



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	M1 Vesting – Department of Regional Development
Date:	23 September 2011
Reporting Officer:	Gerry Millar Director of Property & Projects, Ext: 6217
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1.0	Relevant Background Information
1.1	The Department of Regional Development (DRD) have completed the upgrading of the section of the M1 Motorway from the existing two lanes to provide three continuous lanes in each direction between Blacks Road, Dunmurry and Divis Street, Belfast.
1.2	DRD have acquired lands from Belfast City Council (the Council) comprising mainly waste bogland alongside the M1 Motorway to the rear of land and premises fronting onto Boucher Crescent, Belfast together with a small triangular piece of land at the Grosvenor Road Recreation Centre site at the corner of the Grosvenor Road and the Westlink by two Vesting Orders dated 2 nd August 2004 and 15 th November 2004
1.3	A figure of £1,428,884.79 has already been paid to the Council by DRD in respect of the 2 nd Aug 2004 Vesting Order. A report was brought to Committee on the 15 th Nov 2006 in relation to an agreement which had been provisionally reached with the Valuation and Lands Agency (VLA) regarding the compensation.
1.4	While compensation for both Vesting Orders was agreed with the VLA, DRD were not satisfied that Belfast City Council had title to the entire land comprised within the 15 th November 2004 Vesting Order.

2.0	Key Issues
2.1	DRD had instructed the VLA to negotiate compensation on its behalf and the Estates Management Unit acted for Belfast City Council. The VLA had initially

	<p>contended that the land comprised almost entirely of a narrow landlocked strip of overgrown bogland which was incapable of development and as such it was virtually worthless. The Estate Management Unit took the view that the land could be developed in conjunction with the adjoining Balmoral Estate and following prolonged negotiations this argument was accepted by VLA. Payment of compensation was subject to proof of title.</p>
2.2	<p>It had been provisionally agreed that the compensation in respect of the 0.1161 ha showed outlined red on the plan attached at Appendix '1' comprised in the 15th Nov 2004 Vesting Order was £260,000, but this agreement was subject to Belfast City Council proving title to the land therein.</p>
2.3	<p>DRD subsequently claimed that Belfast City Council did not own any part of the land comprised in the 15th November 2004 Vesting Order and as such no further compensation was payable.</p>
2.4	<p>The difficulty in determining ownership arose because DRD could not locate the plan which was attached to the 1965 Conveyance of land at this location from the Belfast Corporation to the Ministry for Development (DRD's predecessor). The only plan available was the Council's terrier plan which while indicative of the conveyance map could have been incorrectly transcribed and was almost certainly distorted.</p>
2.5	<p>The Estate Management Unit and Legal Services Section met with the Ordnance Survey Northern Ireland (OSNI) to clarify the position regarding the interpretation of the OSNI plans and aerial photographs. The OSNI could not provide that clarification due to the distortion in the 1965 copy conveyance plan, a revision to the way OSNI plans were produced and the absence of more detailed aerial photography than that previously obtained.</p>
2.6	<p>Following protracted negotiations and only after the Legal Services Section issued a High Court Writ against DRD seeking payment of the compensation, DRD eventually provided mapping based on the OSNI mapping showing that DRD owned 64% and the Council owned 36% of the lands falling under the November 2004 Vesting Order and a topographical survey carried out on DRD's behalf by BAPTIE which showed DRD owning 45% and the Council owning 55% of the said lands.</p>
2.7	<p>Following protracted negotiations it was eventually agreed that the BAPTIE survey represented the best evidence as it was made prior to the November 2004 Vesting Order and took accurate measurements of physical features on the ground prior to the M1 Motorway upgrade. Senior Counsel employed by Legal Services Section confirmed that this agreement represented good commercial sense.</p>
2.8	<p>On the basis that the Council own 55% of the 0.1161 ha, and on the basis of the previously agreed figures the compensation is £143,000 plus statutory interest from the operative date of the Vesting Order until the date of payment.</p>

3.0	Resource Implications
3.1	<p>Financial The compensation of £143,000 plus statutory interest from the 29th December</p>

	2004 (the operative date of the Vesting Order) can be used in furtherance of the City Investment Fund or other corporate priorities.
3.2	Human Resources Staff resource required from the Estates Management Unit and Legal Services Section.
3.3	Asset and other Implications The land vested by DRD has now been incorporated into the M1 Motorway upgrade scheme without material impact on the adjoining Belfast City Council owned Balmoral Industrial Estate. The settlement represents an extremely satisfactory outcome given the protracted and technically detailed nature of the negotiations and DRD's stance that the Council did not have title to any part of the land.

4.0	Equality and Good Relations Implications
4.1	There are no equality or good relations implications to this issue.

5.0	Recommendations
5.1	It is recommended that the Committee grant approval to the Council accepting the compensation figure of £143,000 plus statutory interest for Belfast City Council's fee simple interest in the lands acquired by DRD Roads Service by virtue of the Vesting Order dated 15 th November 2004.

6.0	Decision Tracking
6.1	Action to be completed by Legal Services Section by 30 th October 2011.

	Key to Abbreviations
	DRD – Department for Regional Development VLA – Valuation and Lands Office now Land and Property Services.

	Documents Attached
	Plan at Appendix '1'.