

Amended pursuant to Order 28 Rule 11 pursuant to Order of Mr Justice
Humphreys on the 23 February 2023 by the deletion of the text as indicated by
strike through and the addition of underlined text

Stephen Walsh
Registrar
23 February 2023

THE HIGH COURT

JUDICIAL REVIEW
2022 No 82 JR

IN THE MATTER OF SECTION 50 OF THE PLANNING AND
DEVELOPMENT ACT 200 (AS AMENDED)

MONDAY THE 30TH DAY OF JANUARY 2023
BEFORE MR JUSTICE HUMPHREYS
BETWEEN/

GALWAY RACE COMMITTEE

APPLICANT

AND

AN BORD PLEANÁLA

RESPONDENT

AND

GALWAY CITY COUNCIL AND GALWAY COUNTY COUNCIL
NOTICE PARTIES

Upon motion of Counsel for the Applicant pursuant to the Notice of
Motion filed on the 14th day of February 2022 and coming before the Court for
mention this day for mention by way of remote hearing seeking the following reliefs

1. An Order of Certiorari by way of application for Judicial Review quashing the
decision (the '*impugned EIA decision*') of the Respondent ("**the Board**") dated 6
December 2021 under Section 51 of the Roads Act 1993 as amended to approve
under reference ABP-302848-18 the Galway Outer Ring Road
2. An Order of Certiorari by way of application for Judicial Review quashing the
decision ('*the impugned Scheme decision*') of the Board dated 6 December 2021 to
approve the '*N6 Galway City Ring Road Motorway Scheme 2018 and Protected
Road Scheme 2018*')
3. Such Declarations of the legal rights and/or legal position of the Applicant and/or
persons similarly situated and/or the legal duties and/or legal position of the
Respondent as the Court shall consider appropriate

THE HIGH COURT

4. If necessary an Order remitting the impugned decisions back to the Board for consideration in accordance with the Court's judgment and/or in accordance with law
5. Such further or other Order as to this Honourable Court seems appropriate
6. An Order providing that Section 50B of the 2000 Act and/or Sections 3 and 4 of the Environment (Miscellaneous Provisions) Act 2011 and/or Article 9 of the Aarhus Convention apply to the present proceedings
7. An Order providing for the Applicant's costs of these proceedings

Whereupon and on reading the said Motion and on reading the Statement of Grounds filed on the 2nd day of February 2022 and the Affidavit of Michael Moloney filed on the 2nd day of February 2022 and the documents and exhibits therein referred to

In the presence of Counsel for the Respondent and Counsel for the Notice Parties

And on hearing said Counsel

The Court **DOETH GRANT** the following orders

1. An Order of *certiorari* quashing the decision of the Respondent dated 6th December 2021 bearing reference ABP-302848-18 granting approval under section 51 of the Roads Act 1993 as amended to the Second Named Notice Party for a proposed road development together with all ancillary and consequential works associated therewith all located in the electoral divisions of Barna Barna (in the Civil Parish of Ragoon) Ragoon and passing through the townlands of Newvillage Forramoyle West Forramoyle East Trusky West Trusky East Cloghscolita Ballard East Ballard West Aille Cappagh Ballynahown East Keeraun Ballyburke Mincloon Ragoon and Letteragh County Galway ~~on the ground that the Respondent failed to consider the Climate Action Plan 2021 in accordance with~~

THE HIGH COURT

~~section 15 of the Climate Action and Low Carbon Development Act 2015 as amended~~

2. An Order of *certiorari* quashing the related decision of the Respondent dated 6th December 2021 bearing reference ABP-302885-18 granting approval to the Second Named Notice Party under section 49 of the Roads Act 1993 as amended for a motorway scheme and protected road scheme entitled “*N6 Galway City Ring Road Motorway Scheme 2018 and Protected Road Scheme 2018*”
3. An Order remitting the said application for approval for a proposed road development under section 51 of the Roads Act 1993 as amended and the said applications for approval under section 49 of the Roads Act 1993 as amended for a motorway scheme and protected road scheme entitled “*N6 Galway City Ring Road Motorway Scheme 2018 and Protected Road Scheme 2018*” to the Respondent to be considered in accordance with law such remittal to take effect from the point in time immediately after the submission of the Inspector’s Report (bearing the reference “ABP-302885-18 & ABP-302848-18” and dated 22nd June 2021) to the Board the Court noting correspondence from the solicitors for the Respondent dated 26 January 2023 that the Respondent intends to exercise its statutory powers in such a manner as to provide the Applicant with an opportunity to make further submissions/observations on the remitted applications
4. An Order for the Applicant’s costs including reserved costs as against the Respondent to be adjudicated upon in default of agreement

STEPHEN WALSH
REGISTRAR
Perfected 09/02/2023

MacDermot & Allen
Solicitors for the Applicant