



Department for
**Social
Development**

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**FINAL DECISION STATEMENT
ON THE MAKING OF A VESTING ORDER
IN RELATION TO DEVELOPMENT SCHEME,
COMPREHENSIVE DEVELOPMENT AREA 136:
VICTORIA SQUARE, BELFAST**

DEPARTMENT FOR SOCIAL DEVELOPMENT

24 OCTOBER 2003

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VICTORIA SQUARE, BELFAST

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1 INTRODUCTION

1.1 On 11 June 2003, the Department for Social Development ("the Department") published its Interim Decision Statement ("IDS") on the making of a Vesting Order ("the Vesting Order") in respect of the Development Scheme, Comprehensive Development Area 136: Victoria Square, Belfast ("the Development Scheme"). In the IDS the Department indicated that it was minded to make the Vesting Order subject to fully considering any views from interested parties received within 28 days of the date of the IDS.

1.2 In response to the IDS, the Department received 28 representations including two in support of its interim decision as set out in the IDS. In addition six representations were received from parties located outside of the Vesting Order boundary. Although the Department is not required as a matter of law to consider these (nor indeed the objections received to the IDS where the objector did not object to the Notice of the Making of the Vesting Order within the requisite statutory time limit), it has, nevertheless, taken them into account with all other representations in response to the IDS in reaching its final decision.

1.3 The Department has also taken due account of Human Rights considerations, the Government's Equality of Opportunity obligations, as required by Section 75 of the Northern Ireland Act 1998, and new TSN considerations throughout the decision-making process in relation to the Vesting Order.

2 THE DEPARTMENT'S CONCLUSIONS

2.1 The representations received do not cause the Department to reach a different conclusion in respect of the Vesting Order from that indicated in the IDS. In particular, the representations raise no new issues which:

- have not been considered by the Commissioner, the PAC and/or the Department either as a result of the original representations in respect of the Notice of intention to make a Vesting Order or further representations received prior to making the IDS;
- are of relevance to the decision as to whether the Vesting Order should be confirmed;
- are of such materiality to override, or change the balance of judgment and conclusions reached by the Department as set out in the IDS.

2.2 Accordingly, the Department's final decision is to confirm the making of the Vesting Order. The Vesting Order will be made on or around Thursday, 30th October 2003. If it is made on 30th October 2003, it will receive its first advertisement on 31st October 2003.

2.3 The Vesting Order will become operative one month after notice of its making has been published by the Department in accordance with the requirements of paragraph 5 of Schedule 6 of the Local Government Act (Northern Ireland) 1972. If the Vesting Order is made on 30th October 2003, the Notice of Making will be published on 31st October and 7th November 2003.

2.4 The effect of the Vesting Order is to vest, from the date it becomes operative, the ownership of the land to which the order relates in the Department. If first published on 31st October 2003, the Vesting Order will become operative on 7th December 2003. The Department requires vacant possession of all vested lands by 7th February 2004. Former landowners, leaseholders and tenants who remain in occupation between the date the Vesting Order becomes operative and 7th February 2004 will be expected to pay a Use and Occupation charge to the Department. This charge will be calculated by the Valuation and Lands Agency.

3 **ACQUISITIONS BY PRIVATE TREATY AND BUSINESS RELOCATION PROPOSALS**

3.1 At paragraph 3.5 of the IDS the Department invited discussions concerning the potential acquisition of that land by agreement with those with an interest in the land included in the Vesting Order. A number of landowners have indicated an interest in taking up this offer and the Department has contacted those landowners for that purpose. The Department reiterates that this invitation will remain open to

all others with interests in land included in the Vesting Order up until the operative date. Any person wishing to take up the Department's invitation should write to Roisin Alexander at Belfast City Centre Regeneration Directorate, Department for Social Development, 2nd Floor, McKelvey House, 25 Wellington Place, Belfast, BT1 6GD.

3.2 In addition, the Department indicated at paragraph 3.7 of the IDS that they would appoint an independent property adviser to assist where possible owners and occupiers of land within the Vesting Order with relocations elsewhere within the City.

3.3 The Department has appointed Nick Rose for this purpose. Mr Rose can be contacted at Gerald Eve, 38 Hill Street, Belfast, BT1 2LB. Those with land interests in the Vesting Order wanting assistance with business relocations should contact Nick Rose direct.

4 **CHALLENGES TO THE MAKING OF THE VESTING ORDER (paragraph 6 of Schedule 6 of the Local Government Act (Northern Ireland) 1972)**

4.1 Any person wishing to question the validity of the Vesting Order may do so within one month of the publication by the Department of the Notice of Making, on the grounds that either:

4.1.1 it is not within the powers conferred on the Department; or

4.1.2 that the correct procedures for making the Vesting Order have not been complied with.

4.2 Other than that the validity of the Vesting Order may not be challenged in any legal proceedings whatsoever.

5 **SUMMARY**

5.1 The Department has published the IDS in respect of the Vesting Order.

5.2 Having fully considered representations to the IDS relating to the Vesting Order the Department has decided to make the Vesting Order as the representations do not raise any new issues or issues of such materiality as to override or change the balance of judgments indicated in the IDS so that the Vesting Order should not be made.

- 5.3 The Vesting Order will be made on or around 30th October 2003. If the Vesting Order is made on 30th October 2003, it will receive its first advertisement on 31st October and is expected to become operative on 7th December 2003. The effect of the Vesting Order is set out at paragraph 2.4 above.
- 5.4 The making of the Vesting Order may be challenged in the Courts as described in paragraph 4 above.

DEPARTMENT FOR SOCIAL DEVELOPMENT
24 October 2003