

GALWAY COUNTY COUNCIL

Briefing No. 1 – Constraints Stage

N6 Galway City Outer Bypass



PRS Reference:	<i>GC/14/11222</i>
Phase 2	<i>Route Selection</i>
Issue Date:	<i>8/7/2014</i>

1 Overview

1.1 Introduction

Galway County Council, on its own behalf and on behalf of Galway City Council, under an agreement made pursuant to Section 85 of the Local Government Act 2001, are fully committed to developing a solution to the existing transportation issues in Galway City and environs which are having a negative impact on the local, regional and national road network which in turn affects the entire region.

This is the first of a series of briefings on the Galway City Outer Bypass project with further briefings proposed at key milestones.

1.2 What is the status of the earlier project?

The need for a bypass of Galway City has been in existence for over 20 years. The first appointment of consultants to undertake feasibility studies, route selection, design and planning for a bypass scheme took place in 1999. The resultant scheme including the Compulsory Purchase Order (CPO) and Environmental Impact Statement (EIS) was submitted to An Bord Pleanála (ABP) in December 2006. This scheme was off-line and to the north of the existing road network, approximately 21.4km in length, with a major bridge crossing of the River Corrib. This scheme was known as the Galway City Outer Bypass Scheme or GCOB.

The decision of An Bord Pleanála on the original application was split. The western section was refused permission due to its impacts on Tonabrocky Bog, which is part of the Moycullen Bog Complex Natural Heritage Area and is an active blanket bog listed as a priority habitat in Annex 1 of the EU Habitats Directive.

Approval was granted for the eastern section by ABP. However, approval of the Environmental Impact Statement (EIS) for the entire scheme was subsequently appealed to the High Court on the basis of the interpretation of the European Habitats Directive, (*Council Directive 92/43_EEC on the conservation of natural habitats and of wild fauna and flora*), in relation to impacts on the Lough Corrib candidate Special Area of Conservation (cSAC).

The High Court undertook a judicial review of the ABP decision and upheld the ABP decision. The High Court allowed the objectors leave to appeal to the Supreme Court, which occurred thereafter. The Supreme Court sought the opinion of the Court of Justice of the European Union (CJEU) on an interpretation of the European Habitats Directive.

The judgement of the CJEU was delivered on 11 April 2013, and this stated that, if after appropriate assessment of a project, carried out on the basis of Article 6(3) of the European Habitats Directive, that the project will lead to the lasting and irreparable loss of the whole or part of priority natural habitat type whose conservation was the objective that justified the designation of the site in the first instance, the view should be taken that such a project will adversely affect the integrity of that site. In those circumstances, the project cannot be authorised on the basis of Article 6 (3) of the European Habitat Directive.

Upon receipt of this CJEU opinion, the Supreme Court quashed the earlier ABP decision. Once the approval of the EIS was rescinded, the CPO for the eastern section also failed.

Whilst the original scheme now has no legal status, planning restrictions remain in place on the original scheme route options. These restrictions need to remain in place until the preferred route is selected later this year.

1.3 What is the problem?

It is essential at the outset to establish the cause of the existing problems and issues in order to develop appropriate and effective solutions. Initial work has focussed on extensive data collection, travel surveys, traffic analysis and delay assessment on the existing network to clearly establish a set of tangible measurable indicators or key performance indicators (KPI) to define the existing problems and ultimately with which to compare future potential solutions. The outcome of this initial examination of the transportation issues in Galway City and environs have shown that the following are worthy of further study and analysis:

- Congestion on routes around the city;
- Journey time unreliability due to uncertain quantum of delay;
- Journey time variability throughout the day;
- Peak hour traffic delays;
- By-passable traffic is in conflict with internal traffic;
- Inadequate transport links to access markets within the city;
- Inadequate transport connections from Galway onwards to Connemara, and
- Lack of accessibility to the Western Region as a whole.

In essence the existing network is congested, with substandard provision in terms of capacity both on links and junctions, resulting in unreliable journey times, delay and a lack of access, all of which ultimately impacts on overall safety. The provision of a good quality route from the east to the west of Galway will allow Galway function as a unit to become the gateway of the Western Region and become an effective counter pole to the Greater Dublin Area. This is compatible with Government policy at national, regional and local level, as is reflected in policies in the National Spatial Strategy, Smarter Travel, Regional Planning Guidelines and Galway City and County Development Plans.

1.4 Who is managing this project?

The current Galway City Outer Bypass project is being managed by the National Roads Project Office (NRPO) of Galway County Council on behalf of both Councils. A dedicated project office staffed by the newly appointed consultant, Arup, has been established beside the NRPO in Ballybrit.

Project Office Contacts are as follows:

- Fintan O'Meara, Galway County Council, Phone 091 509006, email fomeara@galwaycoco.ie
- Project Email Address: N6GCOB@arup.com
- Arup Consulting Engineers, Project Office, Phone 086 413 2098

- Eileen McCarthy, Project Manager, eileen.mccarthy@arup.com
- Clíodhna Ní Mhurchú, Land Liaison Officer,
cliodhna.ni-mhurchu@arup.com

1.5 What are the Constraints?

A comprehensive constraints study has been carried out which addresses all constraints including human beings, archaeology and cultural heritage, agronomy, landscape and visual, hydrology, hydrogeology, ecology, geology, material assets, planning policy, noise, air and climate. **However, it is evident from this study that ecology as well as the physical form of the city is a key constraint.**

The importance of establishing the extent of the designated sites is critical from the outset so that the route which is least damaging to the cSAC is advanced through the route development phase of the project.

We are currently progressing extensive habitat mapping, and this shows that there is extensive priority habitat within the cSAC. Therefore, this underlines the importance of considering all alternatives as it is only in the absence of all alternatives, and in the interest of overriding public interest, limited to human health of public safety, that we can progress with a project that damages the integrity of the cSAC.

1.6 Are there Alternatives?

Alternatives can take many forms including non-road alternatives or simple upgrades of the existing network as outlined below. To facilitate assessment of various multi-modal alternatives, a multi-modal traffic model has been prepared for the city of Galway and environs.

Alternatives under consideration include but are not limited to the following:

- Do Nothing
- Do Minimum
- Do Something Public Transport
- Do Something Public Transport plus upgrade of existing roads
- Do Something Public Transport plus outer bypass

As outlined above, it is necessary to assess **all alternatives** before seeking to advance a scheme that is likely to impact on designated habitat within a cSAC.

1.7 How is planning obtained under 6(4)?

A project cannot be authorised on the basis of Article 6 (3) of the European Habitat Directive if such a project will adversely affect the integrity of that site. In such a situation the competent national authority could, where appropriate, grant authorisation under Article 6(4) of the directive provided that the conditions set out therein are satisfied.

However, it is not simply a matter of reapplying with the same scheme under Article 6(4) of the European Habitat Directive due to the fact that certain criteria must be achieved to make an application under Article 6(4), and it needs to be stressed that original scheme now has no legal status.

Prior to making an application under Article 6(4), it is necessary to have considered all alternatives in the event that the project is likely to have a significant adverse effect on the integrity of a European site.

There have been a number of judgements by the CJEU which have confirmed this position. If the Council does not address this issue properly, a new scheme could be refused by An Bord Pleanála. Alternatively, the parties who challenged the original scheme, or other parties, could mount a challenge on the basis of alleged failure to comply with the 6(4) requirements.

It is equally important to remember that if an application is made under Article 6(4), a project will only be authorised after the competent authority has ascertained, based on scientific evidence that, the plan or project will have a significant adverse effect on the integrity of any European Site (that hosts a priority natural habitat and/or a priority species) but there are no alternative solutions and the plan or project must be carried out for imperative reasons of overriding public interest, restricted to reasons of human health or public safety, to beneficial consequences of primary importance for the environment or further to an opinion from the Commission, to other imperative reasons of overriding public interest. This is very challenging as this is a very high standard of proof.

In addition, the ultimate decision on approval lies outside the State with the EU Commission if the scheme progresses through the 6(4) process.

2 Programme / Next Steps

- 3 July 2014 – Send advert to newspaper giving notice of public consultation two weeks ahead. Advert will provide background information using extracts from this briefing in both Irish and English.
- 9 July 2014 – Briefing to City and County Councillors at Galway County Council chamber at 11.00 hr.
- 10 & 11 July 2014 – Advert appears in newspapers namely Galway Advertiser, Connaught Tribune, Tuam Herald and City Tribune.
- Public consultation – 14 July 2014 at Westwood Hotel, Dangan
- Public consultation – 15 July 2014 at Pillo Hotel, Headford Road.