

THE HIGH COURT

JUDICIAL REVIEW

2022 No 101 JR

**IN THE MATTER OF SECTION 50, 50A AND 50B OF THE PLANNING
AND DEVELOPMENT ACT 2000 AND IN THE MATTER OF THE
PLANNING AND DEVELOPMENT (HOUSING) AND RESIDENTIAL
TENANCIES ACT 2016**

MONDAY THE 30th DAY OF JANUARY 2023

BEFORE MR JUSTICE HUMPHREYS

BETWEEN/

BROOKS TIMBER & BUILDING SUPPLIES LIMITED

APPLICANT

AND

AN BORD PLEANÁLA

RESPONDENT

AND

GALWAY COUNTY COUNCIL

NOTICE PARTY

Upon motion of Counsel for the Applicant pursuant to the originating Notice of Motion filed on the 17th day of February 2022 and coming before the Court 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 a decision of An Bord Pleanala (‘the Board’), made on or about the 6th of December 2021, to approve with modifications a proposed road development comprising the N6 Galway City Ring Road, pursuant to section 51 of the Roads Act 1993 (ABP Reference 302848-18).
2. An Order of *Certiorari* by way of application for judicial review quashing a decision of An Bord Pleanala made on or about the 6th day of December 2021 to confirm with modifications the compulsory purchase order sought in respect of

the scheme including, the compulsory purchase order (and modifications thereto) in respect of the applicant's lands at Ballybrit, County Galway (ABP Reference – 302885).

3. A declaration that the said determination is contrary to EU law, and in particular the EIA Directive and that the respondent has failed to carry out any or any adequate Environmental Impact Assessment.
4. Such Declaration(s) of the legal rights and/or legal position of the applicant and/or respondents and/or persons similarly situated as the Court considers appropriate.
5. An Order providing for the costs of the application and an Order pursuant to Section 50B of the Planning and Development Act, 2000, as amended and Section 3 of the Environmental (Miscellaneous Provisions) Act 2011, as amended and/or a declaration that the applicant is entitled to costs protection under national/EU law in respect of the costs of this application.
6. A stay preventing the operation of the impugned decision until after the matters that are the subject of these proceedings have been decided by the courts. In particular, a stay on the service of any notices to treat or otherwise in respect of the compulsory purchase order herein.
7. Further and other orders including interim orders.”

Whereupon and on reading the said motion and the Statement of Grounds filed on the Affidavit of Liam Fallon filed on the 8th day of February 2022 and the documents and exhibits therein referred to

In the presence of Counsel for the Applicant and Counsel for the Respondent and Counsel for the Notice Party

And on hearing said respective Counsel

IT IS ORDERED THAT the within proceedings be deemed struck out

THE HIGH COURT

AND IT IS FURTHER ORDERED THAT the First Named Respondent do pay the Applicant the costs of the within proceedings the said costs to be adjudicated in default of agreement

STEPHEN WALSH

REGISTRAR

PERFECTED 09/02/2023

Orpen Franks

Solicitor for the Applicant