

Department for Infrastructure

The Local Government Act (Northern Ireland) 1972  
The Roads (Northern Ireland) Order 1993

**DEPARTMENTAL STATEMENT**

**on the**

**PUBLIC INQUIRY INTO THE**

**PROPOSED ACQUISITION OF LAND AT SPRUCEFIELD  
FOR A NEW PARK AND RIDE SITE**

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March 2018

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APPENDIX A : SITE LOCATION PLAN

## **1. CONTENTS OF DECISION**

- 1.1 The Department for Infrastructure (DfI) has decided to continue to progress its proposal to provide a permanent long term Park and Ride facility at Sprucefield with a capacity for 650 cars.

## **2. BASIS OF DECISION**

### **2.1 SITE DESCRIPTION**

- 2.1.1 In December 2014 the Department for Regional Development appointed an Inspector to conduct a Public Inquiry into its proposal to acquire land by vesting at Sprucefield for a new Park and Ride facility. 3 key sites were given detailed consideration during the Inquiry process.

- 2.1.2 In August 2006 the Department opened a 320 space Park & Ride site at Sprucefield as a temporary traffic management measure for the duration of the M1/Westlink Road Works. The existing site is located adjacent to and northeast of Junction 8 of the M1 motorway. This is identified within Site 10 in Appendix A, consistent with references in the Inquiry documentation.

- 2.1.3 Following a site option appraisal process the Department proposed to acquire land by vesting to construct a new permanent Park and Ride facility at Sprucefield. The proposed site is located adjacent to and southeast of Junction 8 of the M1 Motorway. This land is identified as Site 3 in Appendix A.

- 2.1.4 A third site was considered during the Inquiry process. This is located adjacent to and northwest of Junction 8 of the M1 Motorway and identified as Site 11 in Appendix A.

### **2.2 POLICY CONTEXT**

- 2.2.1 The Park & Ride policy hierarchy in Northern Ireland consists of the draft Programme for Government, Regional Development Strategy 2035, the complementary Regional Transportation Strategy (ensuring a sustainable Transport Future: A New Approach to Regional Transportation), the Belfast Metropolitan Area Plan, Belfast Metropolitan Transport Plan, Planning Policy Statements and the Strategic Review of Park & Ride.

Each has a bearing on Park & Ride policy and consideration on the appropriateness of Park & Ride proposals in Lisburn.

- 2.2.2 The Regional Development Strategy 2035 (RDS) sets out the strategy to deliver the spatial aspects of the Programme for Government. Within the Strategy, Policy RG2 sets out the framework to deliver a balanced approach to transport infrastructure and promotes the more efficient use of road space using continued investment in public transport and infrastructure, such as Park & Ride, to encourage motorists to take the bus for the main part of their journey.
- 2.2.3 Policy RG9 promotes a reduction in the carbon footprint by reducing the need to use the car and reducing noise and air pollution from transport by facilitating the modal shift away from the car.
- 2.2.4 Policy SFG4 promotes the management of movement of people and goods within the Belfast Metropolitan Urban Area, and identifies the reduction in supply of long term car parking spaces in Belfast City Centre as a key element within the Strategy.
- 2.2.5 The Regional Transportation Strategy (RTS), published in 2002, identified Park & Ride as a key element of a more integrated and sustainable transport infrastructure for Northern Ireland. This was re-confirmed in the successor document, New Approach to Regional Transportation, which included Strategic Objective 2: Use road space and railways more efficiently. The direction set out in the RTS was subsequently reflected in the development of detailed proposals for a comprehensive programme of investment in Park & Ride at both regional and Belfast Metropolitan Area levels.
- 2.2.6 Park and Ride is therefore a key element of the integrated transport system for the Belfast Metropolitan Area. The aim of Park & Ride is to provide a more sustainable alternative to the private car for journeys into the central urban area, to allow for more efficient use of road space and to pave the way for a reduction in long term car parking spaces in Belfast City Centre.
- 2.2.7 The Belfast Metropolitan Transport Plan (BMTP) identifies the implementation of local Park & Ride sites on the main transport corridors and proposes the creation of a number of informal Park & Ride sites to provide opportunities for car users to transfer to public transport where they find it most attractive to do so. Sprucefield is highlighted as a potential area for such a facility.

2.2.8 A Strategic Review of Park & Ride, completed by the Department in March 2011, and endorsed by the Minister, revisited the planned provision of Park & Ride, as set out in the RTS and the associated Transport Plans, to take account of progress to date and best practice. This concluded that Park & Ride must be taken forward as part of an integrated transport strategy. This position was confirmed in the review of the Park & Ride Delivery Programme agreed by the Minister in January 2017.

## 2.3 **SCHEME BENEFITS AND OBJECTIVES**

2.3.1 The benefits to be gained by the use of Park & Ride cover economic, social and environmental benefits including:-

- Personal economic benefits gained from reduced fuel usage, vehicle maintenance/depreciation costs and daily parking fees.
- Reduced vehicle insurance premiums from companies that base their rates on vehicle mileage.
- Wider economic benefits gained from easier access to the city centre making it more accessible to commuters and more attractive to shoppers/leisure users.
- Reduced travel time due to express bus services, the bus priority measures in place and reduced walk time to place of work.
- Improved travel comfort due to more relaxed/stress free travel mode.
- Improved vehicle security with on-site guards or CCTV monitoring on well-lit sites.
- Reduced air pollution, energy consumption and subsequent reduction in the carbon footprint resulting from the change from low-occupancy to high-occupancy vehicles.
- Reduced city centre parking demand, allowing for the reduction in city centre parking spaces to comply with the requirements of BMTP and helping to reduce levels of illegal, unsafe parking.
- Reduced travel congestion and more efficient vehicle operation for other drivers, including freight, for whom Park & Ride is not a feasible option.
- The sites are also available for Park & Share, Kiss & Ride and cycle storage.
- Potential for extended services to neighbouring urban areas, e.g. possible Park & Ride service from Sprucefield facility to Lisburn City Centre.

- 2.3.2 Since opening in 2006 Sprucefield Park & Ride has proved popular with commuters and by early 2008 was regularly attracting over 280 cars on an average week day.
- 2.3.3 Experience has shown, locally, at sites such as Blacks Road, Northside and Eastside, that when a Park & Ride site reaches near capacity, usage levels-out until more spaces are made available. This is most likely due to drivers not wanting to risk missing the bus whilst having to search for a space and then walk to the bus stop. Sprucefield has experienced this reduction in growth over recent years.
- 2.3.4 In addition, as a site nears capacity promotions/marketing becomes of limited use, as offers to promote the site, which cannot be fulfilled due to lack of space, would result in creating adverse publicity. Sprucefield has not therefore benefited from the marketing levels which would help in expanding its growth.
- 2.3.5 The converse to this however is demonstrated at the larger Park & Ride facilities serving Belfast, at Cairnshill and Dundonald, which have additional capacity and are both showing a steady growth in users.
- 2.3.6 A Park & Ride Usage Survey, carried out in 2012, showed that Sprucefield has a much larger catchment area than any of the other sites surveyed (Blacks Road and Cairnshill), with 48% of existing users travelling over 10 miles to the site and only 10% coming from the immediate surrounding area of BT27 and BT28. This would demonstrate that with more marketing/promotions, along with the capacity to accommodate more vehicles, there is significant latent demand for Park & Ride at Sprucefield.

## 2.4 **BACKGROUND AND SCHEME HISTORY**

- 2.4.1 The existing 320 space Park and Ride facility opened as a temporary measure in 2006 and was originally proposed to close in 2009 upon completion of the M1/Westlink Road Works.
- 2.4.2 In June 2008 the Department's Regional Transportation Strategy Steering Group agreed that Park & Ride at Sprucefield should be retained and if the current land owner did not wish to renew the lease, alternatives sites should be considered.

2.4.3 The existing Park & Ride facility at Sprucefield was increased to approximately 340 spaces in 2013, by marking extra spaces within the existing site, in order to meet demand. There are now regularly over 300 cars parked in the existing facility. An increasing demand is displayed at all of the Park & Ride sites around Belfast, where capacity is available, and demonstrates a growing desire by commuters to use a more sustainable, convenient method for travelling into Belfast. It is important that the Department is able to accommodate this demand through a larger facility in the Sprucefield area which is as conveniently located to the M1/A1 road network as the existing facility.

## 2.5 **ALTERNATIVE SITES**

2.5.1 In April 2010, having held a pre-application discussion with Planning Service and completed sufficient assessment to confirm the viability of the proposal, the Department commissioned Amey to review the site assessment process for a Park & Ride facility at Sprucefield. The associated documentation was included in the subsequent planning application ensuring that all information was readily available to the general public.

2.5.2 In May 2010, Amey completed a “Site Assessment Report” which looked at 8 possible sites in the Sprucefield area and concluded that the subject site (Site 3) was the preferred location.

## 2.6 **PLANNING APPLICATION**

2.6.1 On 21 May 2010 a planning application (S/2010/0431/F) was submitted for the subject site (Site 3) for relocation of the existing Park & Ride site. Planning Permission was subsequently granted on 19 May 2011. This included a 658 space car park with disabled parking, security hut, public toilet, bicycle stands and 2 no bus stops.

2.6.2 Two objections were received to the Planning Application, both from residents on Eglantine Road. These were addressed in a report prepared by Amey (Planning Application Recommendations Report). No objections were received from the landowner of the subject site (Site 3).

2.6.3 In May 2011, Planning permission for the 650 space park and ride was granted.

2.6.4 Discussions took place with the landowner's appointed agent to try and reach agreement on acquiring the subject lands. Whilst the landowners requested full development value for the land, the Department's advisors (Land and Property Services) considered "agricultural use with hope value" as being more appropriate.

2.6.5 In order to provide a better service to customers and as Sprucefield was seen as a "Gateway" Park & Ride for Belfast, it was subsequently decided to include a terminal building within the proposed Park & Ride, which could accommodate a NI Tourist Board facility. An associated Planning Application (S/2014/0185/F) was lodged on 20 March 2014 for a terminal building to be included on the site. One objection was received to this application from agents acting for the landowners, however approval was subsequently granted.

## 2.7 **LAND VESTING PROCESS AND PUBLIC INQUIRY**

2.7.1 In December 2013 Amey completed an Economic Assessment to appraise the monetised costs and benefits associated with the subject site, in accordance with the process outlined in the Department for Transport's web based Transport Analysis Guidance (WebTAG). The associated report recommended that the subject site (Site 3) be taken forward as the preferred option for a new Park & Ride facility at Sprucefield.

2.7.2 On 19 December 2013 in accordance with Schedules 5 and 8 to the 1993 Roads Order and the Local Government Act (Northern Ireland) 1972, the Department published a "Notice of Intention To Make a Vesting Order" for the subject site. This was advertised in the Belfast Telegraph, Irish News, News Letter and the Ulster Star between 22<sup>nd</sup> and 29<sup>th</sup> January 2014. The landowners were notified directly on 2 January 2014.

2.7.3 One objection was received from the landowners, via representation, on 27<sup>th</sup> February 2014 to the Department.

2.7.4 The Department responded in writing to the objector and there were several further exchanges of correspondence between the Department and the landowners between 28<sup>th</sup> March 2014 and 31<sup>st</sup> July 2014. During this time the Department sought to address the objector's concerns and requested that they consider withdrawing their objection. Finally the Department wrote to the objector advising that the Department had given



careful consideration to all points raised but had decided in the greater public interest to proceed with the scheme and make the Vesting Order.

- 2.7.5 On the 29 July 2014 the Department made the Vesting Order
- 2.7.6 On 11 August 2014 the Department received a “pre-application” letter from legal representatives acting on behalf of the landowners, proposing an application to the High Court to challenge the validity of the Vesting Order made on 29 July 2014, and seeking to quash the Vesting Order, permit expanded objections and consider a request for a Public Inquiry.
- 2.7.7 Following the representation the Department decided that a local public inquiry was the most appropriate way to proceed and so on 17 October 2014, following a hearing in the High Court, the Vesting Order made on 29 July 2014 was quashed and the Department agreed to hold a Public Inquiry into the proposed acquisition of the subject lands at Sprucefield for a Park & Ride site.
- 2.7.8 The Department published a Notice of the Public Inquiry in the Belfast Telegraph, Irish News, News Letter and Ulster Star and on 15 December 2014, informed Lisburn City Council and relevant landowners, including the owners of the subject site.
- 2.7.9 The Department appointed Mr Kevin Chambers on 15<sup>th</sup> December 2014 to hold a Public Inquiry into its proposal to provide new Park and Ride facilities under Article 113 of the Roads (Northern Ireland) Order. The Inquiry was to be held at the Island Civic Centre, Lisburn, on the 18<sup>th</sup> February 2015. However, to allow further time for the preparation of evidence, the Inquiry was rescheduled for 23<sup>rd</sup> and 24<sup>th</sup> of June 2015. The Inquiry commenced on 23<sup>rd</sup> June 2015 and the proceedings were adjourned until 1<sup>st</sup> September 2015 to allow further time to prepare and receive rebuttal statements.
- 2.7.10 The Inquiry reconvened on 1<sup>st</sup> September and the hearing of evidence was completed on 2<sup>nd</sup> September 2015.
- 2.7.11 During proceedings the Inspector sought agreement to, and appointed, a Professional Independent Advisor, Mr Gareth Johnston of Lisney Commercial Property Agents, to provide him with relevant advice and guidance on land valuation matters.

2.7.12 The Inspector reported to the Department on 29<sup>th</sup> April 2016. The Inspector's report is now available on the Department's website <https://www.infrastructure-ni.gov.uk/publications> and may be examined, free of charge, at the following locations:

- Department for Infrastructure, Headquarters, Room 2-13, Clarence Court, 10-18, Adelaide Street, Belfast, BT2 8GB;
- Department for Infrastructure, Eastern Division Headquarters, Castle Buildings, Stormont Estate, Belfast BT4 3SL;

### **3. CONCLUSIONS AND RECOMMENDATIONS OF THE INSPECTOR'S REPORT**

3.1 The Inspector's consideration of the evidence presented at the Inquiry is summarised below. This is a précis of the Inspector's words contained in Pages 18 to 21 of the Inspector's report ;

3.1.1 The Inquiry focused on an area normally outside the purview of the Inspector – the matter of land values. However, this was a strand of discussion and objection raised continually throughout the Inquiry and hence the Inspector gave detailed and serious consideration to its implications in the unusual context of this particular Inquiry.

3.1.2 Only one objection was considered at the Inquiry and that was the objection raised by Mr and Mrs William Robinson whose land has been the subject of a vesting procedure for the purposes of a Park and Ride facility at Sprucefield.

3.1.3 In essence Mr and Mrs Robinson raised the objection on the basis that the Department for Regional Development's proposal to vest their land was unjust because:

- (i) the site selection process used by the Department was fundamentally flawed;
- (ii) the Department made no meaningful effort to purchase the land by agreement;
- (iii) the compensation offered by the Department for the objectors' lands was wholly inadequate;
- (iv) the extent of the lands under threat of vesting was excessive and unnecessary in the public interest and would result in demonstrable harm to the objectors' residual lands; and

- (v) in consideration of the above the proposed vesting would be unreasonable, irrational, unnecessary in the public interest and disproportionate to that interest.

3.1.4 The Inspector was satisfied by the strong body of evidence presented at the Inquiry that the case for a Park and Ride facility at Sprucefield is well justified and clearly in the public interest. The evidence also clearly supports the need for a facility with a capacity of around 650 cars.

3.1.5 He was also satisfied that Transport NI/the Department for Regional Development had conducted the vesting process in good faith and in proper accordance with all relevant procedures, practice and statutory legislation.

3.1.6 The Inspector considered that the substance of the dispute hinged on the matter of land values. During the presentation of evidence it became clear that although several strands of objection were raised, the main point of contention was the disagreement between the parties on the value of land proposed to be vested.

3.1.7 The Inspector accepted that he did not possess the requisite skills to make an informed judgement on land valuation matters and decided at the Inquiry to appoint a Professional Independent Advisor, Mr Gareth Johnston, to provide him with relevant advice and guidance.

3.1.8 The Inspector commented that the matter of land/property valuation is normally referred to the Lands Tribunal. However, as land valuation was intrinsic to the matters of discussion at the Inquiry the Inspector felt duty bound to comment on them without wishing to prejudice any future referral of such matters to the Lands Tribunal.

3.1.9 The Inspector stated that there are a number of variables that might result in any of the three key sites under consideration being sold at a value other than that predicted by current valuation processes:

- (i) whether the lands in question are or might become zoned for development;
- (ii) whether the proposed John Lewis retail development is likely to occur in the near future; and
- (iii) whether the already highly volatile property market continues to be subjected to a further period of uncertain trading.

- 3.1.10 There was clear disagreement between the parties not only on the assessment of land values but also on the most appropriate methodology to be used when valuing land for vesting.
- 3.1.11 The Inspector found the Royal Institution of Chartered Surveyors (RICS) paper on the valuation of development land to be most helpful and in particular Section 3 “ Assessing the development potential” and Section 5 “ Valuing by the residual method” which referred to analysis of comparable sales as a check on the reasonableness of a residual valuation.
- 3.1.12 The Inspector requested Mr Johnston to report on valuation matters and he was satisfied that Mr Johnston had drawn accurate and robust conclusions from the commercially sensitive information with which he has been provided.
- 3.1.13 On the basis of the information available the Inspector was of the opinion that selection of the subject site (Site 3) is unlikely to provide the most economically advantageous solution.
- 3.1.14 The Inspector did not consider it unreasonable for the Department’s advisors, Land and Property Services, to assign market values higher than baseline (agricultural) to Site 10 and Site 11 due to their zoning status in the Belfast Metropolitan Area Plan and the West Lisburn Development Framework (WLDF) respectively. Even though the WLDF is not a statutory document the Inspector considered that it should carry some weight when considering land values within its defined zone areas. However, it was clearly the opinion of the Professional Independent Advisor that the values assigned were too high.
- 3.1.15 The Inspector was persuaded by the evidence and arguments presented at the Inquiry, and also by the report of the Professional Independent Advisor, that an economic evaluation of the options relating to the three key sites (Site 3 - subject site, Site 10 - existing site and Site 11) is a reasonable approach in the circumstances to determining which should be the Preferred Site.
- 3.1.16 Based on the combined site development costs and the mid-range of land valuations provided by Mr Johnston, the Inspector considered the most economically advantageous solution would be to develop the existing Park and Ride site (Site 10) to accommodate approximately 650 car park spaces.

- 3.2 The Inspector's Recommendations (Page 22 in the Inspector's report) Are:
- 3.2.1 Transport NI/the Department for Regional Development should continue to progress its proposals to provide a permanent/long term Park and Ride facility at Sprucefield as this is supported by the evidence provided at the Inquiry and would clearly be in the public interest.
- 3.2.2 The Department should reconsider its proposals to develop the subject site (Site 3) based on the evidence presented at the Inquiry and summarised in this report.
- 3.2.3 The Department should seek to acquire by agreement the existing Park and Ride site (Site 10) along with the extra land required to provide a facility to cater for up to 650 cars.
- 3.2.4 If it is not possible to acquire the existing Park and Ride site by agreement the Department should acquire the land by vesting, as a means of last resort.
- 3.2.5 If it is not possible to acquire the existing Park and Ride site for technical or legal reasons then the Department should seek to acquire Site 11, in the first instance by agreement, or failing that by vesting.
- 3.2.6 If it is not possible to acquire the existing Park and Ride site or Site 11 for technical or legal reasons then the Department should seek to acquire the subject site (Site 3). In this case the Department should again seek to acquire the land by agreement with the land owners, or failing that by vesting.

#### **4. DEPARTMENT'S COMMENTS ON THE INSPECTOR'S REPORT**

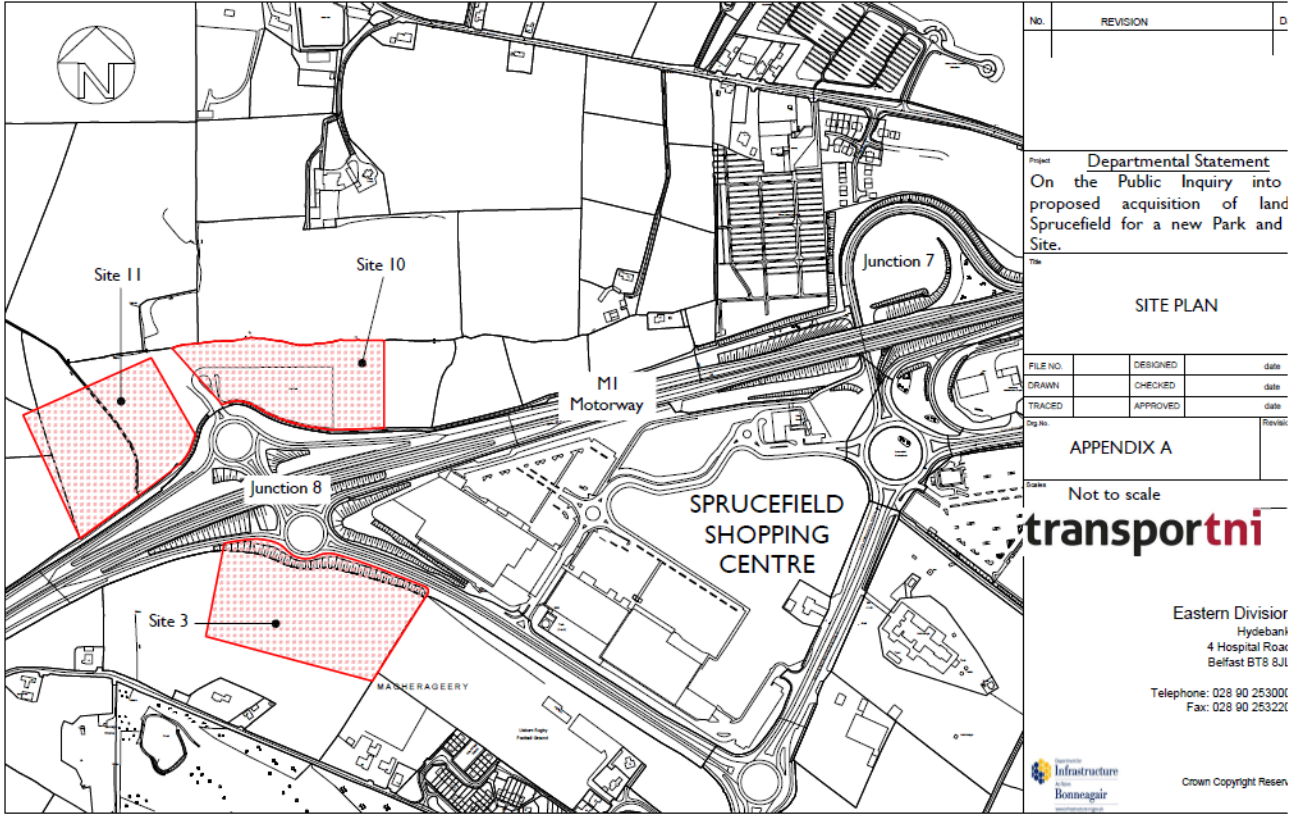
- 4.1 The comments in this section refer directly to the Inspector's report and should be read together with the Inspector's considerations included in that report. In continuing to progress the scheme, the Department will take cognisance of both the Inspector's comments and recommendations.
- 4.2 The Department welcomes the Inspector's recommendation that it should 'continue to progress its proposals to provide a permanent/long term Park and Ride facility at Sprucefield as this is supported by the evidence provided at the Inquiry and would clearly be in the public interest.'

- 4.3 The Department accepts the Inspector's recommendations to 'reconsider its proposals to develop the subject site (Site 3) based on the evidence presented at the Inquiry and summarised in this report' and that the Department 'should seek to acquire by agreement, or by vesting, the existing Park and Ride site (Site 10) along with the extra land required to provide a facility to cater for up to 650 cars.'
- 4.4 In reconsidering its proposal, the Department will take into account of all other factors that have arisen since the report was received, including any new information relating to land ownerships, land valuation, development proposals and planning policy affecting the overall development costs for the site options will be taken into account.
- 4.5 Subject to the considerations at 4.4 above the Department will now seek to identify and acquire by agreement the existing Park and Ride site (Site 10) or a suitable alternative site in the locality of Site 10 that is consistent with emerging strategic local planning policy and is economically and operationally justified. If this site cannot be acquired by agreement, the Department will consider vesting the necessary land.
- 4.6 Should it prove, for technical or legal reasons, not possible to acquire sites 10 or 11 as outlined above, the Department will at that time consider the Inspector's remaining recommendation to seek to acquire site 3 by agreement or by vesting.
- 4.7 The acquisition of land by agreement or by vesting for any of the above sites will be conditional to the granting of planning permission for the associated Park and Ride proposals.

## **5. Departmental Decision**

- 5.1 Having considered the Inspector's Report and all other representations made, the Department concurs with the Inspector's recommendation that the Department should continue to progress its proposals to provide a permanent/long term Park and Ride facility at Sprucefield..
- 5.2 The Department will progress the identification and development of a site in accordance with the proposals set out in section 4 of this Statement.

# APPENDIX A : SITE LOCATION PLAN



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