

AN BORD PLEANÁLA ORAL HEARING

Iarnród Éireann

Cork Line Level Crossings

BRIEF OF EVIDENCE

PROPERTY REFERENCING

DAVID DINEEN

C.I.É. GROUP PROPERTY MANAGEMENT

AN BORD PLEANÁLA	
(11)	14:55
27 SEP 2022	
LTR DATED _____	FROM _____
LDG- _____	
ABP- _____	

Introduction

- 1.1 My name is David Dineen. I have a Bachelor of Science Degree in Property Valuation and Management. I am a Chartered Surveyor, a Member of the Society of Chartered Surveyors Ireland and a Member of the Royal Institution of Chartered Surveyors.
- 1.2 I have been working in the Group Property Department of C.I.É. since 2003. I am a property surveyor and the property referencer for the Cork Line Level Crossings.

Role

- 2.1 My role in the Cork Line Level Crossings includes property referencing with respect to the preparation of the Second Schedule to the Sixth Schedule inclusive in the Book of Reference, which was submitted with the draft Railway Order Application.
- 2.2 The preparation of these Schedules involved the identification of those parties who have interests in the property that is proposed to be acquired, including owners, lessees, occupiers and anyone with a right of way or other easement over the property.
- 2.3 The referencing was carried out over a period of approximately 1 year prior to the lodging of the draft Railway Order Application.
- 2.4 The draft Book of Reference was reviewed and updated if required.
- 2.5 My role in the Project has included these updates of the Book of Reference, as well as general property advice to the Project.

The Book of Reference

- 3.1 The Book of Reference consists of 8 Schedules, as set out below:

First Schedule:	The Railway and Railway Works Authorised by this Order.
Second Schedule:	Lands which may be acquired.
Third Schedule:	Land of which temporary possession may be taken
Fourth Schedule:	Public Rights which may be extinguished
Fifth Schedule:	Land over which Rights of Way or Other Easements may be acquired
Sixth Schedule:	New roads including public roads and bridges which may be constructed and roads including public roads which may be altered, realigned or closed.

Seventh Schedule: Explanatory Notes in relation to the decision of An Bord Pleanála

Eighth Schedule: Agreements

- 3.2 It should be noted that the Book of Reference does not set out valuations of any of the properties that it is proposed to acquire. If the Railway Order is confirmed and acquisitions go ahead compensation will be assessed, including for the value of any interest in property, in accordance with statute and standard compulsory purchase practice and procedure.

The Referencing Process

- 4.1 The starting point in the Referencing process is establishing the minimum extent of the proposed permanent and temporary land take required to construct, operate, maintain and improve the Cork Line Level Crossings project. This land requirement was advised by the multidisciplinary consultancy team retained by Iarnród Éireann for the project.
- 4.2 A number of sources were then used to try to identify those parties having interests in the lands within the proposed land take, which were as follows:

4.3 Land Registry

The initial step in identifying land ownership was to establish which properties were registered in the Land Registry. Research in the Land Registry using its website. Parcels of land ownership are termed folios; we copied the folio boundaries onto plans showing the draft land take, and noted the registered owners of the relevant areas of land, as well as any burdens on the folios indicating lettings of the property or portions thereof, rights of way or other easements. The information in the Land Registry is not always completely up to date; if, for example, there are 'dealings pending' on a folio it indicates a possible change in ownership or occupancy, so all such dealings were noted.

4.4 Registry of Deeds

A very small percentage of the land required for the proposed Cork Line Level Crossings alignment is not registered in the Land Registry. A record of most transactions in relation to lands not registered in the Land Registry is kept at the Registry of Deeds. As each transaction is listed by seller, rather than purchaser, it can be difficult to ascertain the current owner of unregistered land using solely the Registry of Deeds. It is necessary to refer to other sources, and cross-check against the Registry of Deeds. The information contained in the Registry of Deeds is effectively a memorial of a transaction and generally contains little or no information in relation to the physical boundary of the property.

4.5 Other Title Research Sources

In advance of visiting the Registry of Deeds, a thorough search was carried out at some or all of the following locations, in order to ascertain a name or names to be researched in the Registry of Deeds and also to establish the property boundary:

- Local Authority Planning files.
 - The Valuation Office has a record of the current ratepayers for a property, or in the case of properties on which rates are no longer payable, the last recorded ratepayer.
 - The Company Registration Office
 - Internet Searches
 - C.I.É. Records
 - The Rates Office
 - The Probate Office
 - External visual inspections of the property
- 4.6 In a number of instances transactions may have occurred in relation to a property, which have not been registered in either the Land Registry or the Registry of Deeds.
- 4.7 When we had information as to likely ownership of the majority of the land we started a methodical process of trying to talk and write to everyone so identified to seek confirmation that our research was correct. This also involved meetings with several of the landowners to verify property boundaries on site.
- 4.8 We did not talk to all of the parties affected. A small number of people proved to be non contactable, though we were able to satisfy ourselves as to the extent of their property interests.

Notification to Landowners/Proof of Registered Post

- 5.1 On 14th May 2021, formal notification packs were sent by registered post to all parties contained in the Book of Reference.
- 5.2 Each formal notification pack comprised the following:
- A copy of the newspaper notice relating to the application;
 - Relevant extracts from the Draft Railway Order and relevant extracts from the Schedules to the Draft Railway Order;
 - Relevant extracts of a Plan of the proposed railway works, including the relevant Scheme;
 - Relevant extracts of Plans which indicate the identity of the owners and of the occupiers of the lands described in the Plans;
 - Relevant extracts of a Book of Reference to Plans indicating the identity of the owners and of the occupiers of the lands described in the Plans;
 - Relevant extracts of the Non-Technical Summary of the Environmental Impact Assessment Report;
 - Relevant Extracts of the Natura Impact Statement.
- 5.3 The formal notification packs included all necessary information to allow the recipient to work out, either by themselves or with the aid of one of the members of the project team, the exact location of the proposed property acquisition.

Responses to Submissions

- 6.1 A number of submissions have been received relating to a requirement for compensation should the proposed works and/or property acquisitions:
- (a) adverse impact on the value of specific properties located along the proposed project.

In response to the above submissions, it should be noted that issues of compensation, should they arise, are outside of the remit of An Bord Pleanála and the draft Railway Order process. If the Railway Order is confirmed compensation will be addressed in accordance with statute and standard Compulsory Purchase practice and procedure as and when statutory notices are served.

Corrigenda

7.1 Since the submission of the draft Railway Order, revisions have become necessary as property has changed hands, omissions from the Book of Reference were discovered and/or additional information in relation to property ownership/occupation was subsequently received. The Corrigenda list, which sets out these revisions and includes the actions taken as new interests were added to/removed from the Book of Reference, is contained in Appendix No. 1 attached hereto.

Appendix 1

XC212.P03	M ²	445.94	The Very Reverend EUGENE BAKER (c/o Cloyne Diocesan Office Cobh County Cork),
	Type	Road/Set Down Area	The Right Reverend CANON DENIS REIDY (c/o Cloyne Diocesan Office Cobh County Cork)
	Townland	Ballycosgry	
	County	Cork	
	Folio	CK146747F	
XC212.P04	M ²	161.1	The Very Reverend DONAL LEAHY (5 CATHEDRAL TERRACE COBH CO. CORK),
	Type	Road Bed	The Very Reverend FRANK O'NEILL (CUSKINNY COBH COUNTY CORK)
	Townland	Ballycosgry	
	County	Cork	
	Folio	CK25282F	
XC212.T07	M ²	881.6	The Very Reverend EUGENE BAKER C.C. (C/O Cloyne Diocesan Centre Cobh County Cork),,
	Type	Road/School Set Down	The Right Reverend DENIS REIDY P.P. (C/O Cloyne Diocesan Centre Cobh County Cork)
	Townland	Ballycosgry	
	County	Cork	
	Folio	CK28756	