

Colette Maguire & David Conroy
38 Stonebridge Avenue, Hartstown, Clonsilla, Dublin 15.
Mobile: [REDACTED] (Colette); [REDACTED] (David)
Email: [REDACTED]

28th October, 2022

FAO: Ms Niamh Thornton,
Executive Officer,
LAPS-SIDS,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

AN BOARD PLEANÁLA CASE REF NO: 314232;

CIE REF NO: LO-202

DART+ WEST PROJECT: BOOK OF REFERENCE – SCHEDULE 5; PROPERTY PLAN: DW.002; PROPERTY NO: R.202

PROPERTY LOCATION: 28 BESSBOROUGH AVE., NORTH STRAND, DUBLIN 3, D03 A312

Dear Ms. Thompson,

Further to our telephone call of 27th October 2022, please attached our objections regarding the following:-

DART+ West CIE Railway Order to:-

- a) Use the property located at 28 Bessborough Ave., North Strand, Dublin 3, D03 A312 as a "Right of Way" for the construction, operation and maintenance of a pole, ancillary fixtures and cables.
- b) To erect a pole, ancillary fixtures and cables directly over the private residential house located on the property – instead, to deviate it by 10 meters onto disused waste ground owned by CIE at the rear of the property which would be in compliance with "Article 6, Deviation" of CIE's "DART+ West Draft Railway Order, Draft Order, July 2022", plus the "Transport (Railway Infrastructure) Act, 2001"

We would very much appreciate it these objections could be given due consideration, and acted upon favourably for reasons set out in the following attached documents:-

- DART+ West – Objections to An Board Pleanála, Main Doc, Case Ref 314232.pdf
- DART+ West – Objections to An Board Pleanála, Supp Info No 1, Case Ref 314232.pdf
- DART+ West – Objections to An Board Pleanála, Supp Info No 2, Case Ref 314232.pdf
- DART+ West – Objections to An Board Pleanála, Supp Info No 3, Case Ref 314232.pdf
- DART+ West – Objections to An Board Pleanála, Supp Info No 4, Case Ref 314232.pdf

If you require any further information, please do not hesitate to contact us.

Kind regards,

Colette Maguire & David Conroy

Colette Maguire & David Conroy,
Property Owners.

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1. Objection to the construction, operation and maintenance of pole, ancillary fixtures and cables

Objection to the construction, operation and maintenance of pole/mast, ancillary fixtures and cables, rising to a height of between 6m and 8.5m (19 – 28 feet approx.) directly over our property located at 28 Bessborough Ave., North Strand, Dublin 3, for the following reasons:-

- a) Health & Safety risks posed from having such highly charged electromagnetic EMF radiations being generated so dangerously close to a private residential property which, in normal circumstances, would be located, and cordoned off, well away from any type of property, especially residential (e.g. ESB overhead electrical power lines). These dangers include:-
 - Higher risks of developing cancer to persons living in such close proximity – to help alleviate this, can/will protective barriers be constructed around these harmful poles/masts
 - During extreme weather events which are becoming much more prevalent in Ireland due to global warming, thunderstorms and lightning strikes causing fires, and spreading rapidly to nearby buildings,
 - Also during extreme weather events and storms, poles/masts and powerlines being brought down (e.g. Storm Ophelia in 2017 & Storm Emma in 2018).
- b) That the pole/mast be deviated by 10 meters to the disused waste-ground to the rear of the property (locally known as "Wordies") which is owned by CIE, or at least to the rear of the garden, and directly away from the house itself. This deviation would be in compliance with the following:-
 - (i) The "Transport (Railway Infrastructure) Act, 2001" and CIE's "DART+ West Draft Railway Order, Draft Order, July 2022" under "Article 6, Deviation" which states:-

"(1) In constructing, maintaining, improving or operating any of the railway works authorised by this Order, the Railway Undertaking may make modifications so far as the Railway Undertaking considers them necessary or expedient but such that the railway works and any such modifications are carried out within the limits of the lands referenced by this Order and the Schedules hereto and the Plan and that any such modifications are limited inter alia to:

 - (a) deviate horizontally by any distance not exceeding 10 metres from the situations shown on the Plan for overhead electrified line structure support poles;*
 - (b) deviate in any direction not exceeding 5 metres from the situations shown on the Plan for any brackets, cables, wires, fixtures or other things to a structure;-"*
 - (ii) DART+ West Public Consultation No 2 Brochure (page 23) which states under the headings "General Linear Works, Overhead Electrification Equipment" (i.e. a deviation of 10m):-

"Masts will typically rise to between 6.8m and 8.5m above rail level. It's anticipated they will be located at spacing of between 40m and 50m along the railway".

- (iii) Letter received from IDOM/Iarnród Éireann, dated 23rd June 2022 *(copy attached under Supplementary Documentation Number 1)*, notifying us of the DART+ West Project, and their proposal to use the property as a "right of way" to be established "for the construction, operation and maintenance of the pole and ancillary fixtures and cables" in which they state the following:-

"(Note that pole locations may deviate by up to 10 meters)"

2. Objection to the use of the property as a "Right of Way"

Objections to the use of the property as a "Right of Way" for the construction, operation and maintenance of a pole/mast, and ancillary fixtures and cable for the following reasons:-

- a) That it's private residential property for private residential use, and that any use of the property or its airspace by CIE (or anybody acting on their behalf) would be in breach of the occupants of their constitutional rights to exclusive privacy (i.e. it would be violating those rights).
- b) Lack of precise detailed information from CIE on what the "Right of Way", if granted, would exactly entail regarding the "construction, operation and maintenance of the pole and ancillary fixtures and cables" above the property, example:-
 - During construction, if scaffolding would be erected on or around the property, the structural impacts that would have on the property, and how they would minimise and rectify this. Also, the estimated time it would take to do this work, whom/what persons would be on site during this time, and how it would all directly affect the persons living in the property during that time. For example, noise levels during working hours, dangers from scaffolding and falling objects, plant and machinery being present, and if they had to vacate the property during this time? If so, where would they be accommodated and how would they be compensated for this?
 - Following construction, what direct effects would the ongoing "operation and maintenance of the pole and ancillary fixtures and cables" entail. For example, structural effects such as the construction of a permanent access structure on and/or over the property, or there would be any removal/demolition, in full and/or part of the property (e.g. the garage between the house and railway wall). Also, the "freedom" that CIE (or anybody acting on their behalf), would have in accessing the property at any time, with or without prior notice, and in breach of the occupants constitutional rights to privacy in their own private property.
- c) Genuine fears that if the "Right of Way" was granted, especially without the lack of precise information such as that outlined in b) above, and without prior legal agreement and adequate compensation, that effectively, it would give CIE (or anybody acting on their behalf), a licence over the property to do what they wanted, whenever they wanted, regardlessly, including the power to alter, remove and/or demolish any part of it. Also, that we (Colette Maguire & David Conroy), as current owners of the property, will never be able to do anything about it due to the terms set out in the "Transport (Railway Infrastructure) Act, 2001" and CIE's "DART+ West Draft Railway Order, Draft Order, July 2022". This would be absolutely devastating given that the property has been in our same family hands for almost 60 years *(please also refer to below for further details)*

3. Objections on noise and vibration grounds

As things currently stand, every train that passes on the overhead railway running alongside the property (especially goods trains or during peak travelling times), is very noisy and causes the house to vibrate quite substantially. With the proposal of 24 trains per hour under the DART+ West Project (i.e. 12 either side of the railway line/viaduct, and at least double the current amount), these noise levels and vibrations will increase very substantially. To date, CIE have not provided us with any information whatsoever on what they propose to help alleviate these implications, example:-

- a) During construction, if measures will be undertaken on the railway itself to help eliminate noise levels and vibrations to properties directly affected along the route (e.g. new tracks and protective noise barriers).
- b) If clauses could be put into the Railway Order (if granted) whereby:-
 - a speed limit could be imposed on the trains as they passed over directly affected residential properties, and that if/where this is consistently broken and variably proven, that CIE/Irish Rail be held accountable for it, and the affected property owners compensated accordingly.
 - that the proposed 24 trains per hour be limited to peak hours only (i.e. maximum 1-2 hours in the morning and evenings only), and that they be accordingly reduced outside these hours, especially at night-time after 8.00pm/9.00pm
 - that the amount of trains per hour be capped at 24 (i.e. that at no point in the future can this be increased without at least going through a public consultation process).
- c) Under Section 48. – (1)(a)(v) of the Transport (Railway Infrastructure) Act 2001, it states the following:-

“(v) enter on any land and underpin or otherwise strengthen any house or building affected or likely to be affected by the works or the railway aforesaid.”

With this in mind, to date, we've not received any information whatsoever if CIE (or anybody acting on their behalf) are proposing to, example:-

- Help alleviate/reduce noise levels by replacing all current exterior doors and windows with a much more sound-proof design than those currently present.
- Help alleviate/reduce vibration levels and structural secure the house by underpinning or otherwise strengthening it as stated under the above Act.

4. Objections due to flood risk

All the houses in Bessborough Avenue, North Strand were built around the mid-1800's during which time, waste/rainwater and sewage systems were combined systems, unlike modern systems which are separated. Since then, Dublin City Council (DCC) or its predecessors have never upgraded or modernised these systems despite, in the interim, residents modernising their houses (e.g. building extensions, bathrooms, etc. which did not become commonplace until at least the 1960's), the advent of modern conveniences (e.g. electric showers, dishwashers, washing machines, etc.), and extreme weather events which are becoming more prevalent due to global warming. Additionally, the houses are built on reclaimed land, they're below sea level, and many have basements, especially numbers 24 – 28 who are particularly vulnerable and have a long standing history of flooding (including our property, number 28, which is adjacent to the railway to which the DART+ West trains propose to travel along).

Bessborough Avenue has 3 railway lines running along or around it with the railway line to which the DART+ West proposes to use was not built until around the 1880's with several houses demolished to make way for it, hence there are no houses between numbers 28-32 and 16-20 (please refer to attached [Supplementary Information Number 2](#) containing a map of the Avenue and surrounding areas from around 1870 showing those houses still there, and a drawing of the then proposed railway being built which was obtained from Dublin City Council (DCC)).

In 2008 & 2009 following major flooding of numbers 24–28 & 33-43, Dublin City Council (DCC) carried out a number of investigations as to the cause, and they found the following:-

- a) That when the houses were demolished to make way for the building of the railway as explained above, there found numerous underground pipes that were either old clay pipes that had collapsed, that they had not been properly capped off, and/or that they had not been redirected towards a main manhole, and that this was a main contributory factor to the flooding.
- b) In the case of our own personal property at number 28, there are 2 downward railway pipes depositing rainwater and debris/silt down onto our property – the first drains directly down into a gully and manhole in our garden, and the second goes down a rotten old clay pipe directly under the ground in our garage causing horrendous dampness in the garage, and unknown structural damage below the property (please see [Supplementary Information Number 1](#) (including photos) to verify this), and DCC were able to confirm that this was a very significant contributory factor as to the cause of our flooding.

Over decades, we've fought with CIE/Irish Rail to resolve this problem by directing these downwards pipes away from the house and into their own discussed waste ground to the rear of the house, for decades locally known as "Wordies" as previously referred under 1. c) above, but all to no avail. With the addition of the DART+ West trains running along that railway line, and the construction of the poles/masts, and ancillary fixtures and cables, etc., plus the additional trains, and advent of extreme weather conditions due to global warming, will only add to this problem, and substantially increase the flood risks (please refer to [Supplementary Information Number 1](#) for further details (including photos).

- c) It should also be noted that because of flooding history and the above high risks factors associated with it, that it has been virtually impossible over the year to find an insurance provider who will cover this risk – at least without paying extraordinary high premiums.

5. Objections on the basis of CIE/Irish Rail's long-standing failure to adequately maintain the railway and its surrounding areas

In the attached Supplementary Information Number 1, a detailed explanation, and photos have been provided to support this objection, and to add further genuine concerns that should they be granted their Railway Order, and be permitted to use our property at 28 Bessborough Ave as "right of way", to construct, operate and maintenance of pole/mast, ancillary fixtures and cables directly above our property, that these problems will only continue, and get worse as the years go by.

6. Objection on the basis of devaluing our property

If CIE are granted their Railway Order, and are permitted to use our property at 28 Bessborough Ave as "right of way", to construct, operate and maintenance of pole/mast, ancillary fixtures and cables directly above our property then, in effect, it will be virtually worthless because who, in their right mind, would want to buy a property and live in it under such circumstances, even given the current housing crisis. A visual inspection/viewing, and basic land registry searches would determine the situation and, no doubt, they wouldn't want to buy it.

7. Objections on the basis of the property at 28 Bessborough Avenue being the family home for almost 60 years, and an overall family history and association with the Avenue for almost 100 years.

The family association with Bessborough Avenue began around the late 1920's when my grandparents, Richard (Dick) & Mary O'Grady moved into number 20 Bessborough Avenue, where their 10 children were all born and reared, including my mother, Margaret Maguire (nee O'Grady). When she married my father, Thomas Maguire in the early 1950's, they moved to the UK to find work because there was none in Ireland at the time. While there, my 4 older brothers were born, and in 1964 they moved back to Ireland, and moved into 28 Bessborough Avenue which has been our family home ever since. In 1966, I was born followed by my younger sister in 1968, and we all grew up together in it sharing countless priceless memories over all of those years.

Additionally, grandchildren, great-grandchildren, and extended family, friends, etc. also share countless and absolutely priceless memories from that house and the Avenue from over the years. We were brought up with countless stories about it and the surrounding area including the bombing of the North Strand during the second world war, and the flooding of the whole of the North Strand (incl. Bessborough Ave) in 1954, and about my Grandpa O'Grady above, ironically driving the old Dublin to Belfast steam trains all his working life (including the period of the second world war when he used to smuggle bread, milk and tea down from the north on his train, and the way he used to shovel coal down the railway embankment at the top of the Avenue as he passed by).

We all feel a sense of warmth, comfort, belonging, and so much more when we're in that house and Avenue, that it's impossible to put into words and when we received the letters in the post from CIE about the Railway Order and what they want to do with the house, and the railway overhead, it deeply upset every single one of us – even down to the youngest great-grandchild, plus extended family and friends. Nobody wants anything to happen to the house (including the garage that my father used as a workshop to repair cars and trucks over all those years (he's sadly deceased now but he was a mechanic all his life)), or for CIE to be permitted to use the house as a "right of way", or to construct any poles/masts, etc. to the railway overhead, especially when there's an alternative to deviate it away to the disused waste ground to the rear of the property locally known as "Wordies" – everyone would be absolutely distraught and devastated, and our family home as we know it, would never ever be the same again, all our wonderful memories stretching back almost 100 years would be gone, and our sense of belonging and going back to our roots would be destroyed.

On the basis of all of the objections set out above, plus additional Supplementary Information Numbers 1 & 2, I thereby plead that CIE not be granted a "Right of Way" over our private property located at 28 Bessborough Ave., North Strand, Dublin 3, D03 A312 to construct, operate and maintain a pole, ancillary fixtures and cables to the railway overhead. Instead, that it be deviated by 10 meters onto the disused waste ground owned by CIE at the rear of the property which complies with "Article 6, Deviation" of CIE's "DART+ West Draft Railway Order, Draft Order, July 2022", plus the "Transport (Railway Infrastructure) Act, 2001"

Signed,

Colette Maguire & David Conroy

Colette Maguire & David Conroy,
Property Owners.

BOARD PLEANÁLA CASE REF NO: 314232;

CIE REF NO: LO-202

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Supplementary Information

Number 1

AN BOARD PLEANÁLA CASE REF NO: 314232;

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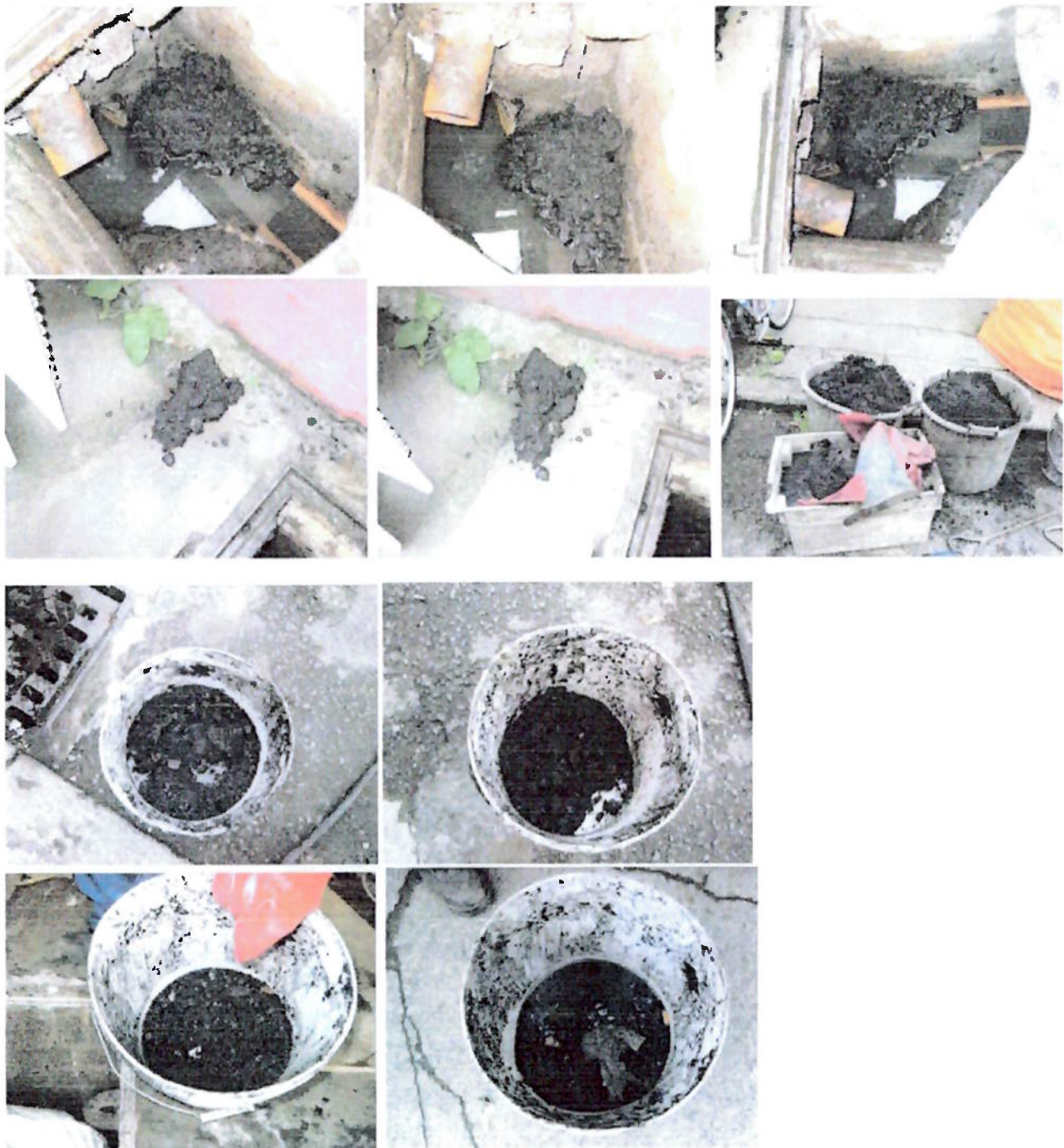
DART+ WEST PROJECT: BOOK OF REFERENCE – SCHEDULE 5; PROPERTY PLAN: DW.002; PROPERTY NO: R.202

PROPERTY LOCATION: 28 BESSBOROUGH AVE., NORTH STRAND, DUBLIN 3, D03 A312

These are photographs of the of one of the downpipes on the railway wall depositing rainwater and debris/silt directly into the private drains and manhole of the property located at 28 Bessborough Ave., North Strand, Dublin 3. The property, and the area in general, has a long established history of flooding with these deposits being a major contributory factor because of the constant build-up of debris/silt causing obstructions in the gullies, drainpipes and manholes surrounding the property – in turn, rainwater and raw sewage cannot flow away therefore, especially during heavy rainfall and storms, this all back up causing flooding in the garden and the house itself (please see next page for further details).



Following flooding events in 2008 & 2009, Dublin City Council (DCC) did a range of investigations in the avenue to determine the cause of the flooding (*please see main number of document for further details*). During these investigations, they did a CCTV survey of all the drains, manholes, etc. in 28 Bessborough Ave, and they blew out/cleared all the drains of any debris/silt built up from the railway – the following photographs is an example of what they found and removed.



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These are photos of the second downpipe from the railway depositing rainwater and debris/silt onto the property located at 28 Bessborough Ave., North Strand, Dublin. In this case however, it's an old cast iron rotten pipe primarily located along the inside of the adjacent garage with no connecting gully or drain whatsoever therefore, any rainwater/deposits are going directly into the ground causing untold damage to the foundations of the property, extreme dampness throughout the garage itself, plus damage to the roof as well. The property has a history of flooding, and when this happens, water rises up from under the floors within the house with this, no doubt, being a huge contributory factor.



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Over the years, we've tried to engage with CIE/Irish Rail to resolve the problem with our primary aim to have these downpipes capped off, and redirected towards their own disused waste ground to the rear of the house, locally known, for generations as "Wordies". The following photos are examples of their failed efforts to do this.



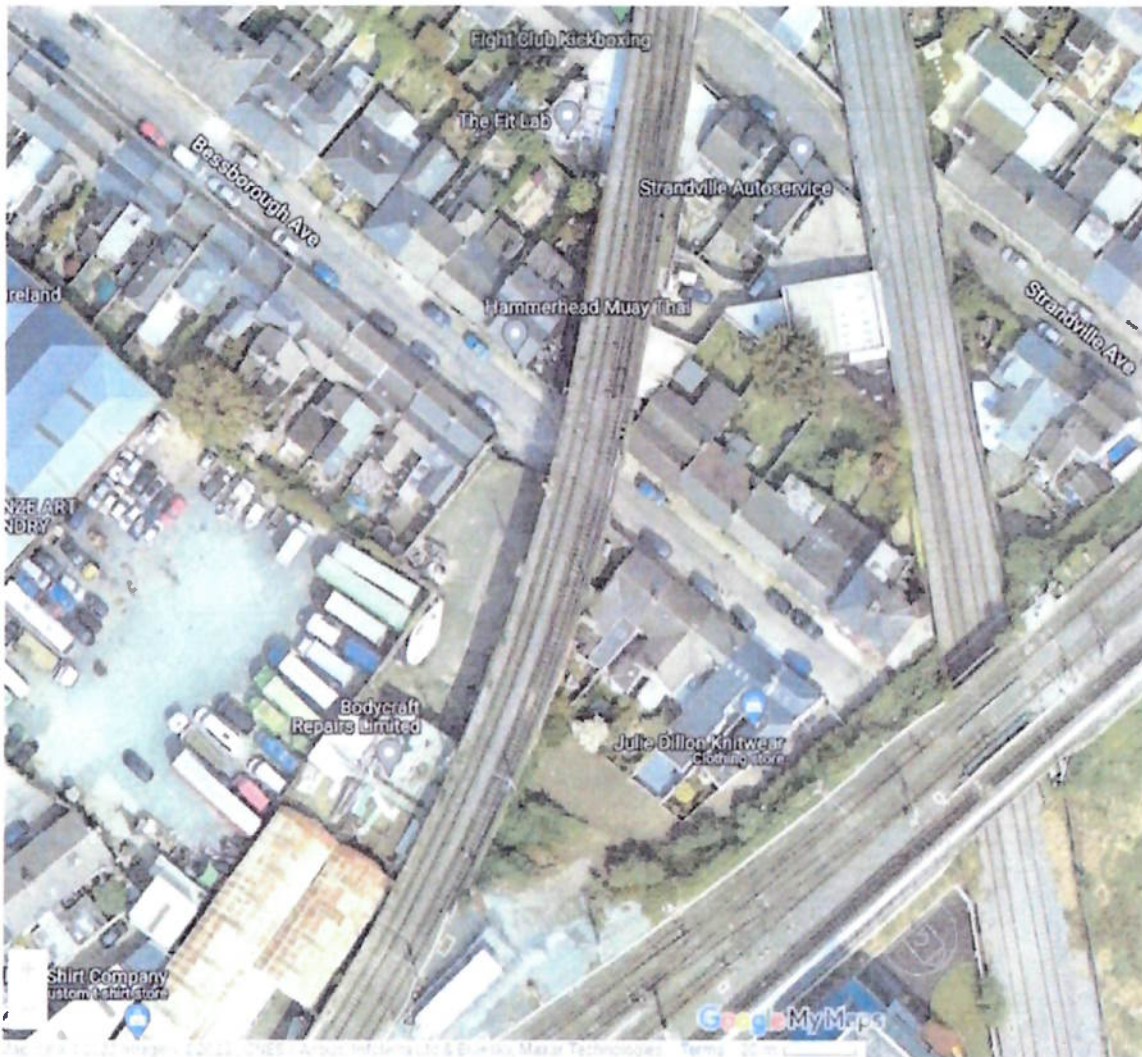
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Bessborough Ave has 3 railways at the bottom end of the road as shown in this photo from Google Maps.



CIE/Irish Rail have a very poor history in maintaining and looking after these railways as shown in the following photos that were recently taken. Furthermore, when the original DART was being built in the early 1980's, they brought mountains of rubble in to add an extra railway line to the one where the "Google MyMaps" touches off above. This rubble was infested with vermin/rats who made "Wordies" (this disused waste ground owned by CIE to the rear of the houses where the map above displays "Julie Dillon Knitwear") who've bred and bred over the years, and frequently enter people's homes and gardens. CIE/Irish Rail have never made any substantial efforts to bait or control these vermin infestations despite countless efforts over the years to engage with them – it's always been left to the residents themselves. On the basis of everything highlighted under this Supplementary Information alone, they cannot be trusted to fulfil all their obligations regarding the construction, operation and maintenance of the DART+ West Railway project.

The following Google images indicate how poorly CIE/Irish Rail maintain the railways in Bessborough Ave – this railway is at the bottom end of the road where the existing DART railway runs along. It's also the subject of a DART extension project too which will also increase the volume of trans pass by the Avenue.



This Google image is of the railway line running adjacent to 28 Bessborough Ave where CIE propose to put a "Right of Way" over the property – it's also showing how poorly the railway is maintained by them.



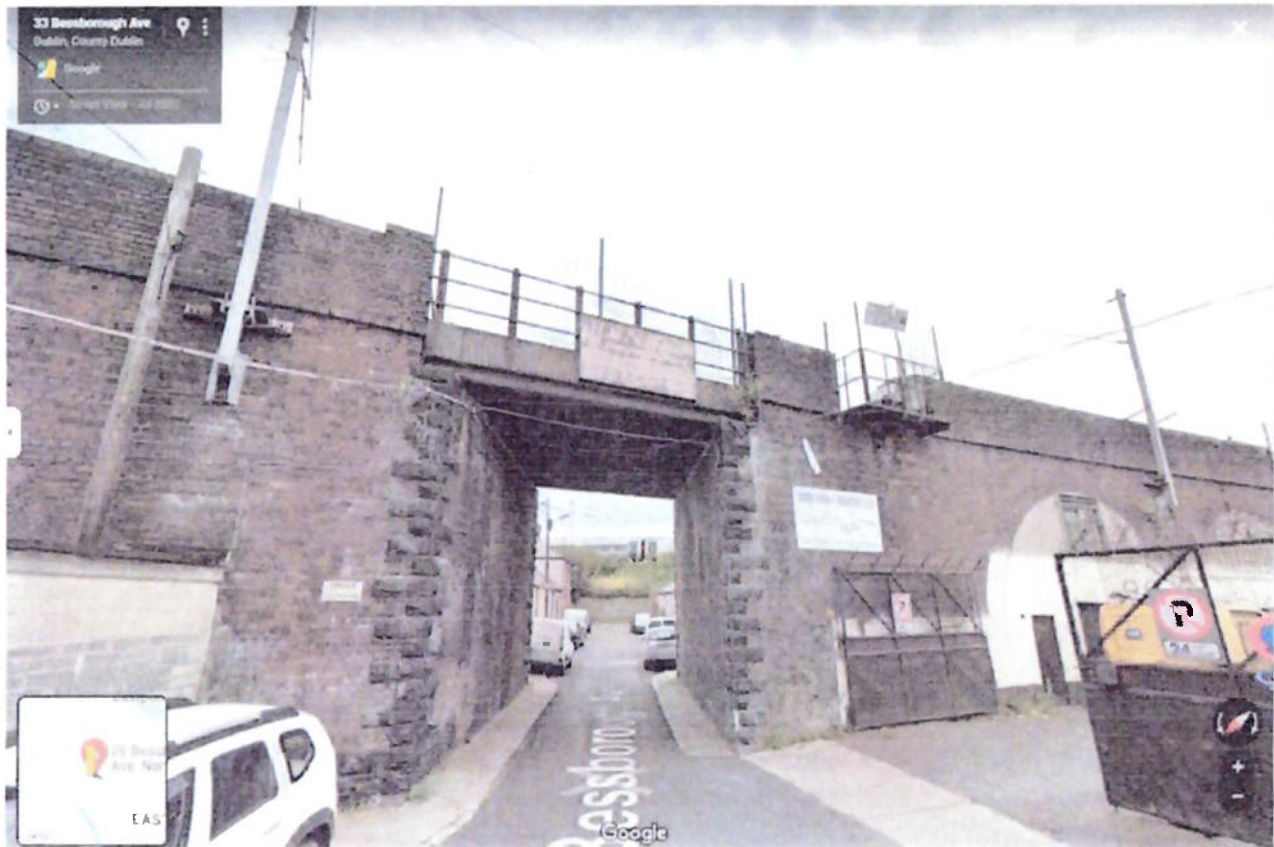
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DART • WEST PROJECT, BOOK OF REFERENCE - SCHEDULE 5
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SUPPLEMENTARY INFORMATION NUMBER 2

Map of Bessborough Ave. (highlighted in yellow) and surrounding areas from around 1870 before the railway was built alongside 28 Bessborough Ave. and before several houses were demolished to make way for it. This map shows that most houses were still there at that time and that the railway was still only in the planning stages.



AN BOARD PLEANÁLA, CASE REF NO: 314232,

CIE REF NO: LO-202;

IDOM

Iarnród Éireann

DART+ WEST PROJECT: PROPERTY PLAN: DW.002; PROPERTY NO: R.202

Ormond building
31-32 Ormond Quay, 3rd floor
Dublin 7

PROPERTY LOCATION: 28 BESSBOROUGH AVE., NORTH STRAND,
DUBLIN 3, D03 A312

The Owner / Occupier
28 Bessborough Avenue
Dublin 3
D03 A312

SUPPLEMENTARY INFORMATION
NUMBER 3

Date: 23 June 2022
Our Ref: DW.002.R.202

INFORMATION PASSED ONTO US (PROPERTY OWNERS, COLETTE
MAGUIRE & DAVID CONROY) BY CIE, PLUS 4 GOOGLE MAPS OF
PROPERTY TO HELP VERIFY HOW IT WILL BE DIRECTLY

Re: DART+ West Project
Ownership Information

IF CIE ARE GRANTED RAILWAY
ORDER TO USE IT AS A "RIGHT OF
WAY" & TO PLACE A THE POLE,
ANCILLIARY FIXTURES & CABLES

DIRECTLY OVER THE HOUSE ITSELF. THEY ALSO SHOW THE
ALTERNATIVE OF DEVIATING THESE BY 10 METERS TO DISUSED
WASTEGROUND TO REAR OF PROPERTY OWNED BY CIE.

Dear Sir,

Iarnród Éireann has received authorisation and funding to progress the design and planning for the DART+ West project. The design and environmental assessment process will culminate with a railway order application to An Bord Pleanála for the proposed railway works. It is currently envisaged that the railway order application will be submitted in 2022. IDOM are the lead consultants for Iarnród Éireann preparing the design, environmental assessment process and railway order.

As part of the railway order your property has been identified as a location where a pole for overhead electrification may be constructed as part of the DART+ West Project. It is proposed that a pole will be attached to the existing rail viaduct, with construction of this pole proposed from the rail track. A right of way will also be established for the construction, operation and maintenance of the pole and ancillary fixtures and cables.

To assist with the compilation of the railway order we are seeking ownership and occupier details for your property for referencing within the railway order as your property is not currently registered with the Property Registration Authority of Ireland (PRAI).

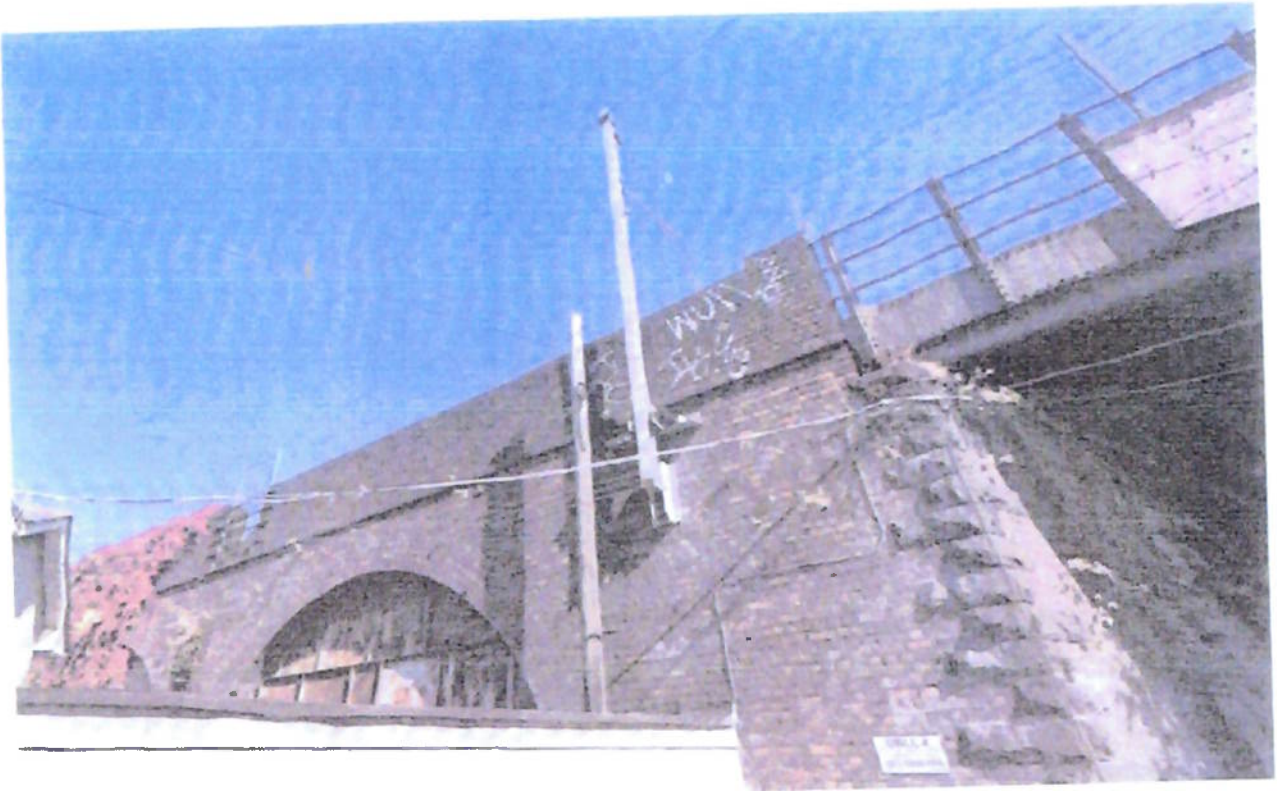
We would appreciate it if you could please provide details of ownership and any occupiers of your property by contacting IDOM's Landowner Liaison Garry Keegan at the project helpline 01-8235127 or through email Garry.Keegan@idom.ie marking it for the attention of Garry Keegan.

Please note that Iarnród Éireann and project partners are managing all personal data in line with the requirements of the General Data Protection Regulation (GDPR). This data is only gathered from public sources or with the express consent of individuals and securely stored on servers inside of the EU. Data may also be stored within the email accounts of Irish Rail and their agents for the sole purpose for which that data was requested.

Further details of the project can be located at the Irish Rail website at www.irishrail.ie and the dedicated Project website www.jacobs-portal.com/portal/.

Yours Faithfully,

Cristina Chalé Sabat
Project Manager
IDOM CONSULTING, ENGINEERING & ARCHITECTURE



Example of pole attached to an existing rail viaduct



Proposed location of pole (Cyan) and extents of proposed Right of Way (yellow)

(*Note that pole locations may deviate by up to 10 meters)



Córas Iompair Éireann

Heuston Station
Dublin 3

Stáisiún Heuston
Baile Átha Cliath 3

Lathreán Greasaín Web: www.dartplus.ie

Tel: +353 1 823 5127

Email: DARTWest@irishrail.ie

Colette Maguire & David Conroy
38 Stonebridge Avenue
Hartstown
Clonsilla
Dublin 15, D15 YKON

Reference: LO-202

Date: 14th September 2022

Application for Railway Order
DART+ West Electrified Heavy Railway Order 2022

Dear Sir / Madam,

Córas Iompair Éireann (CIE) submitted an application to An Bord Pleanála for a Railway Order on 29th July 2022 in respect of the DART+ West project with the consultation period commencing on 5th August and running to 30th September 2022. We are now writing to all landowners to provide a copy of a new advertisement which extends the period for making submissions to An Bord Pleanála to Friday 28th October 2022.

Submissions relating to this project can be made as per the enclosed newspaper notice. These submissions must be made to An Bord Pleanála and received at their offices no later than Friday 28th October 2022 at 5.30pm.

The draft Railway Order documents are available for inspection at the locations identified in the enclosed newspaper notice and on the dedicated project website www.dartwestrailwayorder.ie.

Should you require any further information, please do not hesitate to contact the DART+ West project team at Tel: 01 823 5127 or through email DARTWest@irishrail.ie.

Yours faithfully,

Geraldine Finucane
Group Secretary, C.I.É.
Encls.



Córas Iompair Éireann

Heuston Station
Dublin 8

Stáisiún Heuston
Baile Átha Cliath 8

Láithreán Greasáin/Web: www.dartplus.ie
Tel: +353 1 823 5127
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Colette Maguire & David Conroy
38 Stonebridge Avenue
Hartstown
Clonsilla
Dublin 15, D15 YKON

Reference: LO-202

Date: 19th September 2022

Application for Railway Order
DART+ West Electrified Heavy Railway Order 2022

Dear Sir / Madam,

I am writing to you following on from our correspondence of last week, dated 14th September 2022, advising you of an extension to the period for making submissions to An Bord Pleanála. As advised in that letter and in the copy of the newspaper advertisement enclosed, **the period for making submission to An Bord Pleanála will close on Friday 28th October 2022 at 5.30pm**.

The advertisement dated 12th September 2022 contained one typographical error referencing the original September submission date, but as per the cover letter and all other references in that advertisement, I confirm that submissions must be made to An Bord Pleanála and received at their offices no later than **Friday 28th October 2022 at 5.30pm**. An updated advertisement with the clarification appeared in the Irish Independent on Monday 19th September 2022 and a copy is attached.

The draft Railway Order documents are available for inspection at the locations identified in the enclosed newspaper notice and on the dedicated project website www.dartwestrailwayorder.ie.

Should you require any further information, please do not hesitate to contact the DART+ West project team at Tel: 01 823 5127 or through email DARTWest@irishrail.ie.

Yours faithfully,



Geraldine Finucane
Group Secretary, C.I.É.

Encls.



Córas Iompair Éireann

Heuston Station
Dublin 8

Stáisiún Heuston
Baile Átha Cliath 8

Colette Maguire & David Conroy
38 Stonebridge Avenue
Hartstown
Clonsilla
Dublin 15, D15 YKON

Láithreán Gréasáin/Web: www.dartplus.ie
Tel: +353 1 823 5127
Email: DARTWest@Irishrail.ie

Reference: LO-202

Date: 27th July 2022

Intended application for Railway Order
DART+ West Electrified Heavy Railway Order 2022

Dear Sir / Madam,

Córas Iompair Éireann (CIE) intends to submit an application to An Bord Pleanála for a Railway Order on 29th July 2022 in respect of the DART+ West project.

You may be an owner or occupier of land, or have rights over or an interest in land, referred to in the documents which will accompany the DART+ West Railway Order application. Therefore, in accordance with Section 40(1)(d) of the Transport (Railway Infrastructure) Act 2001 (as amended), we enclose herein, by way of service upon you, the following documents relating to the DART+ West Railway Order application comprising:

- 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 Schedule;
- Relevant extracts of Plans which indicate the extent of the lands affected;
- 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;
- The Non-Technical Summary of the Environmental Impact Assessment Report;
- Relevant Extracts of the Natura Impact Statement; and
- A User Guide.

P.T.O

It is recommended that you consider these enclosures carefully. If necessary, you should seek advice as to whether there are, in light of what is proposed, any steps that you should take in your own interests.

Submissions relating to this project can be made as per the enclosed newspaper notice. These submissions must be made to An Bord Pleanála and received at their offices no later than Friday 30th September at 5.30pm.

The draft Railway Order documents are available for inspection at the locations identified in the enclosed newspaper notice and on the dedicated project website www.dartwestrailwayorder.ie.

Should you require any further information, please do not hesitate to contact the DART+ West project team at Tel. 01 823 5127 or through email DARTWest@irishrail.ie.

Yours faithfully,



Geraldine Finucane
Group Secretary, C.I.É.

Encls.

User Guide to the information provided in this postal pack

The following step-by-step guide should be used to gain an understanding of how the information contained in this envelope relates to your property:

1. As indicated in the covering letter, Córas Iompair Éireann (CIÉ) intends to apply for a Railway Order to An Bord Pleanála (the Board) for the DART+ West project. The Railway Order, if granted, will authorise CIÉ to carry out railway works and all works necessary to enable the construction, operation, maintenance and improvement of the railway along an approximate 40 km section of the existing railway line between Dublin City Centre and M3 Parkway Station (County Meath) and a new maintenance depot to the west of Maynooth (County Kildare).
2. The Railway Order, if granted, also includes powers for CIÉ to acquire compulsorily land or rights in, under or over land or any substratum of land specified in the order; to temporarily acquire and occupy land specified in the order; to acquire easements and other rights over land specified in the order; to extinguish public and/or private rights including rights of way specified in the order; and provides for other rights over land.
3. You, the recipient of this letter, are an owner or occupier of land, or have rights or an interest in land, referred to in the documents which will accompany the DART+ West Railway Order application.
4. Enclosed you will find your relevant extract from the Railway Order application schedule(s) from the Book of Reference. This lists the parties who may have an interest in that property (reputed landowners reputed land occupiers, land rights and land interests).
5. The extract from the Railway Order application schedule also lists the nature and extent of the land rights that CIÉ propose to acquire under the DART+ West Railway Order, as well as the areas of land proposed to be acquired in hectares or in m².

The lands referenced in the schedules are shown on the enclosed server plan(s) (drawing).

The land or rights or interests that CIÉ propose to acquire are uniquely referenced and numbered as per the following example:

DW.005.P.01(A)

DW	005	P	01(A)
DART+ West Project Reference	Property Plan reference sheet number	Land Acquisition - Right of Way - Interest to be acquired	
		P	Permanent Land Acquisition
		PR	Pole on Private Land attached to wall
		PG	Pole on Private Land
		PU	Pole on Public Land attached to wall
		S	Substratum Land Acquisition
		T	Temporary Land Acquisition
		R	Right of Way Acquired
		01 - Landowner Reference (A) - Subdivision of lands where more than one parcel or type of land is affected.	



6. Enclosed you will find a Server Plan(s) which is the drawing marking out your property. The plan has the same reference number as indicated in the schedule, thereby allowing the particulars to be read from schedule and the plan providing a visual illustration of the land or land rights or land interests that CIÉ propose to acquire under the Railway Order.
7. The Server Plan(s) shows, compositely and in colour, the extent and types of land acquisition that CIÉ proposed to acquire to facilitate the construction, operation, maintenance and improvement of the DART+ West project along the section of the route on which your property lies.
8. You will also find enclosed the Works Layout Plan for the section of the DART+ West project corresponding to your property. The Works Layout Plan illustrates the various components of the proposed DART+ West project in the vicinity of your property.
9. If you require further assistance to understand the information contained in this envelope and how it relates to your property, please contact the DART+ West project team at:
 - Tel: 01 823 5127
 - Email: DARTWest@irishrail.ie

PART III
ACQUISITION AND POSSESSION OF LAND AND RIGHTS

ARTICLE 18
Power to acquire land

- (1) Subject to the Principal Act, the Railway Undertaking may acquire compulsorily and use all or such part of the lands shown on the Plan and specified in the Second Schedule (Part 1, Part 3 and Part 4) and the Third Schedule as the Railway Undertaking may require for the purposes of the execution of the works authorised by this Order and the operation of the railway or for purposes incidental or ancillary thereto.
- (2) In relation to any such acquisition of land the provisions of Sections 4 and 8 of the Railways Act, 1851 shall not apply.

ARTICLE 19
Use of airspace

- (1) Without prejudice to any other Article of this Railway Order, the Railway Undertaking may enter on and use so much of the airspace over a public road as is reasonably required for the purposes of, or in connection with the execution of the authorised works and the operation, maintenance or improvement of the railway or for purposes incidental or ancillary to those purposes.
- (2) The power under paragraph (1) may be exercised in relation to a public road without the Railway Undertaking being required to acquire any part of the road or any easement or other right in relation to the surface of the road.
- (3) Where it is proposed to acquire the right to enter onto and use airspace over lands the extent of the airspace required in connection with the execution of the authorised works and the operation, maintenance or improvement of the railway or for purposes incidental or ancillary to those purposes these lands is shown on the Plan and is specified in the Second Schedule, Part 4.

ARTICLE 20

Power to temporarily acquire and occupy land

- (1) Subject to the Principal Act, the Railway Undertaking may enter upon, occupy and take temporary possession of the land shown in the Plan and specified in the Fourth Schedule or any part of that land, for the purpose of carrying out the authorised works.
- (2) In particular, and without prejudice to the generality of paragraph 1—
 - (a) the Railway Undertaking may—
 - (i) enter on and take temporary possession of that land for the provision of working sites and access for construction purposes or for purposes in connection with the works authorised by this Order; and
 - (ii) for those purposes, remove any structures thereon, construct other structures, cut and remove anything growing on that land or part thereof, and generally do all things to and on that land that are required to adapt it for those working sites or that access
 - (b) where, in the exercise of the powers conferred on the Railway Undertaking by the Principal Act and this Order, a part of a building has been compulsorily acquired or interfered with for the purpose of carrying out railway works, the Railway Undertaking may enter on, and take temporary possession of, another part of that building with a view to minimising the damage or injury done or likely to be done by the acquisition or removal of, or interference with, that part of the building so acquired or interfered with.
- (3) Before giving up possession of land specified in the Fourth Schedule and subject to any agreement to the contrary with the owners and occupiers of the land, the Railway Undertaking shall remove all temporary works and structures constructed by it on the land and shall restore the land as far as possible to its former state.
- (4) The Railway Undertaking shall not be required to acquire any land of which it takes temporary possession pursuant to this Article.
- (5) The Railway Undertaking shall pay to the owners and occupiers of land of which it takes temporary possession under this Article compensation for any loss, injury or damage thereby suffered or expenditure thereby incurred as if that loss, injury, damage or expenditure were suffered or incurred in consequence of the exercise by the Railway Undertaking of a power

conferred upon it by section 48 of the Principal Act, and the amount of the compensation shall be determined in accordance with that section.

ARTICLE 21
Acquisition of Easements and other rights over land

- (1) Subject to the Principal Act, the Railway Undertaking may acquire compulsorily such rights over the lands, water, railways or roads shown on the Plan and specified in the Second Schedule Part 2 and the Fifth Schedule together with such rights as are necessary for the full and free exercise at all times of the acquired rights.

ARTICLE 22
Extinguishment of private rights
including private rights of way and temporary interference with rights

- (1) The Railway Undertaking may extinguish the private rights, including the private rights of way, shown on the Plan and specified in the Seventh Schedule for the purposes of the execution of the authorised works and the maintenance and operation of the railway or for purposes incidental or ancillary to those purposes.
- (2) The Railway Undertaking may temporarily interfere with or stop up the private rights, including the private rights of way, specified in the Eighth Schedule of this Order.

ARTICLE 23
Extinguishment of public rights of way
and temporary interference with rights including rights of way

- (1) The Railway Undertaking may extinguish the public rights of way shown on the Plan and specified in the Sixth Schedule for the purposes of the execution of the authorised works and the operation of the railway or for purposes incidental or ancillary to those purposes.
- (2) The Railway Undertaking may temporarily interfere with or stop up the public rights, including public rights of way specified in the Eight Schedule of this Order.
- (3) Where a road authority accedes to a request under Article 10 to permanently close a public road, any public right of way over the said public road shall be deemed to be permanently extinguished on the close of the said public road.

- (4) Where a road authority accedes to a request under Article 10 to temporarily close a public road, any public right of way over the said public road shall be deemed to be temporarily interrupted on the close of the said public road.

ARTICLE 24

Period within which the Railway Undertaking may compulsorily acquire land and interests in land

- (1) The powers conferred on the Railway Undertaking by this Order compulsorily to acquire permanently land or rights over land, water or a road and the power conferred to enter upon and take temporary possession of land shall cease at the end of the period specified in the Act of 2000, section 217(6), beginning on the date on which this Order comes into operation pursuant to section 43(4) of the Principal Act.
- (2) The powers of the Railway Undertaking compulsorily to acquire land or rights over land shall, for the purposes of this Article, be deemed to have been exercised if a notice to treat has been served in respect of the land or rights over land before the end of the period mentioned in paragraph 1.
- (3) Notwithstanding paragraph 1, the Railway Undertaking shall be entitled to remain in temporary possession of land pursuant to this Order after the end of the period mentioned in paragraph 1 where possession of the land was taken before the end of that period.

DART + West Project - BOOK OF REFERENCE - SCHEDULE 5

Land over which Rights of Way or other Easements may be acquired

Property Plan	DW.002
Property Number	R.202

SITUATION, DESCRIPTION OF RIGHTS AND QUANTITY	PERSON(S) ENTITLED TO RIGHT, OWNERS OR REPUTED OWNERS AND OCCUPIERS OR REPUTED OCCUPIERS
<p>Situation</p> <p>28 Bessborough Avenue</p>	<p>Collette Maguire & David Connolly</p> <p>38 Stonebridge Avenue</p> <p>Hartstown</p> <p>Chlorisella</p> <p>Dublin 15</p> <p>D15 YKON</p>
<p>Description</p> <p>The right for C.I.L. its successors, assigns, servants, agents, licensees, invitees, tenants and under tenants and others to utilise the right of way for the construction, operation, inspection and maintenance of the railway.</p>	<p>Coras Iompair Éireann</p> <p>Henson Station</p> <p>Dublin 8</p>
<p>Quantity (sq.m.)</p> <p>50</p>	

Observations

Referenced By: C.I.L.
Date: 20.06.2022
Ref. No. DW.002 R.202

DART + West Project - BOOK OF REFERENCE - SCHEDULE 5
Land over which Rights of Way or other Easements may be acquired

Property Plan	DW.002
Property Number	R.201(A)

SITUATION, DESCRIPTION OF RIGHTS AND QUANTITY	PERSON(S) ENTITLED TO RIGHT, OWNERS OR REPUTED OWNERS AND OCCUPIERS OR REPUTED OCCUPIERS
Situation Bessborough Avenue	Bodycraft Repairs Limited 29-31 Bessborough Avenue Dublin 3 D03 V658
Description The right for CIL: its successors, assigns, servants, agents, licensees, invitees, tenants and under tenants and others to utilise the right of way for the construction, operation, inspection and maintenance of the railway.	Córas Iompair Fíreann Heuston Station Dublin 8
Quantity (sq.m.) 71	

Observations

Referenced By: C.I.L.	Ref. No.
Date: 20/06/2022	DW.002 R.201(A)

DART + West Project - BOOK OF REFERENCE - SCHEDULE 5
Land over which Rights of Way or other Easements may be acquired

Property Plan	DW.002
Property Number	R.201(B)

SITUATION, DESCRIPTION OF RIGHTS AND QUANTITY		PERSON(S) ENTITLED TO RIGHT, OWNERS OR REPUTED OWNERS AND OCCUPIERS OR REPUTED OCCUPIERS
Situation Bessborough Avenue		Bodycraft Repairs Ltd 29-31 Bessborough Avenue Dublin 3 D03 V6S8
	Description The right for CIE its successors, assigns, servants, agents, licensees, invitees, tenants and undertenants and others to utilise the right of way for the construction, operation, inspection and maintenance of the railway.	Coas Lompair Firearm Heuston Station Dublin 8
Quantity (sq.m.) 29		

Observations

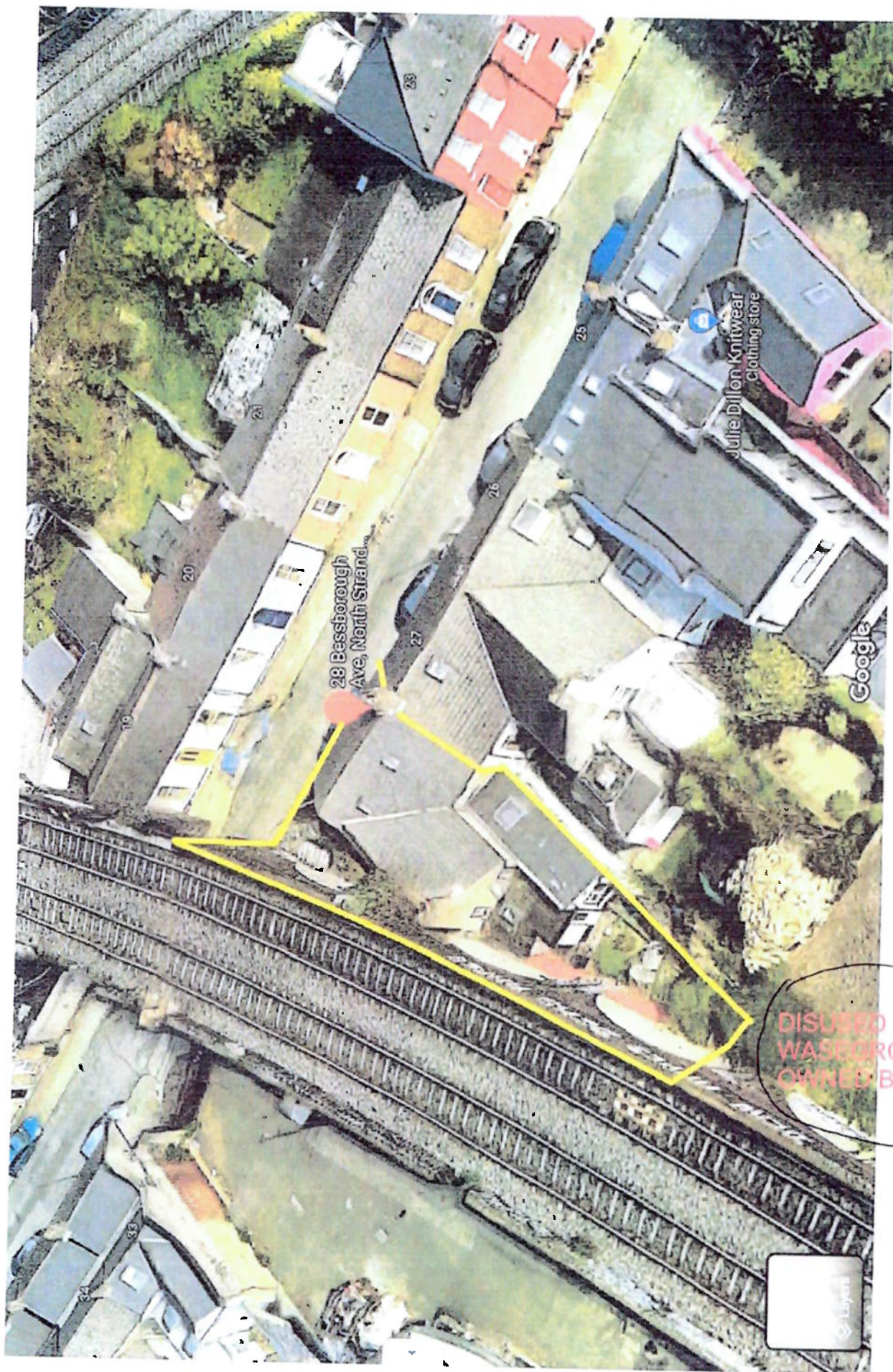
Referenced By: C 11	Ref. No.
Date: 20.06.2022	DW.002 R.201(B)

2. Railway Order - Sheet 02 (0 - 1.0km)

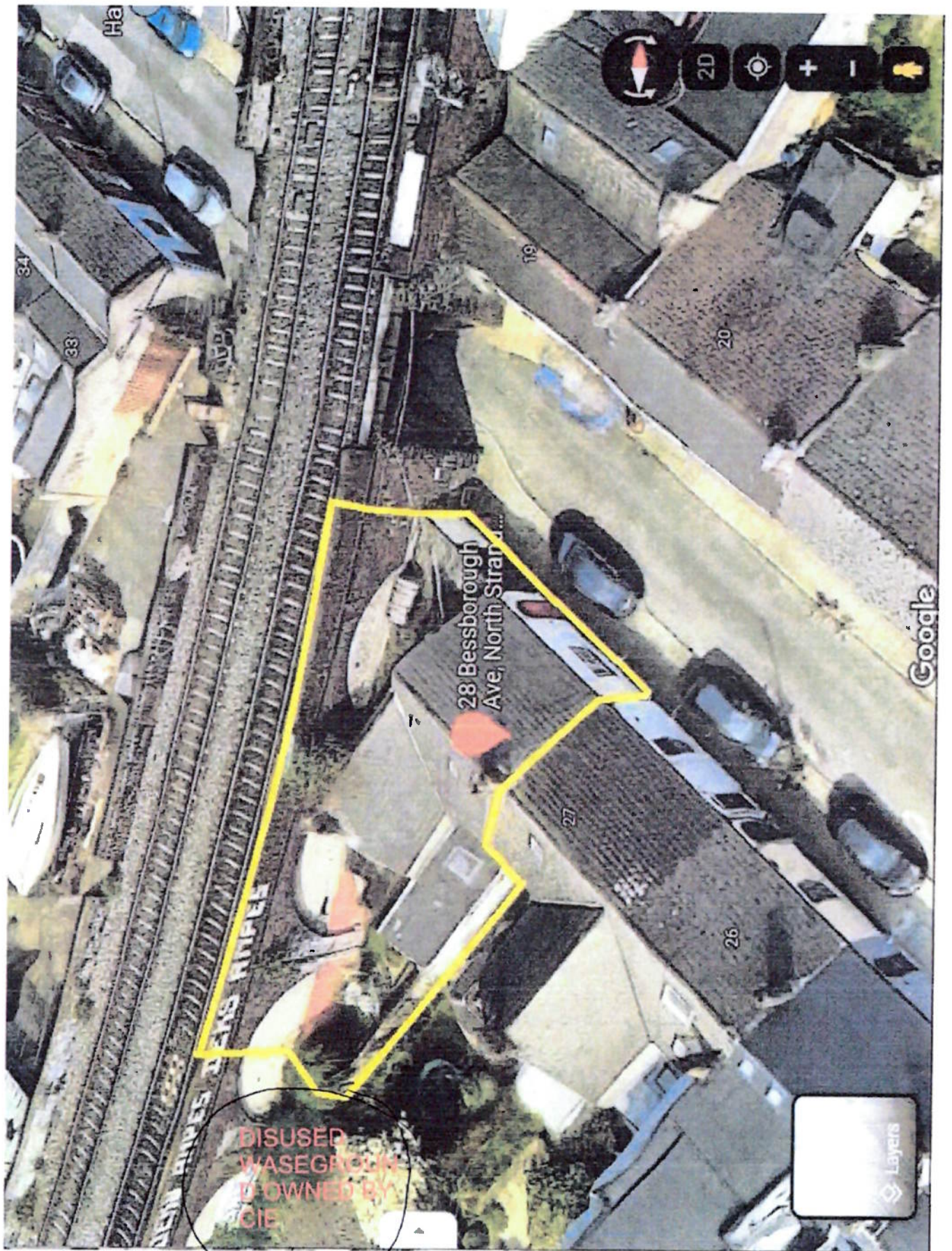
Works No.	Description	Drawing No.
	Spencer Dock Station Area	
2.1	<p>Construction of new Spencer Dock Station extending from Mayor Street Upper to Sherriff Street Upper (between Park Lane and New Wapping Street). The proposed station will have its main entrance on Mayor Street Upper interfacing with Spencer Dock Luas Station and a secondary entrance on Sherriff Street Upper for access by bus, taxi or private cars. The Station will include four new tracks and two island platforms all located below existing ground level with escalator and lift access to the upper station level.</p> <p>The entrance to the station is at the exiting ground level of 3.90mOD with the station platforms at -2.39mOD and the track levels at -3.30mOD. The station is designed to accommodate future site development.</p>	<ul style="list-style-type: none"> WP002
2.2	<p>New rail lines including the construction of four tracks and two island platforms at Spencer Dock Station, retaining walls, new drainage systems, electrification, and signalling. From the new Spencer Dock Station new twin tracks and electrifications over approximately 1.1km to the GSWR Line and over 0.8km to the Northern Line to the north of Connolly Station.</p>	<ul style="list-style-type: none"> WP002
2.3	<p>Sherriff Street Bridge (OBD228) is to be demolished and rebuilt to its current elevation to connect into the existing bridge structures and road levels on Sherriff Street Upper. The new bridge piers are co-ordinated with the layout and design of the Spencer Dock Station. The new bridge will have 8m of clearance from the underside of the bridge to the top of the tracks to allow for track electrification. Construction will involve temporary road closures and traffic management.</p>	<ul style="list-style-type: none"> WP002
2.4	<p>New permanent access and access ramp north of Sheriff Street between the proposed Spencer Dock Station and Docklands Station to serve proposed temporary construction compound and existing Spencer Dock – CCE/SET Permanent Compound which is to be relocated in the East Wall yard area.</p>	<ul style="list-style-type: none"> WP002

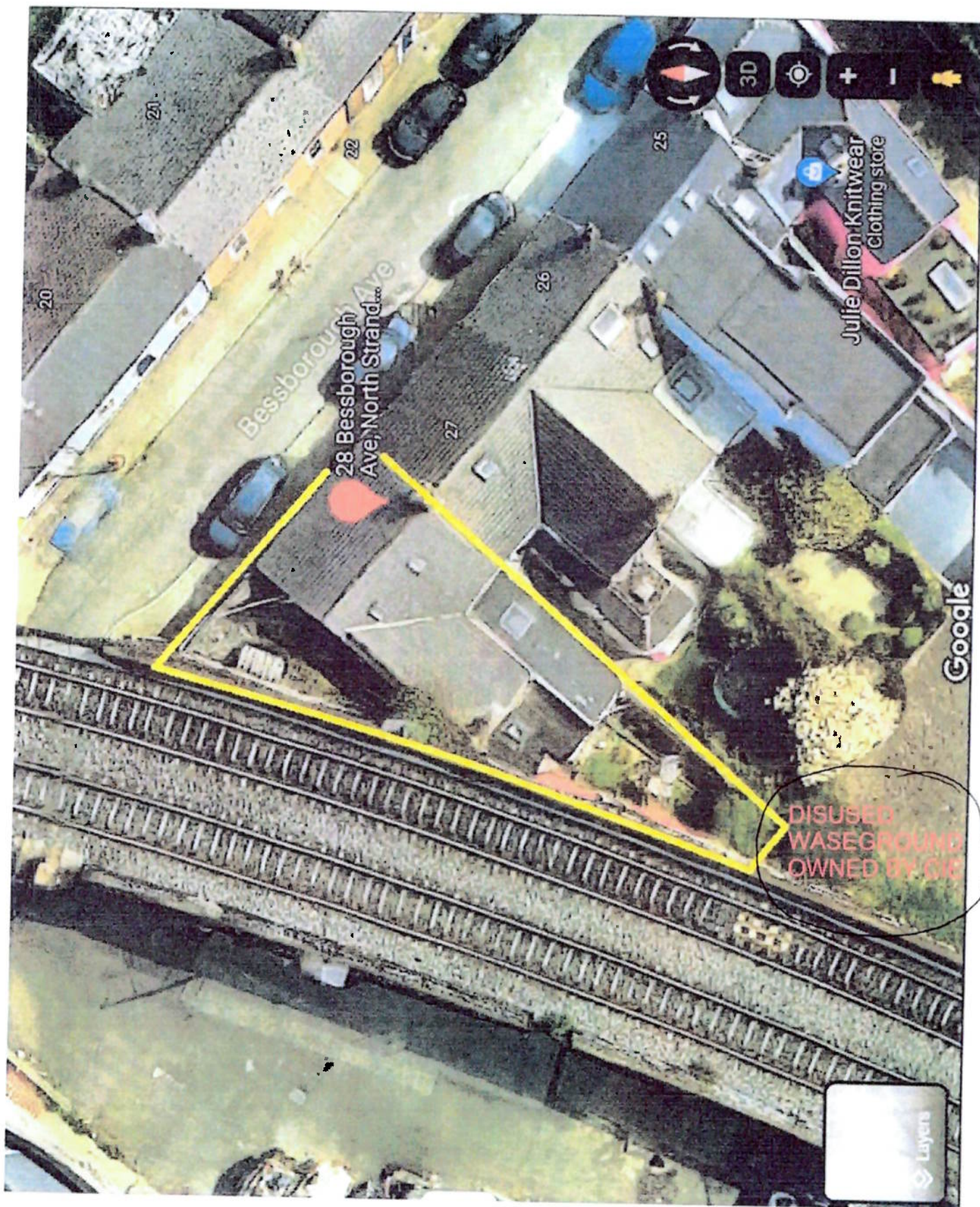
Works No.	Description	Drawing No.
2.5	Track lowering for 375 m up to 230 mm in depth beneath OBO36 Ossory Road Bridge to provide sufficient OHLE clearance.	• WP002
2.6	Parapet heightening to 1.80 m on OBO36 Ossory Road Bridge to prevent electric shock that arises from the installation of the new Overhead Line Equipment (OHLE) by replacing the existing corrugated sheet with steel panels that consist of a perforated sheet at the top section and a rolled sheet at the bottom.	• WP002
2.7	Provision of ditches at each side of the track on OBO36 Ossory Road Bridge as it is at a low point of the rail line. There is also a carrier drain at the middle of the tracks to which the ditches will connect and discharge. The drainage is carried out towards Spencer Dock Station where it connects with the station drainage and discharge at the attenuation water tank.	• WP002
2.8	Provision of traction substation, located north of the existing Docklands Station and car park, near the railway junction. It will be necessary to accommodate the road access to the substation from Abercorn Road. The proposed location is within the existing CIÉ property boundary and access will be gated.	• WP002
2.9	Construction of a low voltage, principal supply point building and signalling equipment building next to the traction substation.	• WP002
	<u>Other Works</u>	
2.10	Prepare the sites and compounds initially by constructing safety fencing or hoarding as required, undertaking site clearance/demolition or diversion/protection works and excavating to formation level for all works.	• WP002
2.11	Establish construction sites and temporary compounds at six locations including temporary fencing/hoarding, site offices, welfare facilities, storage facilities, workshops, construction plant and equipment required to carry out the works.	• WP002
2.12	Construct services and carry out utility diversions and connections.	• WP002

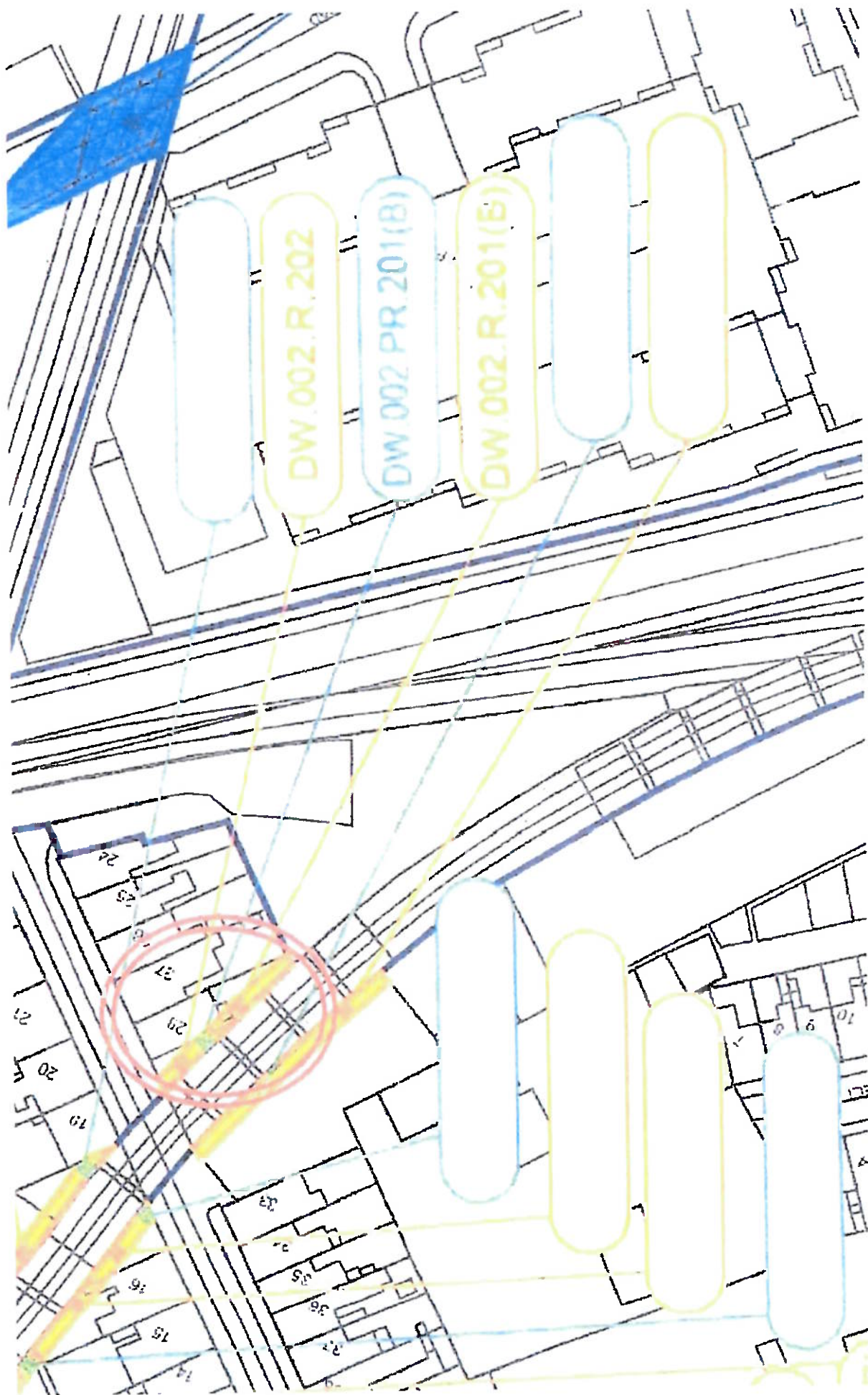
Works No.	Description	Drawing No.
2.13	Provide traffic management measures in the vicinity of the construction sites, including temporary road closures, removal of parking spaces, redirection of traffic in the area and making good any damage to the roadway.	<ul style="list-style-type: none"> • WP002
2.14	Electrification of the existing and new rail line along with signalling and telecommunications infrastructure including installation of overhead electrification equipment.	<ul style="list-style-type: none"> • WP002
2.15	Installation of new fencing along rail boundary and temporary works areas for these works.	<ul style="list-style-type: none"> • WP002



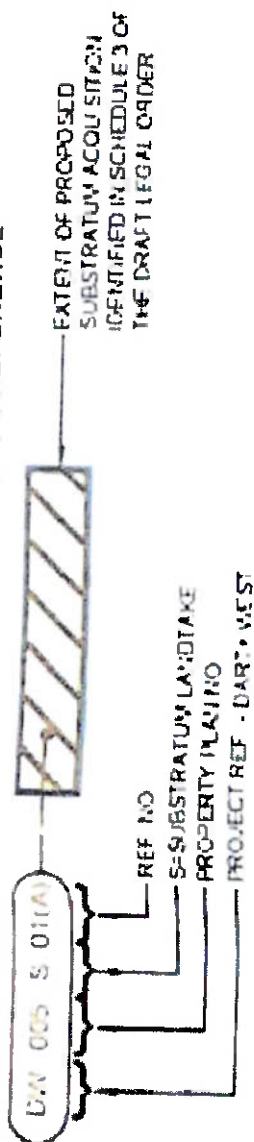
DISUSED
WASTELAND
OWNED BY CIE



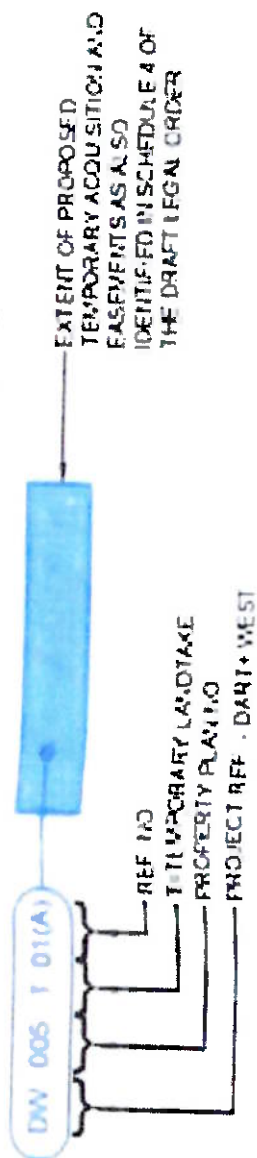




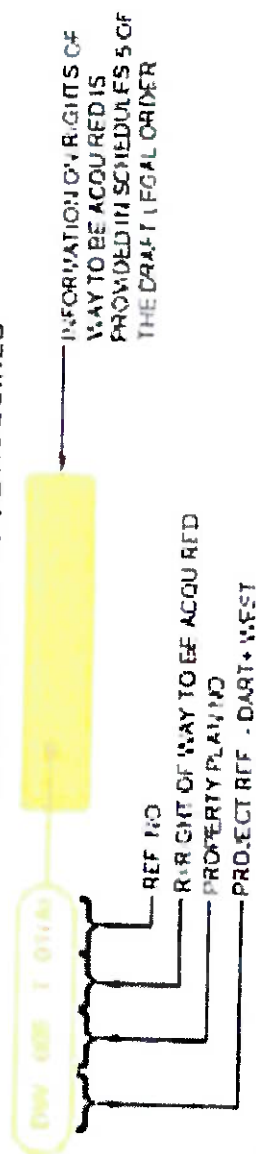
SUBSTRATUM LAND ACQUISITION REFERENCE



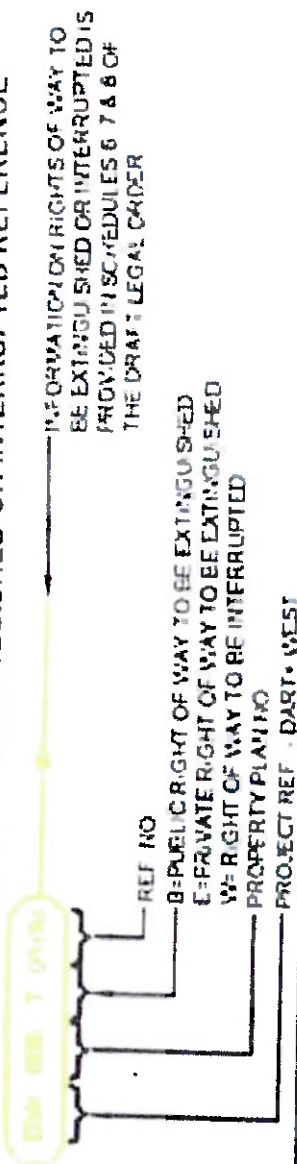
TEMPORARY LAND ACQUISITION REFERENCE



RIGHTS OF WAY TO BE ACQUIRED



RIGHTS OF WAY TO BE EXTINGUISHED OR INTERRUPTED REFERENCE



CH 0km - CH 1km
SCALE 1:1250 (@ A0)



Further information is available from:
Telephone 01 625 71
Postal: DART, c/o Post Office, Levens Road, Levens, Lancashire, LA 2 8JN.
DART is a registered charity.
Website: www.dart-uk.org