

**Our Case Number:** ABP-318220-23



An  
Coimisiún  
Pleanála

Friends of the Irish Environment  
Kilcatherine  
Eyeries  
Co. Cork

**Date:** 13 August 2025

**Re:** N6 Galway City Ring Road  
Galway.

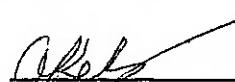
Dear Sir / Madam,

An Coimisiún Pleanála has received your recent letter in relation to the above mentioned proposed road development. The contents of your letter have been noted.

If you have any queries in relation to this matter please contact the undersigned officer of the Commission at [laps@pleanala.ie](mailto:laps@pleanala.ie)

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

Yours faithfully,

  
\_\_\_\_\_  
Lauren Griffin  
Executive Officer  
Direct Line: 01-8737244

HA06

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64 Marlborough Street  
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## Aisling Reilly

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**From:** Aisling Reilly  
**Sent:** Wednesday 13 August 2025 12:01  
**To:** padraig@friendsoftheirishenvironment.org  
**Subject:** RE: HA07.318220 RFI on the Environmental Impact Assessment Report for the N6 Galway City Ring Road

A Chara,

The Commission acknowledges receipt of your email; official correspondence will issue in due course.

Kind regards,  
Aisling

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**From:** padraig@friendsoftheirishenvironment.org <padraig@friendsoftheirishenvironment.org>  
**Sent:** Friday 1 August 2025 17:15  
**To:** LAPS <laps@pleanala.ie>; Aisling Reilly <A.Reilly@pleanala.ie>  
**Cc:** Admin <admin@friendsoftheirishenvironment.org>  
**Subject:** HA07.318220 RFI on the Environmental Impact Assessment Report for the N6 Galway City Ring Road

**Caution:** This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Aisling, A Chairde,

Friends of the Irish Environment (FIE) welcomes the opportunity to participate in the public consultation on HA07.318220 – Revised Further Information on the Environmental Impact Assessment Report for the N6 Galway City Ring Road.

FIE has previously engaged in earlier stages of this process.

Please see the attached submission for your consideration.

Yours sincerely,

Pádraig - on behalf of Friends of the Irish Environment and Tony Lowes.



An Coimisiún Pleanála  
64 Marlborough Street,  
Dublin 1  
D01 V902

1 August 2025

**Case reference:** HA07.318220

**Application:** Revised Further Information on the Environmental  
Impact Assessment Report for the N6 Galway City Ring  
Road

Dear Sir/ Madam

Friends of the Irish Environment (FIE) wishes to make the following submission in relation to the Request for Further Information (RFI) response provided by the applicant and advertised by the An Coimisiún Pleanála ('the Commission').

FIE made a submission on the initial application, and subsequently sought a Judicial Review of the decision to grant, leading to an order of the Court remitting the application to the Commission. This submission builds on FIE's prior engagement and submissions.

## **INTRODUCTION**

FIE's position is that the Updated EIAR for the proposed N6 Galway City Ring Road (GCRR) fails to comply with the statutory obligations imposed by Ireland's

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It is a member of the European Environmental Bureau and the Irish Environmental Network.

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Trustees and Directors: Kieran Cummins, Tony Lowes, Ian Lumley, Judy Osborne (UK).

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climate legislation, particularly Section 15 of the Climate Action and Low Carbon Development Act 2015, as interpreted in the recent *Coolglass* High Court judgment ([2025] IEHC 1) "*Coolglass*".

The Revised EIAR is assessed against Ireland's statutory obligations under Section 15 of the Climate Action and Low Carbon Development Act 2015 (as amended), as interpreted in the *Coolglass* High Court judgment and aligned with emerging international legal norms. The proposal fundamentally conflicts with national climate objectives, including the Climate Action Plan 2025, which mandates a 20% reduction in vehicle kilometres travelled and a 50% cut in fossil fuel use in the transport sector. Rather than supporting these goals, the GCRR facilitates continued growth in private car use and urban sprawl, locking in long-term carbon emissions.

The submission also details how the EIAR fails to engage with national transport policy, omits consideration of key documents like the National Sustainable Mobility Policy, the Five Cities Demand Management Study and ignores findings of the Department of Transport's 2025 report on congestion costs. Critical omissions include a failure to model policy-aligned, demand-managed alternatives such as light rail, BusConnects, and congestion pricing—measures that are both technically feasible and legally required to be considered under the Environmental Impact Assessment Directive.

Furthermore, FIE highlights the use of speculative and overly optimistic assumptions in the carbon modelling, particularly regarding electric vehicle uptake and induced demand. The emissions forecasting does not provide lifecycle or cumulative impact assessments and is not benchmarked against national carbon budgets or sectoral ceilings. This procedural approach contravenes the outcome-based legal standard now required by both Irish and comparative jurisprudence.

Legal precedents—including *Coolglass*, the Northern Ireland A5 judgment, and international opinions from the ICJ—reinforce that climate obligations are enforceable and substantive. The EIAR's dismissal of lower-emission

alternatives on grounds of congestion fails the statutory "insofar as practicable" test and is based on circular logic that presumes future car dependency as inevitable.

In light of these systemic deficiencies, FIE respectfully urges An Coimisiún Pleanála to reject the GCRR application. To do otherwise would be incompatible with Ireland's climate obligations, national law, and evolving international legal standards—and would expose the Commission to substantial legal risk.

### **COMPLIANCE WITH CLIMATE LEGISLATION AND CLIMATE ACTION PLAN 2025**

There is a legal onus on both the applicant as a Public Body, and the Commission, to comply with Section 15 of the Climate Action and Low Carbon Development Act (as amended) 2015 ('the Climate Act').

The Request for Further Information (RFI) response on the EIAR, now before the Commission, was prepared before the Climate Action Plan 2025 was approved on 15 April 2025, updating the 2024 Plan. Under Section 15 of the Climate Act, the Commission is required to consider this application under the plan now in force under the Act, namely the Climate Action Plan 2025.

The 2016 Galway Transport Strategy, on which this application is based, is significantly out of date and incompatible with the Climate Action Plan 2025.

### **TRANSPORT PROVISIONS OF THE CLIMATE ACTION PLAN 2025**

CAP 25 is an update to CAP 24, which remains in effect. (p.20 of CAP25: "In contrast to previous iterations of the Climate Action Plan, CAP25 is to be read in conjunction with CAP24 and takes account of key developments in the policy and evidence base in the previous year while setting out a range of new actions in response to the latest data.")



CAP 24 continues the following policy for transport planning and appraisal from CAP 23:

"It is worth noting (per CAP23) that compliance with our sectoral emissions ceilings also requires transport planning and appraisal to prioritise interventions in line with the Sustainable Mobility Policy, and will require [us/Ireland] to:

- Avoid stimulating or facilitating increased GHG emissions from transport, especially over the next 20 years;
- Support a shift to active travel and public transport, including by the reallocation of road space;
- Maintain our existing transport infrastructure; and
- Support the adaptation and resilience of existing, redesigned and new transport infrastructure to the impacts of climate change.

"Transport infrastructure decisions and the revised appraisal processes will give effect to these priorities."

Approving this road scheme would be inconsistent with this prioritisation and these objectives.

Section 14 Transport of the Climate Action Plan 2025 sets out as follows<sup>1</sup>:

**"Trajectory**

64.1% of the first sectoral carbon budget was expended in the period 2021-2023. While this level could be consistent with the sector being compliant with its carbon budget to 2025, an annual 12.4% decrease would be required in 2024 and 2025 to stay within the first carbon budget."

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<sup>1</sup> [https://assets.gov.ie/static/documents/Climate Action Plan 2025 updated cover.pdf](https://assets.gov.ie/static/documents/Climate_Action_Plan_2025_updated_cover.pdf), p.91

## **"Key Targets**

"No change has been made to the key performance indicators provided in Table 15.5 of CAP24, to set out the level of change required to meet a 50% compliant pathway. Key targets include a 20% reduction in total vehicle kilometres travelled relative to business-as-usual, 50% reduction in fuel usage, and significant increases to sustainable transport trips and modal share."

## **NATIONAL TRANSPORT POLICY CONTEXT**

The proposed road is inconsistent with national transport policy. The EIAR fails to engage with Ireland's current policy framework for sustainable transport, making no direct reference to the National Sustainable Mobility Policy (NSMP) (2022) despite the fact that the reference to it in CAP 24 quoted above brings it within the consistency obligation of s.15 when it comes to transport planning and appraisal. Nor does the EIAR engage with key studies and reports from recent years, including the Five Cities Demand Management Study (Five Cities Study)(2021) and the OECD's report Redesigning Ireland's Transport for Net Zero: Towards Systems that Work for People and the Planet (Redesigning Ireland's Transport) (2022). This is a critical omission.

The NSMP sets a national objective to reduce car kilometres travelled by fossil-fuel vehicles by 10% by 2030 and to facilitate "at least 500,000 additional daily active travel and public transport journeys" (NSMP, Summary, p. 5).

Likewise, the Five Cities Study, which includes Galway, recommends robust demand-side tools such as congestion charging, parking levies, and low-traffic neighbourhoods (FCDMS, pp. 45–147). These strategies are neither evaluated nor modelled as part of the EIAR's alternatives.

Redesigning Ireland's Transport analyses the factors leading to car-dependent systems. In Chapter 3, "[i]t describes three systems dynamics underlying growing car use and high emissions: induced car demand, urban sprawl, and the sustainable modes low-attractiveness trap."

The analysis in the EIAR omits some significant elements of induced traffic and downplays others.

### **Assessment of Alternatives**

Chapter 4 of the EIAR presents a set of alternatives, including 'Do-Nothing', 'Do-Minimum', and 'Do-Something Non-Road' scenarios. However, while the Galway Transport Strategy is briefly referenced, these alternatives are not tested against the full range of interventions set out in the FCDMS. For instance, measures like congestion charging (FM11), car-free zones (PTM17), or workplace parking levies (PTM01) are not explored as serious, standalone strategies. Instead, the alternatives section defaults to assessing road-based capacity as the primary variable, reinforcing a car-centric approach.

To its credit, the EIAR notes the presence of "smart mobility" and "demand management" in the Galway Transport Strategy (p. 131), but it does not quantify how these would perform in terms of emissions, congestion reduction, or alignment with national goals. There is no scenario modelling of a demand-managed alternative, nor any evidence that demand-reducing policies were assessed as realistic options to meet transport needs.

### **Climate Assessment Gaps**

Chapter 17 provides updated modelling of construction- and operation-phase emissions using the new TII Climate Standard. While this reflects procedural progress, the assessment remains detached from the NSMP's emission reduction objectives and fails to consider the impact of induced demand over the project's lifespan. The NSMP emphasises the need to "reduce reliance on the private car" and to create a pathway for sustainable demand management (NSMP, p. 5). Yet, these dimensions are not captured in the EIAR's carbon appraisal.

The FCDMS further warns that "in most cases, providing additional road infrastructure in response to congestion is unlikely to solve the issue" and will instead "induce additional car-based travel" (FCDMS, p. 10). By not engaging



with these national findings—or including any demand-managed scenario—the EIAR's carbon projections lack robustness and policy relevance.

### **Structural Dependence on Private Car Use**

Finally, the EIAR's emissions forecasting assumes a future of steady traffic growth and continued car dependency. It does not explore the implications of integrated land use and transport planning, such as the NSMP's call for "transport-oriented housing development" (NSMP, p. 6). Nor does it assess how a greater shift toward public transport, cycling, and walking—central to national policy—could alter future emissions profiles.

Instead, the GCRR is positioned as an essential intervention to maintain current travel patterns, which contradicts both the climate ambitions and the mobility goals of national policy. Without modelling behaviour change, modal shift, or spatial planning alternatives, the EIAR's projections reinforce the very problem national strategies are trying to solve.

The Revised EIAR for the GCRR falls short in two critical areas: it does not adequately respond to the reality of induced demand—as outlined in the Department of Transport's 2025 congestion report referenced below—and it fails to align with or even reference the key national policies guiding sustainable urban mobility in Ireland. The approach undermines the credibility of its alternative assessment and carbon appraisal, raising serious concerns about compliance with Ireland's climate and transport objectives. If demand-led and policy-aligned alternatives are not robustly tested, the justification for the GCRR cannot be considered complete or resilient.

### **CLIMATE IMPACT ANALYSIS IN THE REVISED EIAR**

Section 17.7 of the revised EIAR seeks to calculate greenhouse gas emissions for the construction stage of the proposed road. The total associated emissions over the construction period are stated as being 126,332 tonnes CO<sub>2</sub>-eq. The mitigation measures proposed to arrive at this figure include the use of steel manufacturing furnace slag as a substitute material in concrete production.

There are supply constraints and competing demand that can limit the availability of this Ground Granulated Blast Furnace Slag material in Ireland.

Table 17.8 of the Updated EIAR<sup>2</sup> sets out the difference between operational phase CO<sub>2</sub>-eq emissions between the Do-Minimum (DM) Scenario and the Do-Something (DS) Scenario for the Opening Year (2031) and the design year (2046), namely 493,796 Tonnes equivalent of CO<sub>2</sub>-eq in 2031 and 125,392 Tonnes equivalent of CO<sub>2</sub>-eq in 2046. The basis of this modelling is not properly justified.

The carbon emissions analysis for the GCRR relies on the National Transport Authority's ENEVAL model, which is based on highly optimistic assumptions about electric vehicle uptake, full delivery of the Climate Action Plan 2024 and limited induced traffic. These assumptions are not legally guaranteed and do not reflect the well-documented risk that new road capacity generates additional demand and long-term emissions. Without modelling alternative scenarios or applying conservative sensitivity tests, the emissions projections are not robust and risk understating the project's true climate impact. This undermines compliance with national carbon budgets and contradicts the legal reasoning upheld in the A5 road judgment (see below), where similar overreliance on unproven climate assumptions led to that scheme's approval being quashed. The EIAR, therefore, fails systemically to assess how the proposal can meet national carbon budget limits.

The business case for the scale of the project provides for accommodation of continued growth in vehicle numbers, contrary to the objectives of the Climate Action Plan quoted above.

The alternative of a modal shift strategy of public transport priority investment, cycling promotion and other active travel measures to reduce private car use,

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<sup>2</sup>

<https://www.n6galwaycityringroad.ie/sites/default/files/media/Updated%20EIAR%20Chapter%2017.pdf>, p.1441

either has not been adequately modelled, or if it has, the resulting analysis has not been provided.

## **ASSESSMENT OF THE ENVIRONMENTAL EFFECTS OF ALTERNATIVES IN THE EIAR**

The CJEU made clear in *Holohan v. An Bord Pleanála* that the applicant, in the EIAR, must set out the environmental effects of the alternatives considered. Unfortunately, that has not happened here.

In Chapter 4, Alternatives Considered for the Project of the EIAR, four scenarios are described as having been modelled with the use of the NTA's Western Regional Model (WRM). They are:

1. 2046 Light Rail only
2. 2046 Light Rail and proposed N6 GCRR
3. 2046 Light Rail and Demand Management Measures
4. 2046 Light Rail and proposed N6 GCRR and Demand Management Measures.

Instead of presenting the results of this modelling, the EIAR contains some commentary on them. Table 2 shows percentage reductions in AADT figures on some bus routes for Scenarios 1 and 2, but it is not clear what baseline is being used for comparison. There is no similar table for Scenarios 3 and 4. There is some discussion in relation to the scenarios. The discussion seems to be designed to support a conclusion rather than to assess alternatives impartially and is focused on congestion metrics. It doesn't address the key factors leading to climate impacts from each alternative scenario, such as total vehicle kilometres travelled in each scenario,

There is no analysis in either Chapter 4 of the EIAR nor in Chapter 17 Climate of the different climate impacts of the different alternatives assessed. There is no analysis in Chapter 6, Traffic of the alternatives considered in the 4 scenarios above.



"Part IV of RFI Response", which we understand to be a document outside the EIAR, addressing obligations under the Climate Act and the Climate Action Plan, has further information on traffic modelling carried out. However, here also, there is no information on the assessment of alternatives.

The NTA's traffic models, including the WRM, produce the traffic projections data needed to carry out emissions projections, and indeed it is our understanding that this is what was done to generate the Do Minimum and Do Something GHG emissions projections contained in Chapter 17. Similar analysis should have been done for the alternative scenarios 1 Light Rail and 2 Light Rail plus Demand Management in Chapter 4.

Given the legal obligation to set out the environmental effects of the alternatives considered and the fact that these two alternatives have been subject to traffic modelling, it is surprising that the necessary minor additional work to model the resulting emissions from these scenarios hasn't been done.

We urge An Bord Pleanála to require the applicant to do this analysis, as without it, the EIAR doesn't meet the legal requirements. Please note our criticism above of a number of aspects of the ENEVAL model, which should be factored into this analysis of the climate impact of alternatives.

## **GALWAY TRANSPORT STRATEGY 2016 AND CLIMATE ACTION PLAN 2024-2029**

The 2016 Galway Transport Strategy fails to align with the previous and the current Climate Action Plan 2025. The GCRR is included as one of a number of projects proposed in the 2016 Galway Transport Strategy, including radial bus priority measures, higher frequency bus services, and active travel measures - cycling, walking, etc.

The separately published Galway City Council Climate Action Plan 2024-2029 and Galway County Council Climate Action Plan 2024-2029 provide for a reduction in emissions by 51% versus a 2018 baseline by 2030. On Transport, this emission reduction is to be achieved by promoting modal shift and active travel, although quantification of the GHG impact of these measures was not



provided, and no reconciliation or integration is provided with advancing the current proposed GCRR project.

## **CONGESTION GENERATION**

Since the submission of the RFI and the Revised EIAR, a significant new report was published by the Department of Transport in May 2025: *The Economic Cost of Congestion in the Regional Cities 2022–2040*. This report presents updated national modelling that fundamentally challenges the long-standing assumptions underlying the GCRR, formulated initially in the 2018 EIAR and premised on the accommodation of continued private car use and ownership.

The Department's Strategic Research and Analysis Division finds that additional road infrastructure may offer only temporary relief:

"Additional road infrastructure may reduce congestion temporarily; however, demand will eventually overtake the capacity of this infrastructure." (p. 26)

This dynamic—commonly known as induced demand—is widely recognised in international transport literature and directly undermines the strategic rationale for the GCRR, which aims to reduce congestion in and around Galway. While the Revised EIAR introduces an updated climate chapter and incorporates TII's 2022 climate assessment standards, it does not appear to respond to this emerging national evidence meaningfully.

For the Galway Metropolitan Area (GMA), the Department projects that congestion costs will increase steadily over time. While a slight improvement is anticipated between 2030 and 2040, the report warns of a significant expansion of congestion into off-peak periods:

"A share of morning interpeak (lunchtime) will grow significantly from 14% in 2022 to 32% in 2040, indicating congestion is likely to occur throughout the day." (p. 34)

Moreover, Figure 23 shows Galway surpassing Cork by 2030 with the highest projected congestion cost per capita—€891—even with the GCRR in place. This casts serious doubt on the project's long-term effectiveness.

Finally, the EIAR's emissions forecasting assumes a future of steady traffic growth and continued car dependency. It does not explore the implications of integrated land use and transport planning, such as the NSMP's call for "transport-oriented housing development" (NSMP, p. 6). Nor does it assess how a shift toward public transport, cycling, and walking—central to national strategy—could alter future emissions profiles.

Instead, the GCRR is positioned as an essential intervention to maintain current travel patterns, which contradicts both the climate ambitions and the mobility goals of national policy. Without modelling behaviour change, modal shift, or spatial planning alternatives, the EIAR's projections reinforce the very problem national strategies are trying to solve.

The Revised EIAR for the GCRR falls short in two critical areas: it does not adequately respond to new national evidence on induced congestion—as outlined in the Department of Transport's report—and it fails to align with or even reference the key national policies guiding sustainable urban mobility in Ireland. The approach undermines the credibility of its alternative assessment and carbon appraisal, raising serious concerns about compliance with Ireland's climate and transport objectives. If demand-led and policy-aligned alternatives are not robustly tested, the justification for the GCRR cannot be considered complete or resilient.

## **LEGAL PRECEDENTS AND THE CLIMATE ACT**

It is submitted that the Updated EIAR for GCRR fails to meet the legal obligations imposed by Section 15 of the Climate Act, as interpreted by the High Court in the *Cool/glass* judgment<sup>3</sup>. That judgment, which remains binding

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<sup>3</sup> [https://www.courts.ie/acc/alfresco/c6e01981-1045-4571-af0c-06d260290823/2025\\_IEHC\\_1.pdf/pdf](https://www.courts.ie/acc/alfresco/c6e01981-1045-4571-af0c-06d260290823/2025_IEHC_1.pdf/pdf)

unless overturned, confirmed that public authorities must act "insofar as practicable" in a manner consistent with the Climate Action Plan (CAP), national carbon budgets, and the overarching statutory objective of reducing greenhouse gas (GHG) emissions. Crucially, the Court rejected the notion that mere reference to climate strategies is sufficient; rather, authorities must demonstrate that their decisions materially and measurably contribute to climate mitigation outcomes.

In this context, Chapter 17 of the EIAR, which addresses climate considerations, adopts a procedural tone rather than a legally compliant, outcome-based approach. The report states that *"an assessment relative to the matters specified in Section 15 of the Climate Act is provided"* (p. 1427). It later references consistency with CAP24 in Section 17.9 (pp. 1145–1146). However, it fails to evaluate whether the emissions arising from the GCRR are compatible with the national carbon budgets for 2021–2025 and 2026–2030, with the prioritisation required for transport planning and appraisal as quoted above, or with the 50% reduction required from the transport sector by 2030. While operational emissions are estimated for the "Do-Something" scenario versus the "Do-Minimum" (Table 17.8, p. 1441), this narrow comparison does not address lifecycle or cumulative emissions in relation to statutory targets.

Additionally, the EIAR fails to acknowledge that the carbon budgets for 2031–2036 are likely to tighten significantly, given Ireland's underperformance against the current trajectory. The omission of any forward-looking emissions trajectory analysis—especially one linked to legally binding sectoral ceilings—constitutes a fundamental shortfall under *Coolglass*, which requires that planning decisions be assessed in terms of their contribution or detriment to overall emissions pathways, not in isolation.

The Updated EIAR further assumes that road expansion can reduce emissions through improved traffic flow and fuel efficiency. However, this reasoning ignores well-established evidence on induced demand, as described above, where new road capacity generates additional car traffic over time, ultimately increasing emissions. By relying on short-term congestion relief without



modelling long-term impacts, the EIAR fails to meet the *Coolglass* requirement for real-world, long-term outcome evaluation.

Chapter 4, which evaluates project alternatives, similarly falls short of the legal threshold for rejecting lower-emission options. Non-road solutions such as light rail, BusConnects and demand management are dismissed on the grounds that they do not reduce congestion to the same extent as the GCRR. Yet this contradicts the *Coolglass* interpretation of "insofar as practicable", which demands a robust demonstration that climate-compatible alternatives are genuinely unfeasible—not merely less effective at maintaining road capacity or satisfying predicted car use.

Chapter 4 of the Updated EIAR also reveals a circular logic: non-road alternatives are deemed insufficient because they do not match the GCRR's road traffic performance, while car-based demand forecasts are used to justify the road itself. The report notes that "*even with the Light Rail alignment in place, there is still a strong demand for the proposed N6 GCRR*" (p. 147), using this to rationalise the scheme. However, CAP25 explicitly seeks to reduce vehicle kilometres travelled, and the reliance on forecasted demand—without assessing whether such demand can or should be redirected through policy—is a direct contradiction of national climate policy. *Coolglass* affirms that demand for high-carbon travel modes cannot justify new infrastructure unless lower-emission alternatives are genuinely impracticable (in the case where legislation would prevent them proceeding).

Furthermore, the EIAR emphasises economic arguments, citing congestion as a barrier to inward investment and the functionality of business parks in Parkmore and Ballybrit (p. 133). However, the *Coolglass* judgment explicitly rejects economic growth or "carbon leakage" concerns as legitimate grounds for overriding climate obligations. Under Section 15 of the Climate Act, the legal priority is emissions reduction, not balancing climate with economic convenience—especially where high-emission infrastructure is at stake.



Notably absent from the EIAR is any reference to Galway's 2018 baseline emissions inventory or the statutory requirements under the Guidelines for Local Authority Climate Action Plan 2023<sup>4</sup>, which require that local data inform all planning and mitigation efforts on GHG emissions. The Guidelines instruct local authorities to develop a robust understanding of emissions sources within their jurisdictions and to target actions accordingly. This emissions data is foundational for applying the legal test under the Climate Act. Yet, the EIAR proceeds without reference to it, undermining its credibility and legal defensibility. It is worth noting that the Galway City Council's Local Authority Climate Action Plan 2024-2029 has a baseline emissions report, indicating 88,290 tCO<sub>2</sub> in 2018.<sup>5</sup>

The Updated EIAR also neglects the principle of cumulative climate impact, which is not only central to *Coolglass* but reinforced by the recent advisory opinion<sup>6</sup> of the International Court of Justice (ICJ). While the EIAR describes the GCRR as part of a broader transport strategy, it fails to evaluate whether the project's long-term emissions profile undermines the effectiveness of accompanying public transport or demand management measures. As the ICJ affirms, States (and by extension public authorities) must not only act to reduce their own emissions but must regulate private sector activity within their jurisdictions. The ICJ makes clear that failing to prevent climate harm "*could result in [states] being ordered to pay reparations or other forms of restitution*", thereby raising the legal and financial stakes for non-compliance.

This international perspective supports the *Coolglass* principle that public bodies must evaluate infrastructure projects in terms of their overall contribution to or obstruction of climate objectives, including future obligations under national, European, and international law. The EIAR's treatment of the GCRR as a

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<sup>4</sup> <https://www.gov.ie/en/department-of-climate-energy-and-the-environment/publications/guidelines-for-local-authority-climate-action-plans/>

<sup>5</sup> <https://files.galwaycity.ie/gccfiles/?r=/download&path=L0RlcGFydG1lbnRzL0Vudmlyb25tZW50L0NMSU1BVEUvMjAyNDA0MDkgLSAyMjk4OTkgR0FMV0FZIENJVfkgQ09VTkNJTCBBNCA3MnBwIEdjbHdheSBDaXR5IEExBQ0FQIC0gRU5HTEITSC5wZGY%3D>

<sup>6</sup> <https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf>

neutral or supportive measure—without rigorous emissions accounting or binding mitigation commitments—cannot be reconciled with these evolving legal standards.

In summary, the Updated EIAR fails to comply with the outcome-based, legally binding obligations under the Climate Act, as clarified by the High Court in Coolglass and supported by international law. While it references climate strategy and evaluates a range of scenarios, it ultimately endorses a car-led, high-emission project without demonstrating compatibility with carbon budgets, sectoral ceilings, or local decarbonisation responsibilities. The rejection of lower-carbon alternatives is not sufficiently justified, and economic arguments are incorrectly weighted against legally binding emissions targets.

Unless the Updated EIAR is revised to include a robust, transparent assessment of cumulative emissions and demonstrate clear consistency with national and international climate obligations, the GCRR cannot be lawfully approved. Proceeding on the basis of the current assessment would expose An Coimisiún Pleanála to significant legal risk for breach of statutory and constitutional duties.

While the John Hamilton Hassard, et al. "A5" judgment ([2025] NIKB 42)<sup>7</sup> was delivered under the legal framework of Northern Ireland, its reasoning also reflects core principles now firmly established under International and Irish law, particularly through Section 15 of the Climate Act and its interpretation in the Coolglass judgment. These affirm that climate-related obligations on public authorities are substantive, enforceable and outcome-oriented. They collectively reject the notion that citing climate policy documents—without demonstrable alignment with legally binding targets—is sufficient to discharge a public body's statutory duties.

The A5 case confirmed that decision-makers must go beyond procedural references to climate strategies and instead provide a reasoned conclusion that

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<sup>7</sup> <https://www.judiciaryni.uk/files/judiciaryni/2025-06/%5B2025%5DNIKB42Final%20-%20Approved.pdf>

the proposal is consistent with the state's climate objectives (§52, A5). This mirrors the position adopted by the Irish High Court in *Coolglass*, which held that compliance with Section 15 of the Climate Act requires not only awareness of the Climate Action Plan and national carbon budgets but also an assessment of whether the proposed action is consistent with them, in substance (§119, §128, *Coolglass*). In this respect, Chapter 17 of the Updated EIAR for the GCRR — which briefly states that an assessment under Section 15 is provided (p. 1447) — falls short. It does not assess these emissions against Ireland's sectoral ceilings or national carbon budgets. This absence of outcome-based justification is legally inadequate under *Coolglass*, and by way of common law reference, under the A5 judgment.

The A5 judgment also emphasised that climate obligations must be understood cumulatively and in context, even where exact project-level carbon budget thresholds are unavailable (§§220–222, A5). The *Coolglass* ruling similarly stressed that the purpose of Section 15 is not merely to ensure alignment in theory, but to ensure that each project contributes to a real-world reduction in GHG emissions (§§54–55, *Coolglass*). Yet the Updated EIAR for the GCRR fails to situate its emissions in the context of Ireland's overall carbon trajectory or the underperformance of the transport sector. The omission of any forward-looking carbon budgeting—particularly for the 2031–2036 period, which is expected to require accelerated emissions reductions—means the GCRR cannot be said to "act in a manner consistent" with climate law.

A central issue in A5 was the insufficient consideration of downstream or indirect emissions, including those caused by induced demand. The judgment held that even if such emissions are difficult to quantify, their likely existence and impact must be acknowledged and considered (§237, A5). In parallel, the Irish High Court in *Coolglass* made clear that statutory obligations cannot be met by focusing only on localised or short-term gains; they must also account for cumulative emissions over time and across sectors (§58, *Coolglass*). In this light, the Updated EIAR for the GCRR, which suggests that smoother traffic flow will improve fuel efficiency and reduce emissions, is insufficient. It fails to



consider the long-term emissions growth likely to result from increased car usage, thus ignoring a critical component of climate impact analysis now required in both jurisdictions.

The treatment of non-road alternatives in Chapter 4 of the Updated EIAR further mirrors the weaknesses criticised in *A5*. That case held that alternative options—especially those with potentially lower emissions profiles—must be considered objectively and with evidence, not dismissed because they fail to meet unrelated performance metrics such as congestion relief (§58, *A5*). Similarly, *Coolglass* clarified that the "insofar as practicable" qualifier in Section 15 demands proof that climate-compatible alternatives are unfeasible, not merely less convenient (§119, *Coolglass*). The Updated EIAR for the GCRR dismisses alternatives such as BusConnects and light rail on the grounds that they do not sufficiently alleviate traffic (e.g., p. 147, Chapter 4). This circular reasoning—where car demand is assumed fixed, and alternatives are rejected for failing to match it—is incompatible with Section 15 as interpreted in *Coolglass*.

Economic and development justifications were also deemed legally insufficient in both the *A5* and *Coolglass* rulings. In *A5*, the Court acknowledged the importance of regional development and safety but reaffirmed that these aims cannot override statutory climate obligations (§84, *A5*). Likewise, *Coolglass* rejected the use of economic growth arguments as a reason to dilute climate compliance, reaffirming that climate obligations are not subject to a balancing test (§70, *Coolglass*). The Updated EIAR for the GCRR's reference to the needs of business parks (p. 133, Chapter 4) and congestion-related economic risks fails this test, as it lacks the accompanying evidence of emissions compatibility required to justify the project under climate law.

Finally, both judgments support the principle that public authorities must assess proposals in the context of cumulative national and international climate responsibilities. The ICJ's advisory opinion affirms that states have enforceable legal duties to regulate emissions across both public and private sectors and that failure to do so may attract legal liability, including reparations. This



amplifies the obligations under Section 15 of the Climate Act and reinforces the conclusions of both *Coolglass* and *A5* that climate law imposes a real and enforceable duty on public bodies to ensure that major infrastructure decisions are not only policy-consistent but quantifiably compatible with binding carbon targets.

## RATIONALITY IN CLIMATE-AFFECTED TRANSPORT DECISIONS

The *Cycle Toronto v. AGO* decision<sup>8</sup>, while grounded in Ontario's legislative and constitutional framework, offers valuable comparative insight into how courts are increasingly scrutinising the rationality and internal consistency of government decisions against the backdrop of declared climate policies. The Court found that the Ontario government's removal of active transportation infrastructure—bike lanes along Eglinton Avenue—was irrational, inadequately justified and inconsistent with binding environmental and policy commitments.

Justice Sossin set out a test "that there be a rational connection between the effect of the law and the objective" (§210). By contrast, the GCRR proposal does not remove sustainable transport options but instead seeks to add high-emission infrastructure—a car-prioritised orbital route justified largely by congestion and economic rationales. Yet the legal deficiencies are strikingly parallel. Just as Ontario failed to assess the climate impact of removing bike lanes, the GCRR (Chapter 17) does not demonstrate how the project aligns with Ireland's legally binding carbon budgets, nor does it model the long-term impact of induced traffic emissions—a known outcome of expanding road capacity. It is not sufficient to aspire to improve fuel efficiency without acknowledging or quantifying the rebound effect. When considering the transition to electric vehicles, or other alternatives to fossil fuel engines, the analysis does not address the additional burdens of developing sustainable electric power sources at scale to keep pace with an expanding fleet, due in part to induced car trips.

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<sup>8</sup> <https://ecojustice.ca/wp-content/uploads/2025/07/Cycle-Toronto-v.-AGO-Reasons-for-Judgment-PBS-July-30-2025.pdf>

In *Cycle Toronto*, the Court noted that "The government has the right to make decisions about roads and traffic infrastructure, but where the government takes action that puts people at risk, and does so arbitrarily, its actions may be restrained by the [Canadian Charter of Rights and Freedoms]." (§18). This aligns closely with the Irish High Court's interpretation of Section 15 of the Climate Act in *Coolglass*, which requires authorities to act "insofar as practicable" in a manner consistent with the carbon budgets, the Climate Action Plan and national climate objectives—not merely in word, but in demonstrated outcome (§102, *Coolglass*).

The Updated EAIR for the GCRR (Chapter 4) rejects non-road alternatives like BusConnects and light rail on the basis that they do not match the GCRR's congestion relief benefits. However, this fails the *Cycle Toronto* rationality test and the *Coolglass* legal test.

Both decisions expose a common weakness in climate-related infrastructure planning: the failure to integrate declared policy commitments into the actual decision-making process. In Toronto, removing bike lanes directly undermined Vision Zero and climate goals. In Galway, building the GCRR undermines Ireland's carbon budgets and transport sector ceiling, by facilitating long-term car dependency in conflict with CAP25's modal shift targets.

Importantly, Justice Sossin also emphasised that decision-makers must not selectively apply evidence or ignore inconvenient facts, particularly when rights and public interests are at stake. This reflects the Irish Court's warning in *Coolglass* that economic rationales cannot override statutory climate obligations.

## **CONCLUSION**

It is submitted that, notwithstanding the Revised Further Information submission:

1. This application does not have the information and mitigation measures required to allow the Commission to meet its obligations under Section 15 of the Climate Action Act & Low Carbon Development Act (as amended) 2015;
2. The EIAR does not contain the necessary assessment of alternatives required to comply with the Environmental Impact Assessment Directive;
3. The project is inconsistent with the national Climate Action Plans 2024 and 2025, the Carbon Budgets, the Galway County Council and Galway City Council Climate Action Plans, and the EU and international law commitments to which these give effect;
4. The project does not address and provide for the reduction of traffic congestion in and around Galway City.

Yours faithfully,

Tony Lowes, Director

Friends of the Irish Environment

## **Annex I**

Friends of the Irish Environment CLG (FIE) is a non-governmental charity formed in 1997 by a group of environmental activists from across Ireland, with the company limited by guarantee established in 2001, towards the following goals:

- monitoring the full implementation of European law and assisting in its development,
- advocating for changes in the Irish planning laws,
- encouraging the implementation of the right to full public participation and access to justice,
- supporting individuals, local groups, and the wider public in understanding environmental issues, and
- seeking the proper implementation of environmental and planning laws to support sustainable communities, including pursuing concerns and cases in both the built and natural environments.

In recent years, FIE has taken legal action to hold the Irish Government accountable for meeting national and international commitments to reducing carbon emissions, including the "Climate Case Ireland" on the adequacy of the Government's Mitigation Plan. <sup>[9]</sup>

FIE conducts policy research, advocacy, and public awareness campaigns alongside litigation. As an independent and principled environmental advocate, FIE strives to be both challenging and cooperative, effective yet respectful. A commitment to fact-finding, truth-telling, integrity, and transparency drives FIE. FIE is a member of the Irish Environmental Network and the European Environmental Bureau. <sup>[10, 11]</sup>

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<sup>9</sup> <https://www.ejiltalk.org/the-supreme-court-of-irelands-decision-in-friends-of-the-irish-environment-v-government-of-ireland-climate-case-ireland>

<sup>10</sup> <https://ien.ie>

<sup>11</sup> <https://eeb.org>