



**METRO NORTH
ORAL HEARING**

**PROOF OF EVIDENCE
REFERENCING**

**Una Henshaw
Wednesday 1st April 2009**



**Metro North Oral Hearing
Proof of Evidence
Referencing
Una Henshaw**

- 1.0 I am Property Manager with RPA. My responsibilities include the preparation of Books of Reference for submission with Railway Order applications and the subsequent service of associated statutory notices on property interests. I have been involved in these duties on all Railway Order applications made by RPA to date.
- 2.0 By virtue of Section 37(2) of the Transport (Railway Infrastructure) Act, 2001 (“the Act”), as amended by the Planning and Development (Strategic Infrastructure) Act 2006, an application by RPA for a Railway Order was made in writing and accompanied by:
 - 2.1 A draft of the proposed order
 - 2.2 A plan of the proposed railway works
 - 2.3 A book of reference to the plan indicating the identity of the owners and of the occupiers of the lands described in the plan
 - 2.4 An environmental impact statement of the proposed railway works.
- 3.0 Metro North from Belinstown to St. Stephen’s Green comprises lands divided into seven areas numbered 101 to 107 as follows:-
 - 3.1 Area 101 Belinstown to Airside Business Park
 - 3.2 Area 102 Airside Business Park to Dublin Airport
 - 3.3 Area 103 Dublin Airport to Southern Perimeter Road
 - 3.4 Area 104 Southern Perimeter Road to Santry Avenue
 - 3.5 Area 105 Santry Avenue to Hampstead Park
 - 3.6 Area 106 Hampstead Park to St. Joseph’s Parade
 - 3.7 Area 107 St. Joseph’s Parade to St. Stephen’s Green
- 4.0 A team of Title Referencers under my control compiled a Book of Reference to the plan indicating the identity of the owners and occupiers of the lands described in the plan. The Book of Reference consists of Schedules Two to Ten to the proposed Order, namely:-
 - 4.1 Second schedule – land which may be acquired
 - 4.2 Third schedule – substratum land which may be acquired
 - 4.3 Fourth schedule – land of which temporary possession may be taken
 - 4.4 Fifth schedule – land over which rights of way and other easements may be acquired
 - 4.5 Sixth schedule – basements (under a public road) which may, in whole or in part, be acquired or affected.
 - 4.6 Seventh schedule – structures to which brackets, cables, wires or other fixtures may be attached (there are no entries in this schedule)
 - 4.7 Eighth schedule – land upon which pole(s) may be erected (there are no entries in this schedule).
 - 4.8 Ninth schedule – public rights of way which may be extinguished
 - 4.9 Tenth schedule – private rights which may be extinguished.

- 5.0 A copy of the newspaper notice of the application (the purpose of which was to indicate the making of the application and its availability for inspection during the display period) together with relevant extracts from (i) the draft order, (ii) the plan, (iii) the book of reference to the plan and (iv) a copy of the non technical summary of the EIS was served by prepaid registered post, in accordance with Sec. 52 of the Act, on every owner and every occupier of land referred to in the draft order.
- 6.0 I have in my possession all registration slips in connection with service. I also have in my possession a copy of the newspaper notice, referred to above, which was published on 12 September 2008 as part of the statutory process and also formed part of the ongoing public consultation process.
- 7.0 Out of 1,713 Notices served 311 of these were returned to RPA by An Post undelivered. Details of these 311 notices, including actions taken with regards to re-service of same, are set out in Appendix 1 annexed hereto. I have in my possession registration slips relating to notices that were re-served by registered post. Attempts at re-service were unsuccessful in three cases as follows:
- 7.1 Relates to the acquisition of sub-stratum lands under Woodville Road and Botanic Avenue, Drumcondra. The reputed freehold owner of these lands is the estate of David Edzell Thomas Lindsay. The Lindsay estate is entitled to a peppercorn rent out of the lands by virtue of leases granted in the mid 1800's. The documents were served on Pearse Mehigan & Co. Solicitors, incorporating a firm of solicitors who had previously acted for the Lindsay estate, however acceptance of service was refused on the grounds that no instruction has been received from the Lindsay estate since the amalgamation of the two firms.
- 7.2 Relates to the acquisition of sub-stratum land under the rear garden of 17 Leo Street. Anthony Mitchell is reputed co-leasehold owner of 17 Leo Street, under a 950 year lease from 1932. Mr. Mitchell could not be traced at the time of service. The occupier of the property informed us that he lives abroad but could not provide a forwarding address.
- 7.3 Bridget Mitchell, reputed co-owner of 17 Leo Street with Anthony Mitchell. We understand that she also resides abroad and attempts to establish an address for service of documents was unsuccessful.
- 8.0 In consultation with property owners / occupiers since the service of these notices a number of amendments to our records have been proposed. In this regard I have set out in Appendix 2 annexed to my evidence a list of the requested amendments and seek to have these made to the Book of Reference.. I have categorised the proposed amendments in the spreadsheet and I can go through some, or all, of these in more detail if necessary. A substantial number of the proposed amendments are of a minor nature mostly relating to an alternative address for service of documents to that listed in the Book of Reference. We have compiled a folder containing the "old" and "new" reference sheets with the text to be amended highlighted in yellow. Where any of these amendments necessitated service of the relevant documents on property interests, not served in the first instance, such service has since been effected by registered post or other form of recorded delivery as agreed with the respective property interests; details of such service are set out in Appendix 1.
- 9.0 Finally, there are three of the proposed amendments to the Book of Reference which will also require amendments to the related mapping; Mr. Featherstone will deal with the mapping issues in his evidence. These are as follows:
- 9.1 Information received post Railway Order application has revealed an error in the boundary, as shown on the property map (Plan No. MN-P 101 O-A), between two properties at Bellinstown and in this regard I seek to have the following amendments made to the Book of Reference:

- 9.1.1 Second Schedule, Ref. No. M1O-A1 – Plan No. MN-P 101 O-A to be amended to MN-P 101 O-A(B) and Quantity to be decreased from 36,416 sq. metres to 1,831 sq. metres.
- 9.1.2 Second Schedule, Ref No. M1O-A3 – Plan No. MN-P 101 O-A to be amended to MN-P 101 O-A(B) and Quantity to be increased from 18,477 sq. metres to 53,077 sq. metres.
- 9.1.3 Fourth Schedule, Ref. No. M1O-T1 – Plan No. MN-P 101 O-A to be amended to MN-P 101 O-A(B) and Quantity to be decreased from 633 sq. metres to 621 sq. metres.
- 9.2 The reputed owners of these lands are Padraig Flynn and Sean Brangan respectively, both of whom are aware of the situation.
- 9.3 With regards to a requirement to relocate Swords Stop substation within the existing site I seek to have the following amendments made to the Book of Reference:
- 9.3.1 Second Schedule, Ref No. M1K-A2 – Plan No. MN-P 101 K-O to be amended to MN-P 101 K-O(B) and Quantity will decrease from 4,415 sq. metres to 4,271 sq. metres.
- 9.3.2 Fourth Schedule, Ref No. M1K-T5 – Plan No. MN-P 101 K-O to be amended to MN-P 101 K-O(B) and Quantity will decrease 753 sq. metres to 700 sq. metres.
- 9.4 The reputed owner of these lands is Bovale Developments with whom this proposed arrangement has been agreed.
- 9.5 Due to an oversight in the preparation of the property map – plan no. MN-P 106 E-F there's a shortfall in the extent of land required to accommodate the link to Irish Rail's Drumcondra station. In this regard i seek to have the following amendments made to the book of reference:
- 9.5.1 Second Schedule, Ref No. M6E-A16 – Plan No. MN-P 106 E-F to be amended to MN-P 106 E-F(B) and Quantity to be increased from 37 sq. metres to 112 sq. metres
- 9.5.2 Third Schedule, Ref No. M6E-U69 – Plan No. MN-P 106 E-F to be amended to MN-P 106 E-F(B).
- 9.5.3 Fourth Schedule, Ref No. M6E-U69 – Plan No. MN-P 106 E-F to be amended to MN-P 106 E-F(B) and Quantity to be decreased from 113 sq. metres to 56 sq. metres
- 9.5.4 Fourth Schedule Ref No. M6E-U66 - Plan No. MN-P 106 E-F to be amended to MN-P 106 E-F(B) and Quantity will decrease from 115 sq. metres to 113 sq. metres
- 9.5.5 Fifth Schedule, Ref No. M6E-U66 – Plan No. MN-P 106 E-F to be amended to MN-P 106 E-F(B).
- 9.6 The reputed owners, Nathy and Peggy Groarke, have been informed of the application to have this amendment made.

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