FOI response dated 28 June, 2016 under the signature of Ms. Nuala Heffernan, Administration Officer on the grounds that the reply is a seriously inadequate response to my information request as relayed in mine of 3 May 2016, extract as follows: " ... all meeting information".

I should point out that I am aware that, following on the judicial finding that An Bord Pleanála (ABP) approval of the eastern section of the original Galway City Outer Bypass (GCOB) plan contravened the European Habitats Directive, ABP took the decision against having derogation recourse to Article 6(4) of the Directive. As a consequently and as the primary agent, ABP's decision effectively bound all of the other GCOB active parties, including Galway County and City authorities.

I find it incredible that, in regard to such a momentous decision, there was no exchange of correspondence between the affected parties either preceding or subsequent to this decision.

You will appreciate that access to such correspondence is my statutory entitlement and I have to advise you that I have every intention to seek due remedy if this request continues to be frustrated.

I should also point out that this appeal comprehends a reversal of the refusal to discover minutes of meetings dated 10 July, 2013, 11 December, 2013, 15 January, 2014 and 29 February, 2014.

Enclosed please find fee of €30.

Mise le meas

A handwritten signature in black ink, appearing to read 'Michael Murphy'. The signature is fluid and cursive, with the first name 'Michael' written in a larger, more prominent script than the surname 'Murphy'.

3 Aughnacurra, Lower Dangan, Galway

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Comhairle Chontae na Gaillimhe
Galway County Council

CC6/1 FOI 16/56

25th July, 2016.

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✉ info@galwaylibrary.ie

Mr. Michael Murphy,
3 Aughnacurra,
Lower Dangan,
GALWAY.

A Chara,

I refer to your request under the Freedom of Information Act which was received on the 6th May 2016 seeking records in relation to "the Galway City Outer By-Pass Route".

I also refer to this Council's decision on your request which was made on 28th June, 2016 and to your appeal of that decision, which was received on 19th July 2016, together with cheque in the sum of €30.

I further refer to your letter which was received on 8th June, 2016 together with cheque in the sum of €30, which you submitted on the basis that the Council had not made a decision on your request within the appropriate timeframe of four weeks.

I am returning your cheque received on 8th June, 2016 in the sum of €30, as the Council is dealing with your appeal received on 19th July, 2016.

The Council regrets any inconvenience caused due to the late decision made on your request.

Mise le meas,


MICHAEL OWENS,
SENIOR EXECUTIVE OFFICER,
CORPORATE SERVICES.

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Áras an Chontae,
Prospect Hill, Galway.
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Comhairle Chontae na Gaillimhe
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CC6/1 FOI 16/56

25th July, 2016.

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A Chara,

I refer to your request under the Freedom of Information Act which was received on the 6th May 2016 seeking records in relation to "the Galway City Outer By-Pass Route".

I also refer to this Council's decision on your request which was made on 28th June, 2016 and to your appeal of the decision which was received on 19th July, 2016.

A decision on your appeal would normally be sent to you within 3 weeks of your appeal. This means that you can expect to receive a decision on your appeal by 10th August, 2016. Mr. Jim Cullen, Director of Services, Galway County Council will deal with your appeal.

Mise le meas,


M. OWENS,
SENIOR EXECUTIVE OFFICER,
CORPORATE SERVICES.

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Comhairle Chontae na Gaillimhe Galway County Council

FOI 16/56

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8th August, 2016.

RE: FREEDOM OF INFORMATION APPEAL

A Chara,

I refer to your Freedom of Information Request which was received on 6th May 2016, to this Council's decision dated 28th June, 2016 and to your request for an internal review which was received by the Council on 19th July, 2016

I, Jim Cullen, Director of Services, am a delegated officer in accordance with Section 14 of the Freedom of Information Act and I hereby confirm that I am of a higher grade than the person who made the decision on your original request, i.e. Ms. Nuala Heffernan, Administrative Officer. I wish to inform you that I have re-examined your request and that I, on this day, 8th August, 2016 have made a decision on your appeal.

My decision is to uphold Ms. Heffernan's decision to grant you the records listed at 1 – 25 in the Schedule of Records. It is noted that the records at 3, 4, 5 and 6 in the schedule were fully granted, although in the schedule it is indicated that they were partially granted.

Right of Appeal

You may appeal this decision by writing to the Information Commissioner, 18 Lower Leeson Street, Dublin 2. If you wish to appeal, you must do so not later than 6 months after receiving this letter. Should you write to the Information Commissioner making an appeal, please refer to this letter. If an appeal is made by you, the Information Commissioner will review the decision. The fee payable to the Information Commissioner in respect of an appeal is €50.00 (reduced to €15 in respect of Medical Card holders or their dependents).

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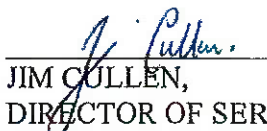
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**Comhairle Chontae na Gaillimhe
Galway County Council**

Mise le meas,


JIM CULLEN,
DIRECTOR OF SERVICES.

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