

**THE ROADS (NORTHERN IRELAND) ORDER 1993 AS
AMENDED BY THE ROADS (AMENDMENT)
(NORTHERN IRELAND) ORDER 2004
THE LOCAL GOVERNMENT ACT
(NORTHERN IRELAND) 1972**

**REPORT ON A PUBLIC INQUIRY HELD INTO
PROPOSALS TO CONSTRUCT A PARK AND RIDE
FACILITY AT SPRUCEFIELD
AND INTO OBJECTIONS AND OPINIONS
EXPRESSED
IN RELATION THERETO**

DATES OF INQUIRY:

**23 JUNE 2015
1 SEPTEMBER 2015
2 SEPTEMBER 2015**

APPOINTED INSPECTOR:

S. KEVIN CHAMBERS

April 2016

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1. INTRODUCTION

Sirs,

On the 15th of December 2014 I was appointed to conduct a Public Inquiry into the Department for Regional Development/Transport NI, proposals to acquire land by vesting at Sprucefield for a new Park and Ride facility.

The proposals involved the construction of a new Park and Ride facility to replace an existing temporary facility which was located immediately to the north of the M1 at Junction 8 and adjacent to the recently constructed access road to the northbound carriageway.

The temporary Park and Ride facility had been constructed in 2006 as a short-term traffic management measure for the duration of the M1 Westlink improvement works. However, use of the facility continued to prove popular after the completion of the above works and the Department decided to construct a permanent facility at this location in line with strategic Department development policies for Park and Ride facilities at key nodal transport locations across Northern Ireland.

The Department, however, considered that a permanent facility would require significant capacity over and above that of the existing temporary facility and that a new alternative site would be the optimum solution.

Accordingly, the department proposed to vest a site immediately to the south of the dual (“dumbell”) roundabout at the M1 Junction 8. The current owners of this site (Mr & Mrs W Robinson/KMAC) objected to the Department’s proposals and sought a Judicial Review to quash the Department’s Vesting Order. The application was upheld in the High Court and the order was quashed on 3rd November 2014.

The Department agreed to hold a Public Inquiry into its proposal to provide new Park and Ride facilities under Article 113 of the Roads of Northern Ireland Order, 1993. The Inquiry was to be held at the Island Civic Centre, Lisburn, on the 18th February 2015. However, the respondents in the matter requested further time to prepare their case and I agreed to this request. The Inquiry was rescheduled for 23rd and 24th of June 2015.

I opened the enquiry at 10.00 am on the 23rd of June and heard representation from both the Department and the respondents. However, during the course of the proceedings representatives of the respondents/objectors submitted that the Department had introduced new evidence and that they had not been given sufficient notice of such evidence to prepare an adequate rebuttal. They therefore requested an adjournment to prepare their response.

After due consideration, and in the interests of fairness to all parties involved, I agreed to adjourn the proceedings to allow adequate time for all parties to complete their evidence in full and to prepare and receive subsequent rebuttal statements.

Due to the impending summer holiday period and difficulties with diary commitments I agreed to a rescheduling of the Inquiry for the 1st and 2nd of September 2015. I re-convened the Inquiry on the 1st of September and the hearing of evidence was completed on the 2nd of September 2015.

Shortly after the hearing was reconvened on the 1st September, Mr William Orbison (counsel on behalf of the respondents) submitted a paper to the Inquiry which had been jointly agreed between himself and Mr Andrew McGuinness (counsel on behalf of Transport NI/Department for Regional Development). The paper contained a proposal to adopt what was termed “the informal hearing approach” for the remainder of the Inquiry process. This approach has been used effectively by the Planning Appeals Commission in public inquiries. This is an evidence presentation methodology whereby, instead of adopting a process of the evidence being tested on the basis of lengthy cross-examination (as used in a court of law), the informal approach is essentially an exchange of views between the opposing parties. The details of the application of the informal approach are highlighted in the paper jointly agreed by Mr Orbison and Mr McGuinness – see Appendix D.

After due consideration, and satisfied that this approach would not prejudice in any way the case of either party, I agreed to adopt this method of presentation of evidence.

The following report contains my consideration and analysis of all the evidence presented and my recommendations to facilitate completion of the proposed Sprucefield Park and Ride facility.

S. Kevin Chambers.

29th April 2016.

2. SITE DESCRIPTION

The land that the Department has proposed to vest is located south of the M1 at Junction 8 – Site 3, Appendix A. This parcel of land is referred to as the “subject site” in subsequent sections of this report and is the subject of objection to the proposed vesting order by the current landowners.

All of the other sites that have been considered as part of this inquiry process are shown and annotated in Appendix A.

The land owned by the objectors and proposed for vesting by the Department is accessed from the Eglantine Road and is currently used for agricultural purposes. The land abuts the Development Limit as defined in the Belfast Metropolitan Area Plan, 2015 (BMAP). Within BMAP (reference: Map No. 1/001) the site is defined as Green Belt. The Northern Ireland Planning Service document “Planning Policy Statement 3: Access, Movement and Parking (PPS 3)” states that Park and Ride sites are acceptable within the Green Belt, subject to certain tests being met. These tests have been met and planning approval has been given to develop the subject site as a Park and Ride facility.

The current temporary Park and Ride site at Sprucefeld is located north of the M1 at Junction 8 - Site 10, Appendix A, and is referred to as the “existing site” in subsequent sections of this report. The existing Park and Ride site is on the line of the proposed Knockmore – M1 Link Road (BMAP reference Map No. 2/001), although the line of this proposed link road has not yet been finalised. The Knockmore – M1 Link Road is a proposed developer led road with, as yet, no target date for completion.

Of the eleven sites shown in Appendix A only one other site, Site 11, is considered by the Department and its advisors to merit further assessment as a potential site for a Park and Ride facility in the Sprucefield area.

For the purposes of the Inquiry the three “key sites” to be given detailed consideration during the Inquiry process were thus Site 3, the subject site, Site 10, the existing Park and Ride site and Site 11.

3. THE CASE FOR THE DEPARTMENT

The oral and written presentation of evidence on behalf of Transport NI/Department for Regional Development was led by Mr Andrew McGuinness, Barrister-at-Law. The Department was also represented by Mr Stephen Pollock, Mr Harry Armstrong (Transport NI), Mr Paul Mulholland (Land and Property Services) and Mr Rodney Moffett (Amey Consultants).

In addition to evidence and rebuttal statements presented prior to the commencement of the Inquiry Mr McGuinness presented documents at the Inquiry Hearing. In the interest of fairness to all parties I agreed to accept these.

The summary of written and oral evidence follows.

3.1 Policy and Procedure

The background to the Inquiry was the Department's commitment to hold a Public Inquiry relating to the proposed vesting of land for a Park and Ride facility close to Junction 8 of the M1 at Sprucefield. The Department gave this undertaking after the owners of land proposed for vesting objected to the Department's proposals. The land owners lodged an application in the High Court on 11th August 2014 to challenge the validity of the Vesting Order. They also sought to have the Order quashed, to have the Department permit expanded objections and to consider a request for a Public Inquiry.

Following a hearing in the High Court on 17th October 2014, the Vesting Order was quashed and the Department agreed to hold a Public Inquiry into the proposed acquisition of the subject lands at Sprucefield.

The Department published a Notice of a Public Inquiry in the local press on 15th December 2014 and informed all relevant parties.

The Department originally constructed a temporary Park and Ride facility at Sprucefield in 2006 to alleviate traffic congestion on the M1 during a period of construction improvement works on the M1/M2 link road - the Westlink. However, there is also a well established Park and Ride strategy for Northern Ireland which takes its genesis from broader transport and other development strategy documents - the **Regional Development Strategy (RDS)**, the **Regional Transportation Strategy (RTS)**, the **Belfast Metropolitan Transport Plan (BMTP)** and the **Belfast Metropolitan Area Plan (BMAP)**.

Within these documents there are policy guidelines which set out the approach to delivering a balanced transport infrastructure, including continued investment in public transport and other supporting infrastructure such as Park and Ride facilities. These policies have been stimulated by government commitment to European targets to reduce the carbon footprint by encouraging motorists to switch from car to bus for the greater part of their journey. An integral part of the policy identifies the reduction in supply of long term car parking spaces within Belfast city centre.

Park and Ride facilities have thus been proposed as a key element of an integrated and sustainable transport infrastructure for the Belfast Metropolitan Area and Northern Ireland as

a whole. The BMTP has proposed the creation of a number of Park and Ride sites to provide opportunities for motorists to transfer to public transport where they find it convenient to do so. Sprucefield has been highlighted as a potential area for such a facility. A review of the above policies in 2011 by the Department for Regional Development concluded that proposals for Park and Ride facilities must be taken forward as part of an integrated transport strategy.

3.2 Benefits of Park and Ride

Figures provided by the Department show weekday average usage figures between 200 and 300 from 2006 (when the existing temporary facility opened) until 2009. The Department has also stated in its evidence that due to the size of the prospective catchment area there is a significant potential for demand growth at the Sprucefield site. In addition, the Department proposes that there are other significant public benefits, including a reduction in fuel usage, vehicle maintenance/depreciation, parking fees, insurance costs, travel time, air pollution, energy consumption and travel congestion, with easier access to the city centre and potential for extended services to neighbouring urban areas.

The success of the temporary Park and Ride facility at Sprucefield persuaded the Department, through consideration made at the **Regional Transportation Strategy Steering Group (RTSSG)**, to retain the facility on a permanent basis. This was also in accordance with wider Department and Government strategies and policies referred to earlier. The RTSSG also proposed investigation of neighbouring sites should the owners of the existing temporary facility did not wish to renew the existing lease.

3.2 Other Considerations

There were other factors, which at the time of consideration (2008) could lead to complications with the permanent development of the existing site. There were private sector proposals to develop a link road (Knockmore - M1 link) between Junction 8 of the M1 and the Knockmore Industrial estate. The existing Park and Ride was then thought to compromise the proposed road alignment. The existing site was also in an area designated under the BMAP as an area of employment/industry which would be likely to increase the land value of the site. Discussions with the land owner did not reach a successful conclusion and Department representatives decided to give consideration to alternative sites. The sites which came under consideration are shown in Appendix A. In June 2009 the Department informed the owners of the subject site (Site 3) that it was considering applying for planning permission as an exploratory exercise and sought a meeting to discuss this. The Department subsequently submitted a planning application on 21st May 2010 and planning permission for a Park and Ride facility was granted for the site.

Between 2009 and 2011/12 discussions took place between Department representatives and representatives of the land owners, Mr and Mrs W Robinson, with a view to purchasing the site by agreement. However, it was not possible to reach agreement due to differing assessments of the value of the land.

3.3 Land Acquisition Process

In December 2011 the Department instructed Amey Consulting to carry out an Economic Assessment Report to appraise the monetised costs and benefits associated with the subject site. The report recommended that the subject site be taken forward as the Preferred Option for a new Park and Ride facility at Sprucefield.

On 19th December 2013 the Department published a “Notice of Intention to Make a Vesting Order” for the site. The site owners, via representation, raised an objection to the Department on several grounds including: errors in the Notice of Intention, the existing temporary site was a better alternative, there had not been meaningful discussions to acquire the land by agreement, that deprivation of ownership was unreasonable, the siting of the scheme affected the integrity of the associated lands and finally that the siting of the proposed scheme was contrary to the public interest and an infringement of their human rights.

The Department responded in writing to the objections and there were several further exchanges of correspondence between the Department and the land owners between 28th March 2014 and 31st July 2014.

On the 29th July 2014 the Department published a Vesting Order to acquire the land by compulsory purchase. On 12th August 2014 the solicitors acting on behalf of the land owners issued a “pre-application” letter to the Department proposing an application to the High Court to challenge the validity of the Vesting Order.

On 3rd November 2014, following a hearing at the High Court, the Vesting Order was quashed and the Department agreed to hold a Public Inquiry into the proposed acquisition of the subject lands for a Park and Ride facility. The evidence presented at the Inquiry by all parties is given full consideration in Section 6 of this report

3.4 Department Rebuttal Statement – June 2015

The following evidence was presented to the Inquiry on 23rd June 2015 in response to evidence submitted by solicitors on behalf of the objectors/respondents.

3.4.1 Site Option Appraisal Process

The Department stated in its original rebuttal document that there were mathematical errors in the site selection (scoring) Table 3.2 of the Atkins Report, 2006 (this report was commissioned by the Department to consider options for a strategic Park and Ride site at Sprucefield), and that the report did not take appropriate cognisance of guidance contained in **NI Planning Service “Planning Policy Statement 3: Access Movement and Parking”** (PPS 3) relating to Park and Ride as permitted development within designated greenbelt areas. A review of this information resulted in the subject site moving to second place in the scoring table. However, at the Inquiry on 23rd June 2015 the Department solicitor referred to an erratum sheet dated 22nd June which highlighted errors in paragraphs 3.5 to 3.9 of the original rebuttal statement. The amended paragraph 3.5 did not refer to the scoring errors in the Atkins report and stated that “it was also appropriate to take cognisance of the guidance contained in PPS3.”

The scoring errors in the Atkins Report referred to earlier nevertheless did occur and the Department stated in the erratum sheet that these were corrected in a report commissioned by the Department, which was provided by Amey and entitled "Traffic Assessment Report (2010)". The Department also stated that as a result of the Amey traffic and site options assessment the subject site was deemed to be the Preferred Site. The Department further provided information in their 23rd June rebuttal statement explaining how the anomalies in scoring had occurred between the Atkins Report (2006) and the Amey Report (2010).

At the time the Department commissioned Amey to review the site assessment process it (the Department) decided to exclude the existing Park and Ride site due to development constraints imposed by the proposed Knockmore Link and also because the land owner was unwilling to facilitate purchase of the site by agreement. The Department has admitted that, in retrospect, a more detailed analysis of the proposed Knockmore Link may have identified suitable access arrangements to the existing Park and Ride site (Site 10).

In 2013 the Department commissioned Amey to provide an Economic Appraisal Report (December 2013) which proposed the subject site as the most favourable option. The Department accepted this proposal and a decision was taken to proceed with the scheme.

3.4.2 Access to Existing Site/Planning Considerations

The Atkins Report of 2006 proposed that access to the existing site would not be feasible on a long term or permanent basis due to development constraints referred to earlier. However, the Department has now agreed that a suitable access may be available to accommodate both the existing site and the proposed Knockmore Link. The Department has also stated that, although planning permission for the existing site has now lapsed, an application for a Certificate of Lawful Use is likely to be successful. A full planning application to expand the existing site would be required should the Department decide to locate a permanent Park and Ride here.

3.4.3 Potential Future Development of Subject Site

The Department has stated that Lisburn City Council Planning Office has informed it that there are no plans to zone this area for development and that any application for housing and/or mixed use development would be likely to be refused. The Department is also of the opinion that construction of the Park and Ride site would not compromise access to residual lands owned by the affected party.

3.4.4 Justification for Park and Ride at Sprucefield

The Department Rebuttal Statement provided a chronological record of how strategic proposals for Park and Ride facilities at Sprucefield had evolved, along with supporting evidence, including extracts from the BMAP and minutes of Park and Ride Programme Board meetings. The statement also cited the uncertainty of the development of the Knockmore Link and the decision not to provide Park and Ride facilities at Lisburn City Centre Railway Station as further reasons for providing long term Park and Ride facilities at Sprucefield.

3.4.5 Discussion with Subject Site Land Owners

The Department stated that it contacted the subject site land owners as early as 2009 to inform them of its intention to provide Park and Ride facilities in the area and informed them that it was considering the possibility of a permanent Park and Ride site on their land. In 2011 the Department instructed **Land and Property Services (LPS)** to commence negotiation with the land owners with a view to purchasing their site. However, no agreement was reached between the parties on the value of the subject land.

3.4.6 Revised Option and Economic Appraisals

Subsequent to the option appraisal process carried out in the Amey Site Assessment Report (2010) the Department instructed Amey to carry out a “sensitivity analysis” to include other green field sites that were not considered in the 2010 report. This analysis deemed the existing Park and Ride site to be the most appropriate, with the subject site ranked 2nd, and a new site adjacent to the existing (and also accessible from the roundabout at Junction 8) ranked 3rd. These 3 sites were subjected to an economic appraisal to assess value for money. The Department’s appraisal contends that the subject site offers the most economically viable option due to the estimated costs of land purchase. On this basis it is the Department’s view that it would be correct to progress the development of the subject site as a Park and Ride facility. The Department also contends that “reasonable attempts” have been made to acquire the subject site by agreement prior to the commencement of the vesting process and that vesting of the site is “necessary, proportionate and satisfies Article 1 of the 1st Protocol of the European Convention on Human Rights.”

3.5 Supplemental Rebuttal Statement – August 2015

The Department provided a Supplemental Rebuttal Statement on the 7th August 2015 in response to the supplemental evidence provided by the landowners/objectors on 10th July 2015. This evidence is summarised below.

3.5.1 Subject Site - Development Potential

The Department disagreed with advice given on behalf of the landowners relating to site development potential, as the land in question was not zoned for development in the current BMAP. The Department also stated its belief that the proposed John Lewis development was not imminent as the scheme had not received planning approval, had no current application lodged, and that in any event, there was still sufficient land to house the development within the existing Sprucefield Retail Park. The Department’s conclusion was that “the likelihood of the subject lands being zoned for retail development in the future is remote at best,” and that there was no evidence to support the likelihood of re-zoning.

3.5.2 Site Value/Hope Value

The Department questioned the valuation approach taken by Mr. K. Crothers on behalf of the landowners, specifically the use of the “Residual Method of Valuation” due to the number of variables involved in the calculation process. The Department made reference to Lands Tribunal criticism of this method of valuation. The Department also disagreed with Mr.

Crothers use of valuation comparison with other sites in the vicinity of the subject site and therefore Mr. Crothers assessment of “hope value”.

The Department concluded, based on advice from Mr P Mulholland, Land and Property Services (LPS), that, in this case, hope value was long term, purely speculative and should not be viewed as other than an uplift on agricultural value.

3.5.3 Injurious Affection/ Severance – Subject Site

It was the Department’s view that both injurious affection and severance should be viewed in isolation. Mr Mulholland has advised the Department that severance does not apply in this case as the access granted for Park and Ride does not automatically confer access rights for any other type of development.

Mr Mulholland provided the details of the calculation approach he used to arrive at the figure for compensation value for the subject site in the event of vesting.

3.5.4 Material Detriment and Farm Loss Payment

The Department stated its view that neither applied in this case.

3.5.5 Potential Gain to Department

The Department stated its intention to purchase the subject site purely for the purposes of a Park and Ride facility. However, it also confirmed that if the site was to be re-sold at some future date it would be done so at current market value and further stated this was the case for any property or land acquired under the vesting process.

3.5.6 Site Value – Current Park and Ride Site

The Department provided a number of reasons why it contended the valuation it had made of this site (Site 10) was reasonable. These were supported by sales brochures for neighbouring lands and also reference to zoning, wayleave restrictions and covenants.

The Department also submitted that injurious affection would be applicable to the existing Park and Ride and surrounding lands in the event of vesting and that those with options to purchase these lands would also be liable to compensation. It also contended that the parcel of land to the west of the proposed Knockmore Link Road would be liable to injurious affection as it is land zoned within the West Lisburn Development Framework. For this reason the Department would attribute a higher market value to the site than that attributed to the subject site and also a higher valuation figure for injurious affection to the remaining land.

3.5.7 Site 11 – Site Value/Hope Value

The Department’s evidence noted that Site 11 was judged by representatives of the subject landowners to be ‘of equal character and status’ to the subject site (Site 3), although the parties disagreed on the hope value to be attributed to each site. The Department proposed a

compromise assessment of hope value at £60k per acre.

The Department considered that the siting of a Park and Ride facility at a prime access position would result in injurious affection to the remainder and thus proposed a similar uplift for injurious affection as that applied to the subject site. (However, it is noted that the Department's calculation for the value of Site 11 was based on a figure of £60K for injurious affection giving a site value of £600K. (The latter should, in fact, be £370k, not the figure stated in the Department's evidence.)

The Department also proposed that land to the east of Site 11 would suffer injurious affection and thus the total estimated land cost would £700K. (This should be £647K, allowing for the above error.)

3.5.8 Assessment of Construction/Decommissioning Costs

The Department presented a comparison of estimated construction costs for Sites 3, 10 and 11 with those provided by JMP Consultants (on behalf of the subject landowners). However this evidence has been superceded by a paper presented to the Inquiry on the 2nd September 2015, which has been agreed by all parties. This paper is considered in Section 6 of the report.

Summary of Department's Position

1. The Department did not agree with the objector's assessment of the development potential of Site 3 and considered the likelihood of the lands being zoned for retail development to be 'remote at best'.
2. The Department confirmed its support for the valuation figures provided by Land and Property Services.
3. The Department did not accept the valuation estimates provided by objector/respondent representatives for Sites 10 and 11, but considered rather that the valuation estimates provided by LPS were robust, proportionate and appropriate.
4. The Department did not accept the construction cost estimates provided by JMP on behalf of the objectors. However, see commentary in Section 6 of this report or the agreed paper presented to the Inquiry on 2nd September 2015.

It was the Department's contention that the relative order of the 3 site options based on economic criteria remained unchanged and thus proposed that the subject site (Site 3) remained the most appropriate location for a Park and Ride site at Sprucefield.

4. RESPONDENTS' PRESENTATIONS

There was only one objection to the Department's proposal to vest land south of Junction 8 of the M1 for a permanent Park and Ride facility at Sprucefield. The objectors were the owners of the subject site, Mr and Mrs W. Robinson/KMAC who instructed Mr Gary McGhee, Carson McDowell Solicitors, and Mr. William Orbison, QC, to act on their behalf.

Mr William Orbison led the presentation of evidence on behalf of the objectors/respondents. He made reference to written rebuttal statements submitted in evidence prior to the commencement of the Inquiry. Mr Orbison also submitted a number of additional documents to the Inquiry Hearing, including High Court judgements, which supported his clients' case, and particularly the valuation methodology used for determining the estimated value of their lands. In the interests of fairness to all parties I agreed to accept these.

Mr and Mrs Robinson also retained several expert witnesses to present evidence to the Inquiry.

The oral and written evidence statements presented are summarised below.

4.1 Evidence Presented by Mr Kenneth Crothers (Crothers Chartered Surveyors)

Mr Crothers informed the Inquiry that he had been instructed to report on:

- (i) whether the Department has shown prejudice through predetermination of its consideration of the matter;
- (ii) whether the existing Park and Ride facility offers a viable alternative;
- (iii) the availability of the subject site;
- (iv) the attempts by the Department to purchase the site by agreement; and
- (v) the extent of the land proposed to be vested.

Mr Crothers summarised his relevant qualifications and experience and provided a description of the detail and location of the subject site.

Mr Crothers also submitted that the actions of the Department had been prejudiced in that it had predetermined its course of action in identifying the subject site (Site 3). He cited his reasons as:

- (i) a letter from the Department (November 2009) to the Northern Ireland Environment Agency (NIEA) earmarking this site for Environmental Assessment;
- (ii) an instruction from the Department (November 2009) to Amey to undertake a traffic assessment for the subject site;
- (iii) a planning application for the subject site in May 2010, three and a half years before completion of the Economic Appraisal Report by Amey;
- (iv) none of the other sites under consideration were subjected to an Environmental Scoping Assessment on Traffic Assessment; and

- (v) the Department initially considered retaining the existing Park and Ride site as a permanent facility but then abandoned this option in favour of the subject site.

Mr Crothers questioned the rationale used in the Amey Report (2010) proposing that the existing Park and Ride site (Site 10) should not be selected as the Preferred Site. He also questioned why the Department did not seek to involve compulsory purchase procedures. He stated the opinion that the expansion of Site 10 did not prejudice the construction of the Knockmore Link Road.

Mr Crothers referred to the admission by the Department that no offer was made to purchase the subject site by agreement despite the Department's assertion that bona fide attempts were made to purchase the site by agreement. Further, no valuation figure was promoted or disclosed during discussions with the landowners or their representatives. During the discussions, according to Mr Crothers, the Department did not indicate that it would seek to vest the site in the absence of agreement.

4.1.1 Extent of Land to be Vested

Mr Crothers maintained that the planning application made by the Department on 20th March 2014 (subject site) for a terminal building and related facilities (supplemental to the extant planning approval for the site) suggested that the Department proposed to acquire more land than it required for the Park and Ride facility, as some of the vested land was shown as seeded in grass. The Department subsequently submitted an amended drawing with the entire site shown as car parking. It was thus Mr Crothers contention that the Department was seeking to create a "land bank".

Mr Crothers stated that the proposed land take would result in maximum severance and injurious affection to the objectors' entire land holding and would leave the remaining lands with diminished and limited development prospects.

Mr Crothers further contended that the site selection process was fundamentally flawed and that the proposed vesting was unreasonable, irrational, unnecessary in the public interest and disproportionate to that interest.

Mr Crothers questioned the Department's rationale for not pursuing and appraising retention of the existing Park and Ride site on the basis of an objection from the land owners' agents. Mr Crothers stated that the subject site land owners were not advised of the Department's May 2010 planning application and thus had no opportunity to raise an objection. He also questioned the Department's assertion that it had conducted discussions with the land owners in an open and transparent manner.

Mr Crothers stated the opinion that the Department assigned no value to the "yellow land" included in the vesting order and owned by another party. He further questioned the high value placed by the Department/LPS on the existing Park and Ride site (Site 10) and Site 11 and the rationale used to determine the assigned values. He also referred to the initial omission of the estimated costs of decommissioning Site 10.

In summary Mr Crothers submitted that the whole site appraisal process was flawed on the basis that:

- (i) there were errors in the site selection process and it did not properly assess demonstrably better sites than the subject site;
- (ii) Site 10 was discarded on unsound, fallacious grounds;
- (iii) the assessment marking was skewed by securing planning permission for the subject site, Site 3;
- (iv) land values assigned to the 3 key sites were wrong;
- (v) no account was taken (initially) of the cost of decommissioning Site 10.

4.2 Evidence presented by Mr Lee White (JMP Consultants)

Mr White informed the Inquiry that he had been instructed to provide evidence on the site selection process and alternative layouts for the site under compulsory purchase proceedings (subject site). He also stated that he had used the HM Treasury Green Book and the Department of Transport WebTAG guidance in his review of the evidence.

Mr White stated his view that the Atkins Site Options Report (2006) provided an appropriate policy justification for the concept of Park and Ride facilities in the Greater Belfast area. He also concluded that the report set out an exhaustive series of site options for a suitable facility in the vicinity of the M1 at Junction 8. Mr White drew attention to the fact that the subject site was ranked 4th out of 11 and the existing Park and Ride site ranked 1st at that time. In Mr White's opinion the conclusions in the Atkins report were a valid reflection of the application of the stated assessment factors to the information available at the time.

Mr White made reference to the Amey Environmental Report (2010) and stated that the report only considered the environmental impact of the subject site (Site 3) and from that Mr. White concluded that "selection of the site south of the M1 at Junction 8 due to environmental reasons was not a factor, given that the correspondence in the report pre-dates the 2010 Site Options Report". Mr White therefore considered that the Department had determined the subject site to be the Preferred Site before the site assessment process had been undertaken.

Mr White made reference to the Amey Site Selection Report (2010). He expressed concern at the omission of the existing site from the selection process and the elevation of the subject site from 4th (Atkins, 2006) to 1st place due to the addition of 5 marks for acceptability in planning terms.

Mr White also stated that if the existing site had been included in the scoring process it would have been ranked highest and hence would have been the Preferred Site.

Mr White expressed further concern that the report offered no reason why the option for compulsory purchase of the existing site and the "do minimum" scenario to retain the existing facility were not considered.

Mr White therefore considered the process used in the Amey Site Selection Report (2010) to be fundamentally flawed and as a result that the proposed land acquisition by vesting breached Article 1 of the First Protocol of the European Convention on Human Rights.

Mr. White made reference to the Amey Economic Assessment Report (2013). He questioned the report's proposition that the proposed M1 to Knockmore Link Road would compromise the existing site (Site 10) as the earlier Atkins Report (2006) concluded that the proposed road and the existing site could co-exist.

Mr White further considered that a completely new selection process should have been used to determine the preferred option, rather than an update of the Atkins selection process carried out 5 years earlier. He also questioned the validity of the economic assessment process due to the fact that the capital costs quoted made no reference to costs incurred for the demobilisation of the existing site.

4.3 Evidence presented by Mr. Kelvin Clarke (JMP Consultants)

Mr Clarke informed the Inquiry that he had been instructed to provide evidence on the proposed acquisition of land at Sprucefield for a Park and Ride site. Mr Clarke stated that his evidence would focus specifically on objection points 2 and 5 as indicated in the Notice of Objection dated 27th February 2014.

Mr. Clarke made reference to the Amey Site Assessment Report (2010). He stated that the site selection process was fundamentally flawed and not technically robust. He further proposed that the existing site (Site 10) should have been included in the 2010 assessment process and that the revised economic assessment of the three sites presented in the Department's rebuttal was flawed, with the construction costs for Site 10 and Site 11 being overstated and the decommissioning costs for Site 10 being understated. Mr Clarke also submitted that conditions for the provision of Park and Ride facilities had changed significantly since the initial assessment process (2006) and hence the scope of the assessment of these facilities should have been updated and redefined.

Mr Clarke stated that JMP Consultants Ltd had identified revised access arrangements to the existing Park and Ride site which ensured that it could co-exist with the proposed Knockmore Link Road. He also stated that one of these potential arrangements had been considered in the Atkins Report (2006). Mr Clarke therefore submitted that not including the existing site as an option in the Amey Report (2010) was a fundamental flaw in the assessment process.

Mr Clarke questioned the validity of the Department's proposal to construct a Park and Ride facility of over 600 spaces. He cited provisions detailed in the Belfast Metropolitan Transport Plan (BMTP) as his reasons and suggested that the Department should firstly consider constructing a local Park and Ride facility before determining whether a facility would still be required at Sprucefield. Mr Clarke stated that a review of the Department's proposals for Park and Ride was published in March 2011, 10 months after the Amey Report. The Review Report supported the provision of Park and Ride facilities at Sprucefield "in the short term pending future viability of West Lisburn, which remains the preferred longer term option." Mr Clarke therefore concluded that the longer term Park and Ride provision was more likely to be located at West Lisburn and that the Amey Report should have reflected this. Mr Clarke concluded that the Amey assessment process was seriously flawed.

Mr Clarke also considered that the Department's proposals would have an excessive and unnecessary impact on the objectors' residual lands, resulting in demonstrable harm to the land owners.

4.4 Evidence Presented by Mr David Donaldson (Donaldson Planning)

Mr Donaldson informed the Inquiry that he had been instructed to consider the planning status of the proposed Knockmore Link Road and to comment on the potential for a Park and Ride facility in locations other than that proposed for vesting by the Department.

Mr Donaldson summarised his qualifications and experience.

Mr Donaldson provided details of the current planning status of the proposed Knockmore Link Road and the planning context which formed the backdrop to this proposed development. He also stated that there were no current planning applications which included any element of the proposed link road in this area. Mr Donaldson highlighted the Department's acceptance that the provision of the Knockmore Link road would not prejudice access to an expanded version of the existing Park and Ride facility. He also submitted that the Department's assessment of potential sites for a Park and Ride facility was fundamentally flawed, most specifically due to the inappropriate assessment of planning considerations. He further proposed a re-assessment of the three key sites on the basis of acceptability in planning terms and ranked Sites 10, 11 and 3 in priority order 1, 2 and 3 (Mr Donaldson's opinion).

Mr Donaldson stated that there was significant policy support for the provision of Park and Ride facilities in sustainable locations and the existing facility could be regarded as established in planning terms by virtue of Articles 169 and 248 of the Planning (NI) Order, 2011.

Finally, Mr Donaldson stated that he considered there were a number of alternative locations in and around the Sprucefield area which would have a reasonable prospect of obtaining planning permission for a Park and Ride site.

5. PROFESSIONAL INDEPENDENT ADVICE

As I am not a chartered surveyor, and therefore do not possess the requisite skills to make an informed judgement on the matter of land valuation, I decided at the Inquiry on the 23rd June 2015 to appoint a Professional Independent Advisor to provide me with relevant advice and guidance on such matters.

Accordingly, I carried out a competitive tendering process whereby I initially selected a long list of ten commercial property agents located in the Belfast area. From this list I selected at random a short list of five companies to provide relevant advice to myself as the Inquiry Inspector. I asked for five tendered quotations based on a specific brief. The brief and quotation process used is attached in Appendix F. The successful tendering company was Lisney Commercial Property Agents, represented by Mr Gareth Johnston. Mr Johnston gave detailed consideration to evidence presented at the Inquiry (on the 1st and 2nd September 2015) which was related - and only related - to matters of land valuation. I asked Mr Johnston to provide me with a detailed report based on his considerations. Mr Johnston's report is contained in Appendix B.

During the preparation of his report Mr Johnston wrote to me (3rd December 2015) and indicated that he had given consideration to the Belfast Telegraph article submitted to the Inquiry by Mr Orbison (1st September 2015 - on behalf of the respondents). This article was dated 8th April 2015 and related to a local MP's view that the proposed John Lewis development would receive planning approval in the near future. This article also referred to a sale price for the Sprucefield Retail Park of £68M. Mr Johnston stated his opinion that the sale process for the Sprucefield development if analysed might carry relevance for the Inquiry because of the nature and diversity of the properties within the retail park. He considered that, in the context of the potential value of the subject site (Site 3) as a development opportunity, the price that the market was prepared to pay in 2014 ought to be a relevant consideration. As analysis of the sale of the Sprucefield Retail Park lay outside Mr Johnston's brief he sought authorisation to analyse and consider the relevance of the sale process.

After due consideration I agreed to Mr Johnston's request and his findings are included in his report.

In my original brief I asked Mr Johnston to provide commentary on and an assessment of the valuation procedures carried out by both representatives of the Department and the objectors/respondents. My brief did not require Mr Johnston to provide actual valuation figures. However, Mr Johnston felt that his commentary and advice would be better illustrated and supported by his opinion on the range of values that the land sites under consideration could be reasonably expected to achieve in an open market sales process. I agreed that Mr Johnston could adopt this approach in his report.

Mr Johnston thus provided a range of values which the key sites under consideration at the Inquiry (Sites 3, 10 and 11) might achieve in a sales process. The range provided for the three sites is shown in Appendix C. I have taken the median value for each range and used this in a calculation to determine the cost of constructing a Park and Ride facility on each of the three key sites and then compared the potential outcome with development costs provided by both the Department (Amey) and JMP on behalf of the objectors/respondents.

My consideration of the implications of Mr Johnston's report is contained in Section 6.

6. CONSIDERATION

This Inquiry has been most unusual in that it has focused on an area normally outside the purview of the Inspector – the matter of land values. However, the matter of land valuation was a strand of discussion and objection that was raised continually throughout the Inquiry and hence I have given detailed and serious consideration to its implications in the unusual context of this particular Inquiry.

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.

In essence Mr and Mrs Robinson have raised the objection on the basis that the Department for Regional Development's proposal to vest their land is 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.

I am wholly 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. I have noted also that the DRD Strategic Review of Park and Ride (March 2011) appears to concede that the future of the proposed West Lisburn Park and Ride facility is in doubt. This would strengthen even further the case for a Park and Ride site at Sprucefield.

I am also satisfied from the evidence I have seen and heard that Transport NI/the Department for Regional Development has conducted the vesting process in good faith and in proper accordance with all relevant procedures, practice and statutory legislation. However, the Department's assertion that it had "an agreement in principle" to purchase the subject site (Sprucefield Park and Ride Economic Appraisal Report, Amey 2013, page 29) was misleading and should have been corrected before the Inquiry commenced.

In my view the substance of this dispute hinges on the matter of land values. During the presentation of evidence at the first day of the Inquiry it became clear that although several strands of objection were raised, the main point of contention would be the disagreement between the parties on the value of land proposed to be vested. I stated in Section 4 that Mr Orbison, on behalf of the respondents, submitted a number of documents to the Inquiry (including High Court judgements), which supported his clients' case, particularly the valuation methodology used for determining the estimated value of their lands. I have read the detail of these papers, but have come to the conclusion that the complex process of land valuation may be reasonably expedited using a number of equally justifiable and defensible

techniques and processes. In the circumstances I feel I must place heavy reliance on the expertise and advice of the Professional Independent Advisor to the Inquiry, Mr Johnston.

As I have stated earlier, this is a matter that would normally lie outside the remit of the Inquiry Inspector and where there is disagreement between parties to the vesting process the matter of land/property valuation is normally referred to the Lands Tribunal. However, as the matter of land valuation in this case was so intrinsic to the matters of discussion at the Inquiry I feel duty bound to make comment on how these matters have affected the proposal to vest land for a Park and Ride facility at Sprucefield. I will do so without wishing to prejudice any future referral of such matters to the Lands Tribunal.

As I am not a chartered surveyor, and therefore do not possess the requisite skills to make an informed judgement on the matter of land valuation, or the actions associated with this process, I decided at the Inquiry on the 23rd of June to appoint a Professional Independent Advisor to provide me with relevant advice and guidance on such matters. The process I used to appoint the Professional Advisor has already been described in detail in Section 5.

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 the 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.

There was clear disagreement between the parties (specifically Mr Mulholland, Land and Property Services on behalf of the Department, and Mr Crothers on behalf of the respondents) on the most appropriate methods to be used when valuing land for vesting. This is most evidently a complex process and even experienced land and property valuation experts disagree not just on the assessment of values but also on the methodology to be used when carrying out the assessments.

In my consideration of the evidence presented I found the Royal Institution of Chartered Surveyors (RICS) paper on the valuation of development land (Valuation Information Paper No. 12) to be most helpful and in particular Section 3 "Assessing the development potential" and Section 5 "Valuing by the residual method". Section 5.1 referred to analysis of comparable sales as a check on the reasonableness of a residual valuation. This was one of the reasons I felt Mr Johnston's (Independent Advisor) proposal to analyse the sale of the Sprucefield Retail Park would provide useful data when considering potential land values.

Pages 7 and following of Mr Johnston's report consider in detail the implications that the Sprucefield Retail Park sale might have for the matters of land valuation raised at the Inquiry. Mr Johnston was permitted access to commercially sensitive information by the purchasers of the retail park (property company INTU) and this clearly informed Mr Johnston's opinions on the range of sale values that might be attributed to the key sites under consideration at the Inquiry. However, the new owners (INTU) have not at this point given Mr Johnston, and hence myself, permission to make the commercially sensitive sections of Mr Johnston's report public. For this reason certain sections of Mr Johnston's report have had to be

redacted. However, I have been given access to the redacted sections in my role as Inquiry Inspector and I am satisfied that Mr Johnston has drawn accurate and robust conclusions from the commercially sensitive information with which he has been provided.

In the above circumstances definitive and confident proposals and recommendations as to the most appropriate and economically advantageous option for a Park and Ride site at Sprucefield are somewhat difficult to advocate. However, based on the body of evidence presented, which I have considered very carefully, I am of the opinion that selection of the subject site (Site 3) is unlikely to provide the most economically advantageous solution. Further, the fact that the existing Park and Ride site at Sprucefield is located currently on land that has been zoned for development should not rule out further consideration of this site for a medium to long term Park and Ride facility. I consider that the location of the facility here would not be significantly detrimental to the development of the Knockmore Industrial Estate nor the Knockmore Link Road. In any event, the fact that options to purchase this land for industrial development seem to have lapsed would indicate that there may be some doubt as to whether the development will ultimately take place. I am aware, however, that a meeting took place in February 2016 between the Minister for Regional Development and officers of Lisburn and Castlereagh Council, with council officers seeking support for West Lisburn infrastructural developments, including the Knockmore Link Road.

It was not 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 I consider that it should carry some weight when considering land values within its defined zone areas. However, it is clearly the opinion of the Professional Independent Advisor that the values assigned were too high.

I am ultimately 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. I have thus prepared a table of development cost estimates for the above three sites and this is shown in Appendix C.

The calculations I have derived from Mr Johnston's report (Appendix B) would suggest that the most economically advantageous solution would be to develop the existing Park and Ride site (Site 10) to accommodate approximately 650 car park spaces.

As the Professional Independent Adviser to the Inquiry provided a range of land values for the sites in question, I decided to take the mid-range value of each range and use this as the estimated land purchase cost when calculating the estimated site development cost. This calculation (although somewhat rudimentary) nevertheless reasonably suggests that the existing site (Site 10) should become the Preferred Site for the development of a permanent/long term Park and Ride facility at Sprucefield.

All of the other figures illustrated in Appendix C (and used in my calculations) have been taken from the relevant papers submitted by parties to the Inquiry.

One other matter that I wish to note was raised by Mr Orbison. It was the matter of what would happen in the event that land acquired under vesting for the purpose of a Park and Ride facility at Sprucefield was not ultimately used for that purpose. The Department has confirmed that, under the terms of current legislation, it would have the option to either dispose of the land to another government department or, in the event that no other government department requires the land, offer it for sale in the first instance to the previous owner at current market value or subsequently on the open market.

Mr Orbison stated that he considered the option of sale to the previous owner at “current market value” to be an infringement of human rights. Whether this be the case or not the Department and all other statutory bodies are bound by the relevant guidelines and legislation. The guidelines in this case are “Disposal of Surplus Public Sector Property in Northern Ireland, 2013” published by the Central Advisory Unit. I consider further comment on this matter, therefore, to be outside my remit as Inspector for the Sprucefield Park and Ride Public Inquiry.

The Department has also informed me in an email dated 9th March 2016 that following the making of a vesting order the subject land is vested in the Department’s name. If a compensation settlement is subsequently referred to the Lands Tribunal then the Department is duty bound to accept the Tribunal’s ruling.

My recommendations (following) are based on the above conclusions.

7. RECOMMENDATIONS

My recommendations for the development of a Park and Ride facility at Sprucefield are as follows:

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.
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. 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.
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.
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.
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.

S. Kevin Chambers,
29th April 2016

8. ACKNOWLEDGEMENTS

I wish to take the opportunity to thank all those who prepared for and took part in the Inquiry.

The hard work carried out by all parties to the Inquiry helped make my job of understanding the paperwork and very complex issues involved a great deal more manageable.

In particular I would like to thank the Programme Officers, Mr Terry Ward and Ms Christine Allen, who were very supportive and always responded to my requests for information or clarification with most courteous and professional efficiency.

I would also like to thank the stenographers, Mrs Wendy Wilson and Mrs Sheila Birney, who provided the extremely lengthy hearing transcripts very promptly.

Finally, I extend my gratitude to the staff of the Island Civic Centre, Lisburn, for their friendly support and for providing a very comfortable and agreeable venue for the Inquiry.

PUBLIC INQUIRY

SPRUCEFIELD PARK & RIDE

**LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972
ROADS (NORTHERN IRELAND) ORDER 1993
ROADS (AMENDMENT) (NORTHERN IRELAND) ORDER 2004**

The Department for Regional Development hereby gives notice that, under the provisions of the Roads (Northern Ireland) Order 1993, it has appointed Mr Kevin Chambers as inspector to hold an inquiry into the Department's proposal to make an order under Article 113 of the said Order and Schedule 6 to the Local Government Act (Northern Ireland) 1972 for the purpose of acquiring the land for a Park & Ride facility at the A1 Hillsborough Road, Sprucefield, Lisburn.

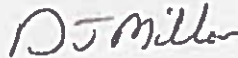
The inquiry will be held in the Island Civic Centre, Lagan Valley Island, The Island, Lisburn, BT27 4RL commencing at 10.00am on Wednesday 18 February 2015.

All persons appearing to be affected and such other persons as the inspector in his discretion thinks fit to allow, may attend and be heard.

A map showing the Department's proposals may be inspected and further information relating to the proposal obtained during office hours, until the commencement of the inquiry, at the following Transport NI offices of the Department:

Headquarters, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB

Eastern Division, Hydebank, 4 Hospital Road, Belfast BT8 8JL



D J Millar
A senior officer of the Department for Regional Development
9 December 2014

ANNEX 2 Appearances

For Transport NI/Department for Regional Development:

Mr Andrew McGuinness – Lead Counsel, on behalf of TNI/DRD
Mr Stephen Pollock – Principal Professional and Technology Officer, TNI/DRD
Mr Harry Armstrong – Senior Professional and Technology Officer, TNI/DRD
Mr Paul Mulholland – Senior Valuer, Land and Property Services
Mr Rodney Moffett, Lead Consultant, Amey

For the Respondents/Objectors

Mr William Orbinson – Lead Counsel/QC, on behalf of the Respondents/
Objectors

Mr Gary McGhee – Solicitor, Carson McDowell Solicitors
Mr Kenneth Crothers – Chartered Surveyor, Crothers Chartered Surveyors
Mr Lee White – Chartered Engineer, JMP Consultants Ltd
Kelvin Clarke – Chartered Engineer, JMP Consultants Ltd
Mr David Donaldson – Chartered Town Planner, Donaldson Planning

The owners of the Inquiry subject site and the objectors to the proposed vesting process, Mr and Mrs William Robinson also attended the Inquiry.

The Inquiry stenographers were Mrs Wendy Wilson and Ms Sheila Birney

ANNEX 3 Documents

Submission of Evidence by Department for Regional Development, Transport NI.

Dated: Received 7 January 2015, for proposed Inquiry date 18 February 2015.

Contents:

1. **Introduction**
2. **Background Information**
3. **Objections Received and Action Taken**
4. **Attendees**
5. **Other Relevant Documents**
6. **Conclusion**

Appendices:

- 2.1 A – Graph of Park & Ride Usage at Sprucefield, Sept 06-Sept 09
- 2.2 A – Minutes of Regional Transportation Strategy Steering Group Minutes 19/6/08
- 2.3 A – Extract from BMAP, Policy LC07
- 2.3 B – Extract from Inspector's Report into BMAP
- 2.3 C – Extract from PPS 3, Access Movement and Parking, DOE
- 2.3 D – Letter from Turley Associates
- 2.3 E – Graph of Park & Ride Usage in Belfast
- 2.4 A – Letter from Roads Service to Mr & Mrs Robinson, 2/6/09
- 2.5 A – Site Assessment Report, Amey Consulting
- 2.5 B – Site location Plan
- 2.6 A – Planning Permission of Park & Ride Development
- 2.7 A – Planning Application Recommendation Report, Amey Consulting
- 2.10 A – Economic Assessment Report, Amey Consulting
- 2.11 A – Notice of Intention to Make a Vesting Order
- 2.11 B – Newspapers Advertisements and Letter to Interested Parties
- 3.1 A – Notice of Objection to Proposed Order from Mr K Crothers
- 3.2 A – Department's reply to Mr K Crothers
- 3.3 A – Further letter from Mr K Crothers
- 3.4 A – Department's reply
- 3.5 A – Letter to Mr K Crothers advising the Department was proceeding with scheme
- 3.6 A – Letter from Mr K Crothers seeking clarification on a number of issues
- 3.7 A – Notice of Making Vesting Order
- 3.8 A – Letter from the Department to Mr K Crothers
- 3.9 A – "Pre-Application" letter from Carson McDowell
- 3.10 A – High Court Notice Quashing Vesting Order
- 3.11 A – Notice and Letters advising of Public Inquiry

Submission of Evidence by Department for Regional Development, Transport NI.

Dated: Received 7 January 2015, for proposed Inquiry date 18 February 2015.

Contents:

1. **Introduction**
 - Policy Background
 - Potential for Growth
 - Public Benefits
2. **Departmental Considerations**
 - Identification of Replacement Site
 - Planning Application Process
3. **Objections Received and Action Taken**
4. **Attendees**
5. **Other Relevant Documents**
6. **Conclusion**

Appendices

- 2.1 A – Graph of Park & Ride Usage at Sprucefield, Sept 06-Sept 09
- 2.2 A – Minutes of Regional Transportation Strategy Steering Group Minutes 19/6/08
- 2.3 A – Extract from BMAP, Policy LC07
- 2.3 B – Extract from Inspector's Report into BMAP
- 2.3 C – Extract from PPS 3, Access Movement and Parking, DOE
- 2.3 D – Letter from Turley Associates
- 2.3 E – Graph of Park & Ride Usage in Belfast
- 2.4 A – Letter from Roads Service to Mr & Mrs Robinson, 2/6/09
- 2.5 A – Site Assessment Report, Amey Consulting (Available on Disc)
 - 2.5 A 1 – Environmental Report
 - 2.5 A 2 – Transport Assessment
 - 2.5 A 2/1 – Transport Assessment Form & Scoping Letter
 - 2.5 A 2/2 – Correspondence
 - 2.5 A 2/3 – Site Access Proposals & Internal Layout
 - 2.5 A 2/4 – Traffic & Queue Length Survey Results
 - 2.5 A 2/5 – Traffic Flow Diagrams
 - 2.5 A 2/6 – ARCADY Model Outputs
 - 2.5 A 2/7 – Geometric Layouts of Existing and Proposed Junctions
 - 2.5 A 3 – Atkins 2005/2006 Scoping Report
 - 2.5 A 4 – Design Drawings and Mapping
 - 2.5 A 5 – BMAP Proposals for Lisburn
- 2.5 B – Site location Plan
- 2.6 A – Planning Permission of Park & Ride Development
- 2.7 A – Planning Application Recommendation Report, Amey Consulting (Available on Disc)
- 2.8 A – Schedule of Discussions between LPS/ Geoffrey Fleming
- 2.9 A – Minutes of Park & Ride programme Board Meeting of 05/02/2014

- 2.10 A – Economic Assessment Report, Amey Consulting (Available on Disc)
- 2.11 A – Notice of Intention to Make a Vesting Order
- 2.11 B – Newspapers Advertisements and Letter to Interested Parties
- 3.1 A – Notice of Objection to Proposed Order from Mr K Crothers
- 3.2 A – Department’s reply to Mr K Crothers
- 3.3 A – Further letter from Mr K Crothers
- 3.4 A – Department’s reply
- 3.5 A – Letter to Mr K Crothers advising the Department was proceeding with scheme
- 3.6 A – Letter from Mr K Crothers seeking clarification on a number of issues
- 3.7 A – Notice of Making Vesting Order
- 3.8 A – Letter from the Department to Mr K Crothers
- 3.9 A – “Pre-Application” letter from Carson McDowell
- 3.10 A – High Court Notice Quashing Vesting Order
- 3.11 A – Notice and Letters advising of Public Inquiry
- 6.2 A – Land Registry, Folio Down 6669a

Department for Regional Development, Transport NI – Rebuttal Statement.

Dated: 13 May 2015.

Contents: not listed.

Appendix A - Scoring Summary, Atkins 2006

Appendix B - Draft BMAP Plan – Amended

Appendix C - Minutes of Project Board Meeting, 26/10/12

Appendix D - Extended Site Assessment Scoring Summary

Appendix E - Scoring Assumptions

Erratum Pages dated 22 June 2015

Department for Regional Development, Transport NI – Rebuttal Statement.

Dated: 7 August 2105.

Contents: not listed.

Appendix A – Planning Authority comments, dated 29 July 2015

Appendix B – Extract BMAP published map

Appendix C – Plan of Sprucefield Regional Shopping Centre

Appendix D – Draft West Lisburn Development Framework, Zoning Plan

Appendix E – Details of sale of land at Blaris Road

Appendix F – Details of sale of land at Sprucefield

Appendix G – NI Lands Tribunal Decision – Killen vs. DRD

Appendix H – BMAP Published map and extract of text

Appendix I – Extract from Snoddens/Killultagh application

Appendix J – Plan showing site options

Appendix K – LPS Land folio details

Appendix L – Details of land at Ferguson Drive

Appendix M1- M3 – Land Registry records showing Options

Submission of Evidence by Department for Regional Development, Transport NI.

Dated: as shown.

TABLES

1. Sprucefield Park and Ride Economic Appraisal, Site 10 (13/5/2015)
2. Sprucefield Park and Ride Economic Appraisal, Site 3 (14/5/2015)
3. Sprucefield Park and Ride Economic Appraisal, Site 11 (13/5/2015)

Submission of Evidence on behalf of KMAC Limited/Mr William Robinson & Mrs Margaret Robinson.

Dated: 15 April 2015.

Contents:

- Section 1 – Expert Witness Report and Appendix of Mr. Kenneth Crothers
- Section 2 – Expert Witness Report and Appendix of Mr. Lee White
- Section 3 – Expert Witness Report and Appendix of Mr. Kelvin Clarke
- Section 4 – Expert Witness Report and Appendix of Mr. David Donaldson

Rebuttal Evidence on behalf of KMAC Limited/Mr William Robinson & Mrs Margaret Robinson.

Dated: 3 June 2015.

Contents:

- Section 1 – Rebuttal Statement of Mr. Kenneth Crothers
- Section 2 – Rebuttal Statement of JMP Consultants Limited
- Section 3 – Rebuttal Statement of Mr. David Donaldson

Supplemental Rebuttal Evidence on behalf of KMAC Limited/Mr William Robinson & Mrs Margaret Robinson.

Dated: 10 July 2015.

Contents:

- Section A – Supplemental Rebuttal Statement and Appendices of Mr. Kenneth Crothers
- Section B – Supplemental Rebuttal Statement and Appendices of JMP Consultants Limited

Other Submitted Documents.

1. West Lisburn Development Framework, dated April 2015
2. Park and Ride Site Options Plan (Amey)

3. Published Article – John Lewis Saga, Belfast Telegraph, 8 May 2015
4. Letter from Professional Advisor requesting authorisation to analyse sale of Sprucefield Retail Park (3 December 2015)
5. Agreed Transportation Paper (2 September 2015)
6. Agreed Transportation Paper – Revision 1 (15 December 2015)
7. Estimated Land Costs, Aide Memoire – P Mulholland, LPS (May 2015)
8. Valuation Information Paper No. 12, Valuation of Development Land, (RICS, 2008)
9. Court Judgements: Bank of Ireland vs Patterson, 23 October 2014
Central Craigavon Ltd's Application for JR, 1 October 2010
10. Extract – The Tribunals Service – Note on Residual Valuations

Documents Referenced.

1. Transport Analysis Guidance: WebTAG (November 2014)
2. Central Advisory Unit – Disposal of Surplus Public Sector Property in Northern Ireland (March 2013)
3. Planning Service – Planning Policy Statement 3: Access, Movement and Parking (February 2005)
4. Belfast Metropolitan Area Plan (2015)
5. Belfast Metropolitan Transport Plan (November 2004)
6. Ensuring a Sustainable Transport Future (2015)

ANNEX 4 Abbreviations

BMAP - Belfast Metropolitan Area Plan

BMTP - Belfast Metropolitan Transport Plan

CAU – Central Advisory Unit

DRD – Department for Regional Development

LPS - Land and Property Services

PPS 3 - Planning Policy Statement 3: Access Movement and Parking

RDS - Regional Development Strategy

RICS – Royal Institute of Chartered Surveyors

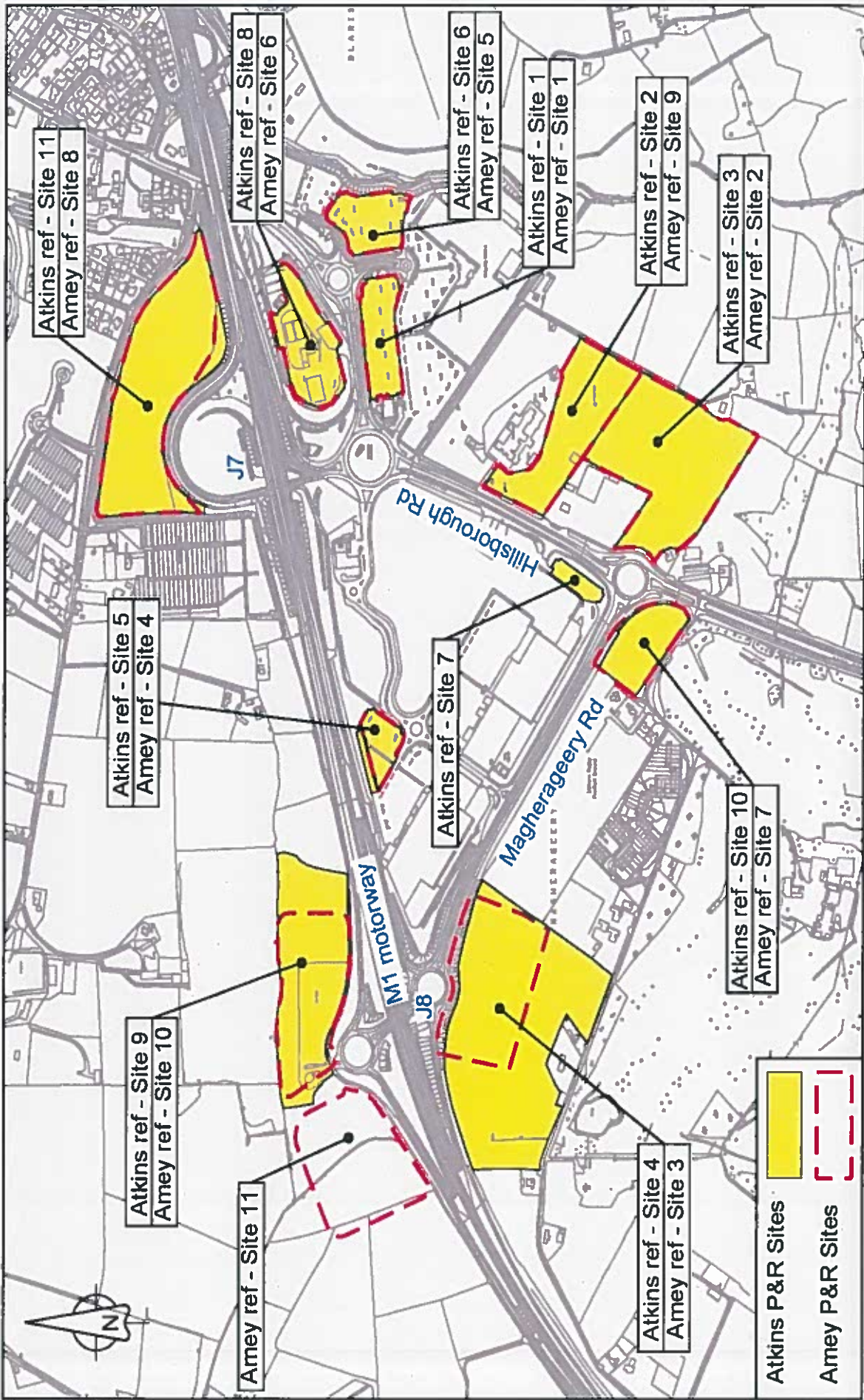
RTS - Regional Transportation Strategy

RTTSG - Regional Transportation Strategy Steering Group

TNI – Transport Northern Ireland

WebTAG - Department for Transport: Transport Analysis Guidance

WLDF – West Lisburn Development Framework



Appendix A
Site References and Reference Plan

Appendix A – Site References.

Name of Site	Atkins Report (2006) Reference	Amey Report (2015) Reference
Marks & Spencer Car Park at Sprucefield Regional Centre	Site 1	Site 1
Crown Castle Site	Site 2	Site 9
Prentices Garage Site	Site 3	Site 2
South of M1 Junction 8 (Subject Site)	Site 4	Site 3
B&Q Car Park at Sprucefield Regional Centre	Site 5	Site 4
Car Park between PC World and Homebase at Sprucefield Regional Centre	Site 6	Site 5
Sainsbury's Staff Car Park	Site 7	Not included
Roads Service Depot	Site 8	Site 6
North of M1 Junction 8 (Existing P&R)	Site 9	Site 10
Eglantine Lane	Site 10	Site 7
Blaris Road	Site 11	Site 8
Northwest of M1 at Junction 8 (Adjacent to existing P&R)	Not included	Site 11

(Site location plan follows)

Appendix B

Report by Professional Independent Property Advisor

"SPRUCEFIELD PARK & RIDE"

PUBLIC INQUIRY

**23rd June 2015
1st & 2nd September 2015
Island Centre Lisburn**

"VALUATION MATTERS"

**Gareth Mark Johnston, FRICS IRRV,
RICS Registered Valuer**

Dear Mr Chambers,

Further to your instruction, I have set out below my opinion on the valuation approach of the parties to the assessment of land costs at the above Public Inquiry.

The Writer

I am Gareth Mark Johnston, FRICS IRRV, RICS Registered Valuer, and Director of Professional Services at Lisney (NI) Ltd. I have specialised in Valuation for over 21 years and have acted as speaker on a number of occasions on behalf of the Royal Institution of Chartered Surveyors (RICS) on valuation matters and the RICS Valuation – Professional Standards (2014) ("the Red Book").

The Instruction

I have been instructed by Mr Kevin Chambers as Inspector for the Sprucefield Park and Ride Public Inquiry, to provide an opinion on valuation matters that arose during the course of the hearing and in the preparation of the Inspector's report and decision.

My focus is on the approach taken by both party's appointed valuers, Mr Kenneth Crothers for the Respondent and Mr Paul Mulholland for the Department, to the assessment of compensation (land cost rather than construction cost) for the most relevant 3no sites, **Sites 3, 10 and 11** as denoted by the Amey Ref. on the plan attached.

I attended the hearing days on 1st September and 2nd September and have also reviewed the evidence to the Inquiry and transcript.

Summary of "Land Use Costs"

Amey Ref.	Mr Paul Mulholland	Mr Kenneth Crothers
Site 3	£300,000	£1,900,000

Site 10	£1,700,000	£400,000
Site 11	£700,000	£172,600

The Valuers' Approach to the 3no Relevant sites.

The valuers primarily used the comparable method of valuation to support their assessments of the "land taken" elements of the valuations. They used the market standard "rate per acre" analysis of a limited number of comparisons to form a view for each site but on Site 3 the valuers' used different valuation methods to assess the land value.

They both agree that Site 3 has "hope value" for a higher value use than its existing use as farmland. They also both agree that as farmland the land is worth approximately £15,000/acre, a figure while not supported by comparable transactions in their evidence, is broadly in line with my market view.

The point of contention is the approach taken to determine that "hope value". Mr Crothers takes the view that the hope value of the subject lands should be determined by establishing the potential development land value assuming planning permission for retail use is forthcoming or likely. He then uses the Residual Method of Valuation to form his opinion on the subject land value assuming retail use, then applies an "adjustment factor" to reflect the planning risk – the resultant net figure being his view of "hope value".

Mr Mulholland agrees that the lands have "hope value" but prefers an intuitive approach and simply applies a "multiplier" to the existing use (farmland) value. In theory both approaches could or should arrive at the same figure but in this case they do not. This is a key point of contention on Site 3 and I have considered the concept of "hope value" carefully in the next section.

"Hope Value"

I have considered Mr Crothers approach to assessing the "hope value" on Site 3, his calculation of development land value and his interpretation of the definition of "hope value". He includes an extract (pages 279 and 280) from "*Modern Methods of Valuation*" in App.5 of his **Supplemental Rebuttal Statement**, dated 9th July 2015. He refers to it and I have set out the following direct quotation;

"...a valuation to determine hope value is often impossible other than by adopting an instinctive approach, particularly in the stages when the hope of permission is remote; it can only be a quesstimate of the money a speculator would be prepared to pay. As the hope crystallises into reasonable certainty of a permission at some stage, a valuation can be attempted based on the potential development value deferred for the anticipated period until permission will be forthcoming but with some end deduction to reflect the lack of certainty".

I have underlined the section that I feel is the most relevant in this case – I believe the "*hope of permission is remote*" and we are some way distant from a position where a valuation of Site 3 could be attempted based only on adjustments to full development value.

I accept that while Mr Crothers valued the potential development opportunity he did materially discount the valuation to reflect the high level of "planning risk" in his view. However he appears to place full weight on the residual method calculated development

value as a starting point and an "anchor" from which to assess "hope value", while not fully considering the relationship that that "hope value" would have to the existing farmland value.

Given the difficulty in forming a view on "hope value" without the benefit of directly relevant comparisons, I would tend to favour taking alternative approaches into account. I would therefore assess hope value by discounting development value to reflect planning risk but also by comparing and contrasting that approach to an intuitive or instinctive view based on an uplift for "hope" from existing farmland values.

Residual Valuation v Comparable Method

In terms of calculating the potential development land value of Site 3, Mr Crothers used a **residual method** and Mr Mulholland a **comparable method** of valuation. In practice a residual method is normally used as a "check" on valuation. In other words, where a site can be directly compared because of its location, size or planning status to other similar sites sold, a comparable method using devalued capital value rates (i.e. £ per acre) should carry more weight.

Residual valuations carry more relevance where a scheme is designed and planning permission approved or anticipated shortly and therefore the "detail" in terms of use, unit sizes, proposed mix and development density is known and can be accurately incorporated into the residual. As Mr Crothers is using the Residual Method to determine development land value, there is an implicit assumption that planning permission for a specific scheme has been obtained.

Where a residual method valuation is less helpful is in its sensitivity to the inputs made by the valuer. On Mr Crothers' own residual valuation even a small variation on just the foodstore yield would have a material impact on the residual land value. Therefore it is important to support each of the residual method inputs with evidence, be that in the form of a market demand analysis, rental evidence, investment yield evidence and / or building costs schedules.

The risk that small variations on inputs to the residual can have a material impact on residual site value is further compounded by Mr Crothers' determined adjustment factor at 10% - effectively a 90% discount to full development value to reflect the likelihood of obtaining planning permission at some point in the future. Again this 10% adjustment factor is based on Mr Crothers' opinion rather than by reference to market evidence.

In my view the market would regard the likelihood of securing a retail consent on Site 3 in the future as remote, and I would as a result consider the "hope value" relationship to existing land values to be a materially relevant consideration. In broad terms, if agricultural land values are accepted at £15,000/acre, Mr Crothers is suggesting (at land use value of £100,000/acre) that Site 3 carries "hope value" of 6 to 7 times farmland values and I feel instinctively that is too high in this case but comment on it further in my section on Site 3.

Calculation of Injurious Affection

Injurious Affection arises when lands held by the same owner are materially affected by virtue of the lands taken and I believe it should be calculated on a "before and after" valuation basis;

Before Value the entire landholding held (X)

After Value the lands taken (Y) and add the value of the residual lands held but reflecting the impact of the lands taken (Z)

X – (Y+Z) = Injurious Affection

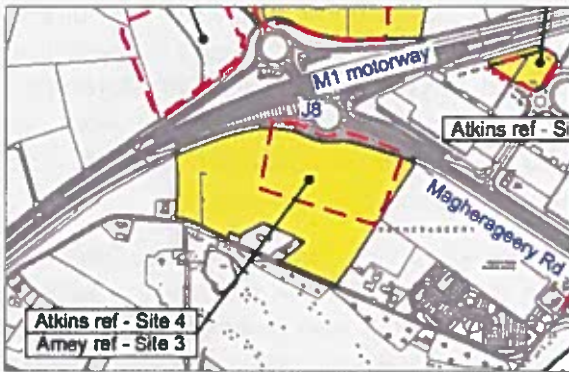
In my opinion, in theory a person from whom the land is acquired should not find themselves in a materially better or worse position after the event than they were in before compulsory purchase. Injurious Affection simply reflects the impact of the land taken on the residual lands held.

The Injurious Affection – or the monetary amount that is equivalent to it - can only be calculated in my view by this "before and after" calculation and on that basis I would tend to agree with Mr Crothers and disagree with Mr Mulholland's approach which sets out an uplift calculated in percentage terms on the value of the lands taken and adjoining lands to reflect the value. In the Department's **Supplement Departmental Rebuttal Statement** dated August 2015, the uplift for injurious affection in Mr Mulholland's valuation was represented at Para 4.4.11 as a depreciation factor adjustment to the value of the residual lands. Again I would favour a "before and after approach".

I have summarised my initial thoughts on each of the relevant sites below using the **Amey Ref.** numbering;

Site 3 – South of M1 Junction 8 (Subject Site)

The subject site (denoted Arney Ref 3 below) and lying within the red dotted line extends to 7.15 acres and lies just south of the Junction 8 roundabout on the M1 Motorway. It sits opposite the roundabout and the on sliproad heading west and diagonally opposite the rear façade of the Sprucefield Retail Centre's B&Q and Toys "r" Us retail warehouse units. The larger yellow area comprises the remaining lands held and extends to approximately 17 acres.



The valuers provided the following valuations and breakdowns, in their assessment of land costs on Site 3

<p>Mr Paul Mulholland Approach; (Supplement Departmental Rebuttal Statement dated August 2015 Para 4.4.11)</p> <p>£300,000</p>
<p>Lands Taken 7.15 acres @ £30,000/acre = £214,500</p> <p>Injurious Affection (to Remaining Lands) 9.65 acres @ £30,000/acre = £289,500</p> <p>Depreciation (at 30%) £289,500 x 30% = £86,850</p> <p>Total Land Costs Lands Taken (£214,500) + Injurious Affection (£86,850) = £301,350</p> <p>Say £300,000</p>

<p>Mr Kenneth Crothers Approach; (Supplemental Rebuttal Statement, dated 9th July 2015 Para 6.4 to 6.7)</p> <p>£1,900,000</p>
<p>Development Value (17.00 acres) 17.00 acres @ £1,176,470/acre = £20,000,000</p> <p><i>Note.</i> Mr Crothers assessed the Development Value of the entire 17 acre landholding as a starting point</p> <p>Current Land Value (17.00 acres) £20,000,000 x 10% = £2,000,000</p> <p><i>Note.</i> Mr Crothers reflected "hope value" in the current land value at least at 10% of full development value.</p> <p>Total Land Costs Based on "before and after valuations"</p> <p>Before = £2,000,000</p> <p>After – the remnant of 10 acres at £10,000-£15,000/acre = £70,000 to £100,000</p> <p><i>Note.</i> This calculation as set out by Mr Crothers at Para 6.6, may be inaccurate and perhaps should read £100,00 to £150,000.</p> <p>Total Land Costs £2,000,000 - £100,000 = £1,900,000</p> <p>Say £1,900,000</p>

Note. Mr Crothers' breakdown has an element of my interpretation based on the ranges he referred to in his **Supplemental Rebuttal Statement**. I broadly agree with both parties that the existing use value of the subject site is in the region of £15,000/acre as farmland. I agree with both the Objector's and the Department's valuers that the land carries "hope value" over farmland values.

In assessing the "hope value" for a higher alternative use, I have reviewed the planning evidence, the development plan maps and considered the position of the lands in the context of the existing Sprucefield retail area. It lies outside the development limit of the Belfast Metropolitan Area Plan 2015 (BMAP). It appears from the comparison between the satellite image (App.C, Department's Supplemental Departmental Rebuttal Statement dated August 2015 and BMap (Sprucefield Regional Shopping Centre) App. B Department's Supplemental Departmental Rebuttal Statement dated August 2015 that approximately 55% or 75 acres of the existing zoned area remains undeveloped.

Planning evidence was presented setting out the rationale for the subject site to be favoured in a re-zoning of the retail area, but in my view it is not a logical (in the physical sense) extension of the existing retail area facing as it does into the rear facade of Sprucefield Retail Centre. While there are significant hurdles to overcome in developing the residual (already) zoned lands, the prospect of the subject Site 3 being considered acceptable for retail development appears remote.

However remote that prospect is, the lands do in my opinion carry "hope value" over existing farmland values. The lands already benefit from planning permission (Ref S/2010/0431/F) for the proposed Park and Ride facility. While this does not automatically increase the potential for an alternative higher value use, it is an indicator that access into the site in principle is acceptable. Of course access into a Park and Ride car park is an entirely different concept to a retail food store, but in practice the market would perceive the existence of the planning permission for the Park and Ride as a positive factor in assessing hope value.

There are a small number of comparisons, either of sales in the area or property being marketed at the time of the hearing which I feel the parties could have considered helpful in the assessment of land cost.

Comparison No.1 - Hillsborough Road, Sprucefield, Lisburn

This is a 3.08 acre site (included in Mr Crothers' Supplemental Rebuttal Statement App. 8, dated 9 July 2015) with 120m of frontage (according to the Lambert Smith Hampton marketing brochure) to the A1 Dual Carriageway. The property is zoned within the BMAP Sprucefield Regional Shopping Area development limit and zoned. It also benefits from planning consent Ref S/2011/0273/F for 43,056 sq ft of retail warehousing that can be subdivided and also planning consent Ref S/2008/1077/F for a 64,583 sq ft retail warehouse to include mezzanine floors and parking at basement and ground levels. The asking price is in excess of £3,000,000 (or £974,026/acre) but at the date of hearing it had not sold, even though it has been available for sale for some time.

It is commercially a more prominent site than the subject Site 3 which I feel is in an inferior position in the context of the entire Sprucefield Regional Shopping Area. I would expect the subject Site 3 as a development opportunity to be worth less than lands in the central part of Sprucefield.

Comparison No.2 – “Lands at Sprucefield, Lisburn”

Included as App. F in the **Supplemental Departmental Rebuttal Statement**, dated August 2015, is the (Savills) Marketing Brochure for these lands. The lands extend to 31.94 acres, with 19.8 acres zoned within the Sprucefield Regional Shopping Centre. At Para 4.3.9 of the **Supplemental Departmental Rebuttal Statement** dated August 2015, the Department indicates that the lands are agreed for sale £930,000 (or £29,000 per acre overall). However, other than providing an extension to the rear of the Marks and Spencer site, this site only has the prospect of development after securing access and would remain backlying lands.

While there are some advantages that Site 3 would have over this site, specifically in terms of likely direct access from the roundabout, Site 3 does not fall within the current zoned area. In terms of relevance to Site 3 we have to weigh up the “planning risk” against a 3rd party lands requirement and backlying nature of the **Comparison 2** lands. Both are difficult to analyse but arguably the price agreed on **Comparison 2** gives us some indication of the market pricing of risk albeit on an access constraint. In my view, the overall price obtained for this large backlying tract of land carries some relevance in the context of the lack of other sales evidence in forming a view on hope value on Site 3.

Comparison No.3 - Sprucefield Retail Centre, Sprucefield Lisburn.

A newspaper article titled “*John Lewis saga: Eleven years later, MP is confident new Sprucefield plans will be approved*” published 8th April 2015, was admitted as evidence on the day of the hearing. It referred to the sale of the property known as Sprucefield Retail Centre. This property comprises a terrace of retail units, anchored by a Sainsburys foodstore at its eastern end and the B&Q DIY warehouse and Toys “r” Us retail warehouse at its western end. Also included within the sale are the development lands subject to the “John Lewis” planning application.

The media article refers to the property being sold for £68m in 2014. The analysis of this sale has not been considered by either party. The sale to the property company INTU appeared to include not just (i) the commercial retail investment (Sainsbury foodstore and retail warehouse terrace) but also (ii) the development land subject to the “John Lewis” planning application and therefore I would have thought an analysis of the agreed price may be helpful in assessing the potential development land value of Site 3 - at least as a check.



Above: Sprucefield Retail Centre

I sought and received instructions from the Inspector to investigate this sale further and have

[REDACTED]

[REDACTED]

The Sprucefield Retail Centre rents at the time of sale (noted above) totalled [REDACTED]. Mr Crothers has proposed a scheme of 220,000 sq ft for Site 3 in his residual valuation (App 6. Supplemental Rebuttal Statement dated 9th July 2015), which is based on a hypothetical scheme, but this is a very similar scheme in terms of scale and character to the existing (built and trading) scheme at Sprucefield Retail Centre, which is understood to extend to approximately 231,000 sq ft (Wikipedia).

In his residual valuation, Mr Crothers valued the hypothetical scheme at rents of between £16.00 and £18.00 per sq ft (totalling £3,680,000 per annum) and at a yield of 6.00% producing a Gross Development Value (GDV) after costs of £54,679,245.

A simple analysis of the rents passing at Sprucefield Retail Centre based on the floor area of 231,000 sq ft would reflect [REDACTED]. Applying the same yield as Mr Crothers used, (6.00%) to the known rental income on Sprucefield Retail Centre revenue would reflect a GDV after costs of [REDACTED].

As the apportioned value for entire purchase was [REDACTED] the residual land value would equate to less than [REDACTED] for the 15.46 acres. Even keeping the yield on the foodstore at 6.00% and moving the yield on the retail warehouse units out to 7.00% takes the GDV to [REDACTED] and the residual development lands up to [REDACTED]. See calculation below.

Ref.	Rent Passing	Yield %	Market Value
Foodstore	[REDACTED]	6.00% (16.6666 YP)	[REDACTED]
Retail Warehouses	[REDACTED]	7.00% (14.2857 YP)	[REDACTED]
Total before Costs			[REDACTED]
Total (After Costs 5.80%)			[REDACTED]
Sale Price			[REDACTED]
Residual Land Value	15.46 acres	[REDACTED]	[REDACTED]

Analysing a sale transaction like this (without full information) is clearly difficult because we do not have the wider deal context, the occupational lease terms, the lettings analyses, but setting that to one side, from a high level perspective, the INTU sale comprises a relatively

recent transaction of a retail investment and large development site in an adjacent location as Site 3, and so must carry some relevance.

The above high level price analysis also demonstrates the difficulties in assessing a site value only by residual method. A small variation on yield (100 basis points or 1 “percentage point”) on just the Retail Warehouse element of the Sprucefield Retail Centre sale price analysis moves the residual development site value from less than [REDACTED]. Revisiting Mr Crothers’ residual appraisal, a small variation in yield, say to 7.00% to only the Retail Warehouse element of Mr Crothers appraisal (set out in his **Supplemental Rebuttal Statement App. 6**) would result in a material fall of c.25% in the residual land value – reducing it from around £20m to £15m.

I would suggest that this (admittedly high level) sensitivity analysis supports my opinion that the residual approach as a primary method on sites of this nature must be treated with caution. A balanced analysis of the INTU purchase, despite its complexities, I believe provides a view on retail development land value at around [REDACTED] but a final view must be also supported by comparable site sales evidence.



Above: Sprucefield Retail Centre – (Approx. boundary outlined in blue)

The market at present in my opinion would pay less for a 15 acre site than a much smaller site. It is no surprise that the smaller 3 acre (Comparison 2) has a higher asking price of £975,000 per acre, but the key point to note was that at the date of hearing it had remained unsold after a significant marketing period. Extending to 15.46 acres the “John Lewis” site (shaded blue for identification purposes only above) is in my view comparable in terms of scale with the total Site 3 landholding at 17 acres (shaded yellow above).

I feel that it is highly unlikely that Site 3 in its backlying position, isolated from both Sainsburys and Marks & Spencer would be worth more as a development opportunity than the John Lewis site. I would suggest that the subject lands at Site 3 are more likely to be worth (assuming planning permission for a retail scheme) less than the John Lewis site, perhaps in the region of £400,000 to £500,000/acre.

I would agree with Mr Crothers that "10%" is not unreasonable as representative of a 90% discount from full development value to reflect potential (or the remote potential in this case) of development – but whether the correct adjustment factor is 5% or 10% is simply a judgement call and that uncertainty adds to the difficulty in forming a firm opinion as a small percentage of development value.

While I feel it was appropriate to consider both approaches, a view based on a multiplier of agricultural values is probably a more intuitive approach to take in this case when the likelihood of securing planning permission is remote. A multiplier of 2.5 – 3.0x farmland values would equate to £37,500 to £45,000/acre and as a cross check, 10% adjustment factor on my view of development land value would reflect £40,000 to £50,000/acre.

In conclusion in this improving market, I would expect a developer / speculator to be prepared to pay in the region of £40,000 to £50,000 per acre for the lands taken at Site 3.



Site 3 - Residual Lands (10 acres hatched yellow above)

In Mr Crothers evidence he felt the "hope value" of the remaining 10 acres (hatched yellow above) was "obliterated" by the proposed Park & Ride scheme because of the approved development prevents access into the backlying lands. I would agree. The Department argued in the hearing that access could be given through Park & Ride scheme but as it would require approval which would be in the gift of the Department, "hope value" would disappear from the back lands if the front section is developed as planned for the Park & Ride (see plans above). The residual backlying lands are therefore limited to agricultural value - around £15,000 per acre in my view.

The total land costs can be calculated to reflect **Severance / Injurious Affection** to indicative value ranges using the "before and after" approach;

Before – Value the entire lands held (17 acres x £40,000 to £50,000 /acre) = £680,000 to £850,000

After - Value the lands taken (7.00 acre x £40,000 to £50,000 /acre) = £280,000 to £350,000 + the Value of the residual lands held reflecting the impact of the lands taken (10 acres @ £15,000/acre) = £150,000.

Therefore, the "impact of the lands taken on the residual lands held" would be a reduction of around £250,000 to £350,000 in the value of the retained 10 acres.

In my view the total the appropriate land cost range is

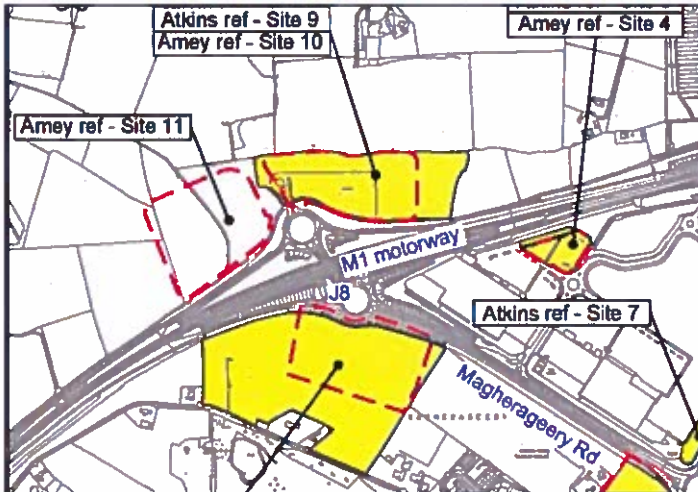
Land Taken - 7.00 acres (£280,000 to £350,000)

Severance / Injurious Affection (£250,000 to £350,000)

Total Land Cost Range: £530,000 to £700,000

Site 10 – North of M1 Junction 8 (Existing Park & Ride)

The proposed Park and Ride scheme on Site 10 (see Amey Ref 10 below) would be sited at the entrance to the overall development lands with its own entrance from the Motorway service roundabout.



As a general point, I do not see the Park and Ride scheme as a specific “land use” that is materially detrimental (in value terms) to adjoining lands unless it blocks their access. The proposed development master plan (either under the BMap 2015/Lisburn plan or the West Lisburn Development Framework) covers an extensive area but after all the planning discussions at the Public Inquiry, I feel the key commercial point is that to develop this entire area will take many years and involve major infrastructural costs.

The siting of the Park and Ride scheme according to the plans provided appears to avoid the requirement for the spine road, as the access is directly from the existing roundabout.

Mr Paul Mulholland's Approach
(Supplement Departmental Rebuttal Statement dated August 2015 Para 5.2.10 – 5.3)
Land Cost
£1,700,000
Land Taken 7.15 acres @ £150,000/acre = £1,072,500
Land Injurious Affected (East) 43 acres @ £125,000 = £5,375,000 Depreciation at 12% = £645,000
Land Injurious Affected (West) 4 acres @ £60,000 = £240,000 Depreciation @ 10% £24,000
Total £1,741,500
Total Say £1,700,000

Mr Kenneth Crothers Approach
(Supplemental Rebuttal Statement, dated 9 th July 2015 Para 6.16 to 6.22)
Land Cost
£400,000
Land Taken 7.15 acres @ £50,000/acre = £357,500 Note. Mr Crothers' view is that the entire landholding of 8.04 acre would have to be acquired so as not to leave the landowner with a backlying remnant of less than 1 acre. Therefore:
Adjusted Land Taken 8.04 acres at £50,000/acre = £402,000 or £400,000
Injurious Affection – Not applicable
Total £400,000

Both parties had materially different views on the value of Site 10. Mr Crothers opinion was £50,000 per acre while Mr Mulholland opinion £150,000 per acre. They also approached their assessment of Injurious Affection very differently with Mr Mulholland adding nearly £700,000 while Mr Crothers felt it was not relevant. Mr Crothers did expect a backlying remnant of the site would have to be acquired beyond the anticipated land take of 7.15 acre taking the lands to be acquired in his view to 8.04 acres.

Site 10 is in part developed as a temporary Park & Ride facility but on inspection my view is that Site 10 is not as prominent "on the ground" as it would appear from the above plan. In assessing the value of the land to be taken I have considered the available comparable sites.

Comparable No.4 Knockmore Hill Industrial Park, Lisburn & Comparable No.5 Knockmore Hill, Lisburn

I have considered the comparable sites evidence at **App. 8** of Mr Crothers **Supplemental Rebuttal Statement** dated 9th July 2015. These lands that are zoned Existing Employment land in BMAP do as Mr Crothers indicates share the same planning status as Site 10. The asking price for the Invest NI lands at Knockmore Hill Industrial Park (**Comparable 4**) reflects £90,000/acre or fully serviced sites, the largest site extending to 7.7 acres so a comparable size to the subject.

The land at Knockmore Hill (**Comparable 5**) extends to 32 acres and has an asking price of £47,000/acre, the scale of the plot of land reflected in the value.

While the Knockmore Link Road is to be delivered by the developers as part of the overall area masterplan, Site 10 lies at the entrance to the lands and appears to potentially benefit from direct access from the motorway roundabout. In industrial market terms it would be a rather isolated site surrounded by fields at present and a 7 acre parcel would be considered a large site for a purchaser.

In my view reflecting the differences between Site 10 and the comparisons, Site 10 extending to 7 acres would be worth closer to Mr Crothers view of value than Mr Muhollands view at an indicated value range of £70,000 to £80,000 per acre (or £490,000 to £560,000).

A material difference between the parties in the respective evidence was in their consideration of injurious affection. While Mr Mulholland believed the Park and Ride scheme impacted on all of the development land around it, Mr Crothers's view was that the adjoining residual lands if they were proven to be held by the same party (which he doubted) – would not be detrimentally affected. This resulted in a material difference in their assessment of injurious affection



Above: BMAP Zoning of Site 10

The proposed Park & Ride would be situated at the entrance to the overall "master-planned" development area, and accessed from a separate direct access from the roundabout – and in my view does not materially impact on any of the residual lands, which are zoned for Employment use. On the map it appears to dominate the frontage to the entire development areas but in reality Site 10 will be accessed from the roundabout and the scale of the entire development area is such that the primary frontage to the extensive backlying development lands will be from the new spine road.

All of the adjoining lands, if they are developed in the medium or long term, are likely to comprise in my view a wide "assortment" of commercial uses and in the context of that mix, I do not consider the Park and Ride scheme as an objectionable neighbouring use. My only reservation on that point is whether it is proven that the only remaining lands held in the ownership of the current owner of Site 10 are now landlocked lands immediately behind the Park and Ride.

If they are landlocked I would tend to agree with Mr Crothers that the Department would be required to acquire the entire 8.04 acre plot – i.e. not leave an inaccessible parcel at the back of the acquired lands.

Pending that further enquiry, my initial view is that I do not believe that there is any injurious affection arising from the potential acquisition of Site 10 and my view on land cost range is as follows;

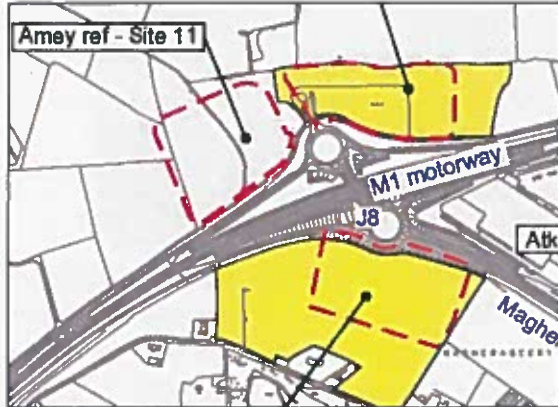
Land Taken 7 acres @ £70,000 to £80,000 per acre (or £490,000 to £560,000).

Injurious Affection – Nil.

Total Land Cost Range £490,000 to £560,000

Site 11 – Northwest of M1 at Junction 8 (Adjacent to existing Park & Ride)

In terms of the valuation of land cost, similar arguments would apply to Site 11 as are made above re Site 10 because Site 11 is close to a mirror image (admittedly more square in shape) development proposal, and is also accessed directly from the roundabout.

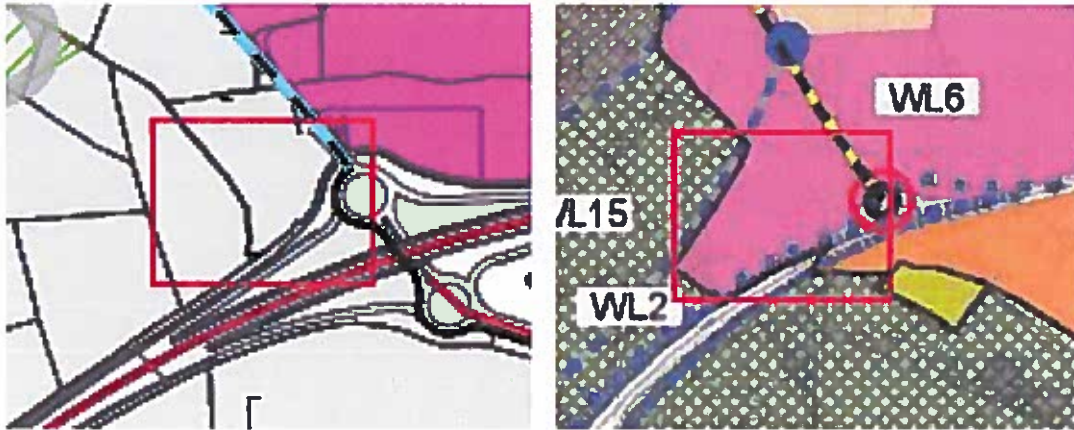


I understand that the site extends to 7.15 acres. Mr Crothers refers to a site extending to include backlying lands to 8.43 acres although the above plan does not illustrate the extent of residual lands held in the same ownership. For the purposes of this report I have based my calculations on the site area of 7.15 acres.

However, in planning terms there are material differences. It is presently (unlike Site 10) outside the current BMAP zoning, (lying as it does in the green belt), but it is included in the West Lisburn Development Framework, App. 4 Department Rebuttal Statement dated August 2015

Mr Paul Mulholland's Approach (Supplement Departmental Rebuttal Statement dated August 2015 Para 6.2.5 – 6.2.9)	Mr Kenneth Crothers Approach (Supplemental Rebuttal Statement, dated 9 th July 2015 Para 6.32)
£700,000	£172,600
<p>Land Taken 7.15 acres @ £60,000/acre = £429,000</p> <p>Land Injurious Affected (West) 9.25 acres @ £60,000 = £555,000 Depreciation at 30% = £166,500</p> <p>Land Injurious Affected (East) 7.15 acres @ £150,000 = £1,072,500 Depreciation @ 10% = £107,250</p> <p>Total £702,750 say £700,000</p>	<p>Lands Taken 7.15 acres at £20,000/acre = 143,000</p> <p>Note. Mr Crothers has assessed the landholdings to extend to 8.43 acres – again the back lying parts would have to be acquired to ensure the landowner is not left with an unusable remnant. Therefore</p> <p>Adjusted Land Taken 8.43 acres @ £20,000/acre = £172,600</p> <p>Injurious Affection – N/A</p> <p>Total £172,600</p>

In my view the value of Site 11 would be more in line with existing agricultural land values – but increased to reflect some potential for commercial development in the medium to long term.



In my view a material discount to Site 10 valued at between £70,000 and £80,000/acre would be required in my view to around £25,000 to £35,000 per acre. This would fall below the "hope value" range for Site 3 which I feel is appropriate and reflects in the region of 40% of my value (£/acre) of Site 10, a ratio (if not a value) that is accepted by the parties.

I also would regard Site 11 as worth less than Site 3 because it is lying on the northern side of the Motorway and any development there is more likely to be industrial / commercial rather than retail / commercial, which I see as more likely on the southern side.

Again unless land to the rear is land locked I do not see any detrimental impact on the rear lying lands and again would not consider injurious affection to arise. However, if it is proven that there is a backlying remnant in the same ownership and it is inaccessible, then the land acquired would have to increase to 8.43 acres.

Land Taken 7.15 acres @ £25,000 to £35,000/acre = £178,750 to £250,250

Injurious Affection – Nil.

Total £178,750 to £250,250

Total Land Cost Range = £180,000 to £250,000

Conclusion

In summary my opinion of the appropriate land costs is set out below;

Amey Ref.	Paul Mulholland	Kenneth Crothers	Opinion Range
Site 3	£300,000	£1,900,000	£530,000 to £700,000
Site 10	£1,700,000	£400,000	£490,000 to £560,000
Site 11	£700,000	£172,600	£180,000 to £250,000

Gareth Johnston FRICS IRRV,
RICS Registered Valuer
Director
Lisney

Dated

Appendix C

Comparison of Land/Property Development Costs

APPENDIX C

Comparison of Land Costs

	Department/LPS Valuations	Respondents/ Objectors Valuations	Independent Advisor Valuations	
			Range	Median Value
Site 3 (Subject Site)	£300,000	£1,900,000	£500-£730K	£615,000
Site 10 (Existing Site)	£1,700,000	£400,000	£400-£650K	£525,000
Site 11	£700,000	£172,600	£185-£245K	£215,000

Development Cost Estimates using Department/Respondent/Independent Land Valuations

(Incorporating agreed construction cost estimates)

	Department/LPS Full Development Cost Estimates	Respondents/ Objectors Full Development Cost Estimates	Full Development Cost Estimates based on Independent Advisor Land Value Ranges (mid-range values used)	
			(based on) Department Construction Costs	(based on) Respondent Construction Costs
	(prepared by Amey)	(prepared by JMP)		
Site 3 (Subject Site)	£1,960,000	£3,660,000	£2,275,000	£2,375,000
Site 10 (Existing Site)	£2,720,000	£1,420,000	£1,545,000	£1,545,000
Site 11	£2,360,000	£1,932,600	£1,875,000	£1,975,000

NOTE: The cost estimate figures have been taken from the revised agreed joint paper (Amey/JMP) submitted to the Inspector on 15th December 2015 and include cost estimates for decommissioning where appropriate.

Appendix D

Agreed Paper

The Informal Hearing Approach

The informal hearing approach

- The exchange of written evidence and rebuttals has assisted in defining the issues between the parties. They can be taken as read. Unless expressly conceded orally during the hearing or conceded in the written material before the inquiry, nothing should be taken as conceded between the parties.
- In an effort to have the issues in this inquiry dealt with expeditiously and to ease understanding, it is requested that the inquiry be conducted on the informal basis adopted by the Planning Appeals Commission in public inquiries. As the Northern Ireland High Court has found, the informal hearing approach is consistent with the fair hearing requirements of human rights legislation, provided that all parties have a proper opportunity to challenge opposing evidence in the course of the hearing.
- Instead of the formal approach of the evidence being examined on the basis of the detailed and inevitably lengthy cross-examination characteristic of proceedings in a court of law, the informal hearing approach is essentially an exchange of views between the opposing witnesses.
- The approach involves the following steps for each topic:
 1. The Department's witness dealing with the topic will summarise his position and will then explain why he disagrees with the Objectors' witness on that topic.
 2. The Objectors' witness on that topic will summarise his position and will then explain why he disagrees with the Department's witness.
 3. The Department's witness may respond, and the Objectors' witness may give a counter-response, and so on until by the end of the exchanges between the witnesses each witness will have been able to respond to anything the other has said with which he disagrees.

4. At the end of the exchanges between the witnesses on a given topic, Counsel for each party will have the opportunity ask any residual questions related to that topic that he considers appropriate, avoiding repetition of points already made in the course of the exchanges between the witnesses.
 5. At any point, the Inspector may ask his own questions of any witness, and may ask a witness to address a particular issue of interest to the Inspector.
- Both Counsel believe that this approach will assist the Inspector in addressing the issues robustly, fairly, and expeditiously.

William Orbinson QC
Andrew McGuinness BL
1st September 2015

Introduction:

Both parties have come to an agreed position.

One point of clarification relates to the layout plan for Sites 10 and 11 as indicated on the Amey Plan in Appendix J of the Departmental supplemented Rebuttal.

The plan, which was provided for ease of reference, inadvertently illustrated parking spaces significantly above the 650 spaces on sites 10 and 11. These additional spaces were not included in the cost estimate and have no bearing on the information presented.

Should the inspector wish for a replacement plan to be provided, Amey would oblige.

Joint Response to Sections 7.0 to 10.0 Supplemental Departmental Rebuttal.

Construction Costs

Paragraphs 7.1 to 7.7 With regards Site 3, JMP and Amey agree that an appropriate construction cost (excluding full decommission cost) would be £1.66 million.

Paragraphs 7.8 to 7.12 JMP and Amey agree that an alternative layout for Site 10 that maximised the use of the existing hard standing area could be provided at a construction cost of £1.02 million.

Should the inspector wish for an alternative layout plan for Site 10 to be produced, Amey would oblige.

Paragraphs 7.13 to 7.18 – With regards Site 11, JMP and Amey agree that an appropriate construction cost (excluding full decommission cost) would be £1.66 million.

Section 8.0.

Decommissioning

Parties have a different interpretation of the works required by the lease agreement.

If the level of work indicated by Amey adjudged appropriate then the costs indicated in relation to each site are unchanged.

If the full decommissioning work indicated by JMP is adjudged appropriate then the costs of Sites 3 and 11 would increase by £100,000, to £1.7 million.

Both parties have addressed the matter in written evidence and are content to leave this interpretation to the inspector.

Section 9.0.

The impact of the agreement on the construction costs for each site is summarised in Table 1

Table 1: Summary of variations in construction costs

Sites	Amey	JMP
Site 3	£1,660,000	£1,760,000
Site 10	£1,020,000	£1,020,000
Site 11	£1,660,000	£1,760,000

In summary, Site 10 has an overall construction cost of between £640,000 to £740,000 less than Sites 3 or 11.

Both parties agree that the disagreement of around £100,000 in construction costs is unlikely to be a determining factor in the choice of suitable site.

Table 2 is provided to summarise the variation in total costs of the three sites. These total costs include the total construction costs and land use cost presented by both parties.

Table 2: Summary of variations in total costs

	Site 3		Site 10		Site 11	
	Amey	JMP	Amey	JMP	Amey	JMP
Construction Costs	£1,660,000	£1,760,000	£1,020,000	£1,020,000	£1,660,000	£1,760,000
Land Use Cost	£300,000	£1,900,000	£1,700,000	£400,000	£700,000	£172,600
Construction Cost + Land Use	£1,960,000 (£1,450,069)	£3,660,000 (£3,043,209)	£2,720,000 (£2,674,398)	£1,420,000 (£1,089,262)	£2,360,000 (£1,850,069)	£1,932,600 (£1,317,359)
Comparison of Amey to JMP (£+/-)	-£1,700,000		+ £1,300,000		+ £427,400	

Note: The Amey and JMP land costs presented in Table 2 have been provided by LPS and Mr Crothers respectively. Also figures presented in the table in **red brackets** are the total costs that have been superseded for this revision.

Section 10

The principle disagreement with regards to section 10 is the contribution of the economic appraisal to the site selection process.

Paragraph 10.1; Amey and JMP have a different view regarding the economic appraisal which has been undertaken. Both parties agree that the initial 2010 assessment is appropriate and proportionate to determine the return on investment associated with Site 3.

With regards the 2015 sensitivity test, both parties agree that there are subtle differences between sites.

Amey contend that using the same appraisal model to assess all three sites is appropriate as a sensitivity test.

JMP consider that to use the appraisal model to compare sites requires subtle differences between those sites to be identified and evaluated to allow appropriate investment decisions to be made.

Paragraphs 10.2 to 10.3; Both parties agree that transport issues in and around Sprucefield is an evolving picture. Both parties agree that each site will present subtle differences in transport terms.

JMP and Amey disagree about the weight that should be afforded to these transportation factors in the decision making processes.

Both parties are jointly content that their respective views on the appropriateness of the assessments made are set out in the written evidence.

Appendix E
Agreed Development Costs Paper
Supplemental – Revision 01
15th December 2015

NOTE: This is a revised version of the paper submitted to the Inquiry on 2 September 2015. Department representatives found errors in Table 2 and drew these to the Inspector's attention. The revised paper has again been agreed by all parties and was submitted to the Inspector on 11 January 2016

Appendix F

Brief for Professional Independent Advice

**32 Crossgar Road
SAINTFIELD
Co Down BT24
7AS**

Date: 5th August 2015

Dear Sir/Madam

**PUBLIC INQUIRY INTO THE PROPOSED ACQUISITION OF LAND AT
SPRUCEFIELD FOR A PARK AND RIDE SITE**

I am pleased to invite you to submit a quotation for the provision of professional advice in the matter of the above Public Inquiry, of which I am the Chairperson.

I have been appointed by the Department for Regional Development to conduct the above Inquiry and write a subsequent report containing recommendations to the Department on all matters raised at the Inquiry. I must emphasize that I am not an employee of the Department but an independent Inspector tasked with producing a completely impartial report on the matters under consideration and based only on the evidence presented at the Inquiry.

The first day of the Inquiry was held on 23rd June 2015 and after consideration of evidence presented on that date I consider that I may need professional independent advice on matters related to the process of land valuation. The background to the Inquiry is summarised on the following pages.

If you consider your company possesses the relevant professional expertise I invite you to provide a quotation for your services on the attached form. You will be required to be in attendance on future Inquiry dates and to provide a written report to myself on the valuation procedures followed by the Department and its advisors.

The quotation must be received either by post at the above address no later than 12 noon on 14th August 2015. Alternatively, you may email the documentation to the following address:

Email: sk.chambers@hotmail.com

Yours sincerely,

S. Kevin Chambers.

PUBLIC INQUIRY INTO THE PROPOSED ACQUISITION OF LAND AT SPRUCEFIELD FOR A PARK AND RIDE SITE

INQUIRY DATES: 23 JUNE 2015, 1 SEPTEMBER 2015
Provisional – 2 SEPTEMBER 2015

1. Purpose of Inquiry.

The Department for Regional Development has commissioned a Public Inquiry into the proposed acquisition of land at Sprucefield for a Park and Ride facility. The purpose of the Inquiry is to hear evidence from both the Department, through its representative officials from Transport NI, and landowners who have objected to the scheme proposals.

Mr Kevin Chambers has been appointed by the Department to conduct the Inquiry and make recommendations to the Department after full and detailed consideration of all the evidence presented by the Department and other interested parties.

2. Background.

Transport NI has prepared scheme proposals which have resulted in the selection of a preferred site for the above proposed Park and Ride facility. The Department published a Vesting Order for the compulsory purchase of the land in the absence of an agreed purchase price with the landowners. However, the owners of the land in question have objected to the conduct of the process of compulsory purchase and on 17th October 2014 sought a Judicial Review to quash the Vesting Order. The Department did not oppose the application and the landowners' application was successful.

The Department agreed to hold a Public Inquiry into the scheme proposals and published a notice to that effect on 9th December 2014.

3. Requirement for Land/Property Advice.

During the preparation of the scheme proposals the Department and Transport NI have been advised by Land and Property Services on all matters relating to land values.

It is not the purpose of the Inquiry to give consideration to or make comment on actual or proposed land values assessed by the Department and its advisors. Such matters are outwith the remit and jurisdiction of the Inspector.

However, the matter of land valuation is clearly intrinsic to the issues in dispute in this Inquiry and the Inspector has decided, after due consideration of the evidence presented at the first day of the Inquiry (23rd June), that it may be appropriate to seek professional independent advice on the conduct of the valuation process.

QUOTATION FORM

TASK	£	Comment
Attendance at Inquiry – 1 September 2015		
Attendance at Inquiry – 2 September 2015 (if required)		
Report to Inspector on Valuation Procedures		
Expenses		
VAT		
TOTAL		

NAME/POSITION	SUMMARY OF RELEVANT EXPERIENCE	CV ATTACHED (Y/N)
<p>NOTE: It is anticipated that only a single advisor will be in attendance at the actual Inquiry.</p>		

QUOTATION EVALUATION CRITERIA

- | | |
|------------------------|-----|
| 1. Cost | 70% |
| 2. Relevant Experience | 30% |

SIGNED:

For and on behalf of: