

LANDS TRIBUNAL FOR NORTHERN IRELAND
LANDS TRIBUNAL & COMPENSATION ACT (NORTHERN IRELAND) 1964
PROPERTY (NORTHERN IRELAND) ORDER 1978

IN THE MATTER OF A REFERENCE

R/56/2004

BETWEEN

SPANBOARD PRODUCTS LIMITED – APPLICANT

AND

THE CROWN – RESPONDENT

COSTS

Lands Tribunal - Mr M R Curry FRICS IRRV MCI.Arb Hon.FIAVI

Written submissions

1. By Notice of Reference dated 5th October 2004 the applicant sought extinguishment of a wayleave and of an impediment restricting development close to the wayleave.
2. The dispute has been resolved save as to costs. The parties accepted the Tribunal's suggestion that the respondent is entitled to its reasonable costs of (a) investigating title issues in the case and (b) forming a considered view of the application.
3. The Crown has claimed £3,000 (plus VAT if applicable) and outlay on Counsel's fee of £705 (including VAT).
4. It was suggested that much of the work done by the Crown Solicitor's Office could have been avoided if the applicant had not chosen to proceed directly to the issue of proceedings. However, the Tribunal accepts that the applicant did approach the Crown prior to referring the matter to the Tribunal.
5. The Tribunal accepts that comprehensive material for the Crown to come to an informed view of the matter was provided by the solicitors for the applicant. The Tribunal is not persuaded that it was proportionate for the Crown to brief counsel. It also accepts that

much of the work done by the Crown Solicitor's Office went beyond either investigating title or coming to a considered view on the matter.

6. The Tribunal awards costs of £1,500 plus VAT (if applicable).

ORDERS ACCORDINGLY

30th October 2007

**Mr M R Curry FRICS IRRV MCI.Arb Hon.FIAMI
LANDS TRIBUNAL FOR NORTHERN IRELAND**

Appearances

Lizette Manly of Crawford and Lockhart, Solicitors appeared for the Applicant.

Jim Leonard of Crown Solicitor's Office appeared for the Respondent.