

## Garden Planting / Landscaping

Planting/ landscaping will not usually be carried out. LPS will take the loss of plants/ shrubs into account in their assessment of compensation.

## Driveways

The Department will only reinstate that portion which has been disturbed. However, if the surface is very poor and the landowner wishes to have the entire drive resurfaced, they may, at their own expense, enter into a separate arrangement with the contractor. DfI shall play no part in this separate arrangement.

## Cattle Handling Facilities

If a cattle handling facility is lost, it will either be replaced or LPS will take the loss into account in their assessment of compensation.

## Cattle Creeps / Over bridges

The Department will consider the needs of the farm, such as its layout and management, as well as details of the frequency, type of movements and road user safety. If such structures are provided then they remain the Department's responsibility.

## What fees will be paid?

Landowners directly affected by land-take for the proposed scheme can appoint an agent to represent their interests. Reasonable agent's fees (for agreeing accommodation works and monetary compensation) and reasonable legal fees for transfer of title will be met by the Department. In relation to accommodation works, please note that the Department will not pay fees for experts appointed by Agents, unless the need for them has been agreed in advance with DfI. Similarly, DfI will not pay solicitors' fees for services other than transfer of title.

Further information on Acquisition of Land / Property for Major Road Development in Northern Ireland can be found on the Department for Infrastructure website.

<https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/dfi-roads-guidelines-for-the-acquisition-of-land-property-for-major-road-development-in-northern-ireland.pdf>

Further information on Compulsory Purchase and Compensation can be found on the Department of Finance website.

<https://www.finance-ni.gov.uk/publications/compulsory-purchase-and-compensation-guides>

Should you require this document in Irish or an accessible format e.g. Braille, audio-cassette, minority ethnic language etc. please contact:

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# Accommodation Works Guidance

**Accommodation works are works which the Department is prepared to carry out during a road contract to accommodate adjoining landowners and to reduce the impact of the road scheme. There is no obligation on DfI to carry out such works but it may do so where it is cost effective and mutually beneficial to do so.**

Whilst the Department is under no legal obligation to erect roadside boundaries (walls, fences or hedges) on lands retained by the landowner, it will, nevertheless, seek to preserve the existing environment by offering appropriate roadside boundaries as accommodation works.

This leaflet highlights some of the common accommodation works which DfI may provide as part of the works, where appropriate.

Accommodation works can only be carried out after discussion and agreement with a landowner. If agreement on what is to be provided cannot be reached, the offer to provide accommodation works may be withdrawn. Landowners may also request that no accommodation works are provided. In this instance, the landowner will still be entitled to claim monetary compensation for diminution in value instead. In such cases it may be necessary to arrange for the erection of a temporary fence along the land-take boundary to delineate between the new road and the landowner's boundary and for the containment of livestock, for example, during the course of the road works.

## What is included?

Accommodation works can comprise such things as the provision of fences (temporary or permanent), hedges, walls, gates and provision of new or altered access to the road network. Such works become the property of the landowner and their future maintenance (except for temporary fencing and hedges for a period of 3 years until they become established) is normally the landowner's responsibility.

It should be noted that the insistence on replacement of "like with like" by owners cannot legally be asserted, although there may be cases where the provision as an accommodation work of the same sort of roadside boundary as previously existed is environmentally desirable.

Overriding amenity, planning and listed building considerations could apply in certain cases, for example in Areas of Outstanding Natural Beauty, which the Department might accept as grounds for providing accommodation works of a nature which could not otherwise be justified.

### What is not included?

- X Works carried out for the benefit of a landowner on land acquired for the road e.g. verge crossings, ducts for cables or pipes; which form part of the scheme and remain the responsibility of the Department;
- X The provision of replacement buildings; or
- X Except in exceptional circumstances, the provision of cattle creeps/ over bridges/ underpasses, pedestrian subways, footbridges etc.

### How does the provision of accommodation works affect compensation?

Many accommodation works have little impact on the value of the land/property; they could however cause an increase or decrease in compensation due. Where they enhance the land/property value, the Land and Property Services (LPS) will offset any increase in value against any compensation which may be due.

### General Guidance on Accommodation Works

The following provides guidance on some of the most frequently occurring issues.

#### Drains

DfI will provide a drainage network which provides an adequate outfall and which drains adjoining land as efficiently as before the major road improvement scheme was implemented. Severed sub-surface field drains or shores unearthed during the course of the works will be connected into the new drains.

Where an open drain exists behind the road fence or hedge, it will be replaced, where possible, by a similar open drain on the field side of the new fence. If this is not practicable, e.g. due to substantial level difference, the replacement may require to be piped in whole or in part at the Department's expense.

If a drain is found to be necessary where none formerly existed, it will be constructed, if possible, within the road boundary therefore having no impact upon the landowner.

Severed field drains, ditches, dikes or sheughs will be picked up and connected into new drainage outfalls, where possible.

#### Water Supply

Affected water troughs will, where possible, be moved to a suitable site agreed with the landowner and connected to the source of supply.

Cattle drinking areas, if absorbed by the road works, will be replaced at a suitable place agreed with the landowner elsewhere along the stream.

Where natural water supplies and drinking areas are affected and cannot be satisfactorily reinstated, arrangements may, with the owner's consent, be made for the provision of suitable metered mains water supply. In this event, the owners will be informed that they will be responsible for future water charges. If this affects the value of the land it will be taken into account by LPS in the assessment of compensation.

Where natural water holes or wells are the only possible source of supply in remote areas and are affected by the road works, the Department would seek to mitigate any effect through compensation.

#### Fencing

Maintenance of fences will be the responsibility of the land-owner. However, in the case of motorways and special roads, as defined by the Roads Order (Northern Ireland 1993), the fencing will be erected on the Department's land and will be maintained by the Department.

Several types of fencing may be available:

- Treated timber posts and wire with, if necessary, associated wire mesh and/or thorn quicks;
- Concrete post and wire;
- Badger and Otter fencing: the landowner will only be expected to maintain such fences to a standard sufficient for containment of agricultural livestock. Where evidence suggests a high fatality rate amongst badgers or otters at a location, the Department may intervene to carry out additional maintenance; or
- Bio-security fencing will be provided when an accommodation access lane services two or more farms and where there is a demonstrable increase in risk in transmission of disease.

As a safety measure, horizontal boards will be to the field-side of the vertical posts.

#### Walls

Where private houses or business premises are bounded by a wall, considering the condition of the existing wall, it may be replaced by a new wall or by a fence with the appropriate compensation settlement. Walls provided will be erected on the landowner's retained land. Walls should generally not exceed 1m in height above ground level (Planning Permission is required for any higher) and 23 cm in thickness. They should normally be constructed of brick, concrete blocks or rendered blocks, depending upon what fits the circumstances.

Requests for more expensive materials will only be accepted if there is a formal agreement that such additional costs will be taken into consideration by LPS in assessing compensation.

#### Gates

Existing gates will normally be rehung. Requests for more elaborate gates and fittings will only be accepted if there is a formal agreement that such additional costs will be taken into consideration by LPS in assessing compensation.

#### Hedges

When hedges are provided as part of accommodation works, the permanent fence will be provided at the road boundary and the hedge set on the landowner's side of the new boundary fence. Temporary stock proof fencing may be required on the landowner's side of the new hedge for a period of 3 years to allow the hedge to become established (in accordance with present Policy); hedges and temporary fences set by the Department as part of agreed accommodation works will be maintained by the Department for a period of 3 years.

Consideration may, in some circumstances, be given to transplanting sections of existing hedge in large trenches on the new boundary.

#### Trees

LPS will take the impact of the loss of trees within the property into account in their assessment of compensation.

#### Lawns

If lawn is lost due to the works, LPS will take the loss into account in their assessment of compensation.