

Accommodation Works are works which the Department is prepared to carry out during a road contract to accommodate adjoining land owners and to reduce the impact of the road scheme. There is no obligation on the Department to carry out such works but it will do so where it is cost effective.

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 we will provide where appropriate.

Accommodation works can be carried out only by agreement with a landowner but if agreement on what should be provided cannot be reached, the offer to provide accommodation works may be withdrawn. The landowner will still be entitled to claim compensation for diminution in value instead. In such instances appropriate fencing would be provided to delineate the boundary.

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?

- 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;

- The provision of replacement buildings;
- Except in exceptional circumstances the provision of cattle creeps/overbridges, pedestrian subways, footbridges, etc.

How does the provision of accommodation works affect compensation?

Many accommodation works have little impact on the value of the property. However, where they enhance the property value the Land and Property Services (LPS) will set any increase in value off against other compensation which may be due.

General Guidance on Accommodation Works

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

Drains

Where an open drain exists behind the road fence or hedge it would be replaced by a similar open drain on the field side of the new fence.

If this is not practicable, eg due to substantial changes in levels, the replacement drain may require to be piped in whole or part at the Department's expense.

The new distance from the drain to the boundary should be as close as possible to the original.

If a drain is found to be necessary, where none formerly existed, it would be constructed within the road boundary.

Severed field drains or sheughs would be connected into new drains.

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 roadworks, 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 roadworks, the Department would seek to mitigate any effect through compensation.

Fencing

Maintenance of fences will be the responsibility of the landowner. 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:

- Wooden post 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.
- 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.

Walls

Where private houses or business premises are bounded by a wall any replacement should be of a similar type or one which is suitable and in keeping with the type of property. However, where the existing wall is substandard automatic replacement will not be an option, with post and wire fence being offered instead.

Walls provided will be erected on the landowner's retained land.

Walls should generally not exceed 1m in height above ground level 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 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 the valuer in assessing compensation.

Hedges

- Consideration will be given to transplanting sections of existing hedge in large trenches on the new boundary, where possible.
- 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.

Trees

LPS will be asked to take the impact of the loss of trees on 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.

Garden Planting / Landscaping

Planting / Landscaping will not 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, then separate arrangements must be made with the contractor.

Cattle Handling Facilities

If a cattle handling facility is lost, LPS will normally take the loss into account in their assessment of compensation.

Cattle Creeps / Overbridges

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.

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 Roads Service. Similarly, Roads Service will not pay solicitors' fees for services other than transfer of title.

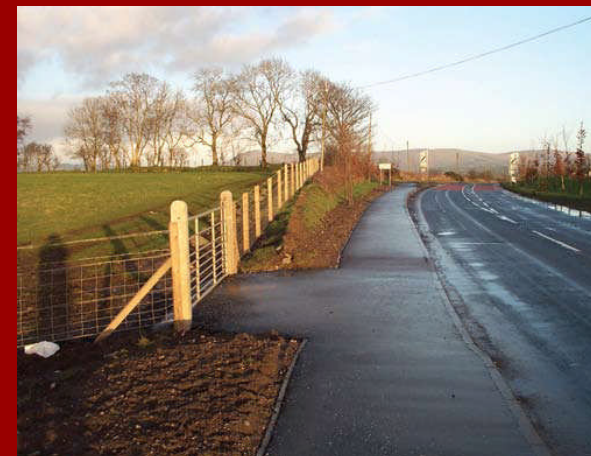
Further information on **Compulsory Purchase and Compensation** can be found on the Land & Property Services website

http://lpsni.gov.uk/index/publications/property-asset-management_and_disposal-2.htm

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



This leaflet is intended as a guide to accommodation works provided to owners and occupiers of land that is affected by new road construction