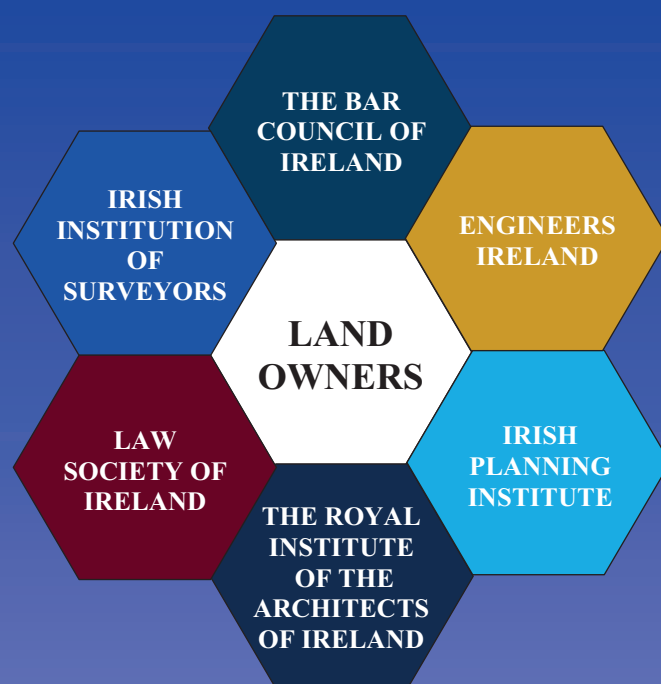


WORKING TOGETHER TO BENEFIT LAND OWNERS IN IRELAND



The Inter-Professional Task Force Members



The Bar Council of Ireland
James Dwyer SC
George Brady SC



Irish Planning Institute
Sarah Moran
Brendan Allen



Engineers Ireland
Gerry Healy
Colman Horgan
Gordon White



Law Society of Ireland
Dr Gabriel Brennan
Patrick Sweetman



Irish Institution of Surveyors
Dr Paddy Prendergast
Brendan Sweeny
Paul Corrigan
Mike Flynn
Muiris de Buitléir



The Royal Institute of the Architects of Ireland
James Pike
Paul Kelly

I
P
T
F
P
B

Inter-Professional Task Force on Property Boundaries Towards the Registration of Defined Property Boundaries in Ireland

INTRODUCTION

In March 2008 the Law Society published its eVision which recommended radical change in current conveyancing practice in Ireland in preparation for eConveyancing. These proposals included:

- A recommendation to move from 'caveat emptor' to 'seller disclosure' for all property transactions;
- A recommendation that the title register be definitive, conclusive and all encompassing so that it comprehensively records all rights and restrictions.

In August 2008 the Irish Institution of Surveyors published a Green Paper entitled 'Proposing Reform of Boundary Surveys in Ireland' which similarly recommended radical change in current surveying and mapping practice for land registration. The paper stated that the Irish non-conclusive system of recording property boundaries is not suitable for eConveyancing and recommended a more reliable system whereby property boundaries should be determined and recorded using modern surveying technology.

The Irish Institution of Surveyors considered these two papers as complementary, as the Law Society's paper targeted improvements to the Land Registry's title register and the Irish Institution of Surveyors' paper targeted improvements to the Land Registry mapping database.

Following publication of the Green Paper an Inter-Professional Task Force on Property Boundaries was established in April 2009 to examine the proposals for reform. The IPTFPB includes representatives from the professional bodies for architects, planners, solicitors, barristers, engineers and surveyors.

Initially, each professional body identified issues related to boundary mapping in Ireland which were of concern from

their perspective. This was followed by a colloquium to widen the debate and to evaluate if the concerns identified were valid. The colloquium found that the issues identified were more prevalent than expected, and that the investigation was vindicated.

SURVEY OF PROPERTY PROFESSIONALS

The IPTFPB conducted an electronic survey of property professionals on "Issues Related to Boundary Mapping in Ireland" between 2010 and 2011. The most striking feature of the findings from the 323 respondents was the high percentage (78%) who recorded having difficulties with existing boundary mapping.

The findings were examined and feasible solutions discussed in a series of four workshops held for all property professionals during 2011. The results were then collated and further validated in 2013. The results from this analysis, contained in a report entitled 'Towards the Registration of Defined Property Boundaries in Ireland' published today, indicate significant support across a wide range of property professions for reforming the current system of boundary mapping in Ireland.

THE CURRENT SITUATION

In 2010 the Property Registration Authority of Ireland (PRAI) completed the conversion of their mapping database of registered property boundaries into digital form. The IPTFPB wishes to congratulate the PRAI for:

- The provision of the www.landdirect.ie web portal which is considered an excellent resource;
- The decision to adopt the ITM coordinate reference system for the PRAI mapping database;
- The completion of the PRAI digital mapping project on time and within budget;
- The extension of compulsory first registration (CFR) to all Counties in 2011 to speed up completion of the registration of all land in the State.

78% of respondents recorded having difficulties with existing boundary mapping



Ordnance Survey Ireland (OSi) are also to be congratulated for implementing a modern surveying infrastructure for Ireland for the 21st century which allows surveyors using modern GPS equipment define positions to the accuracy of a coin on the ITM coordinate reference system. The difficulty is that the PRAI bases title registration on up to date, large-scale OSi maps which are less accurate.

While the PRAI system works for the registration of title, it is deficient for accurately recording the boundaries of the land parcels to which that title

applies. Modern surveying methods - using high precision GPS and total station equipment - can highlight glaring discrepancies between the accurately mapped location of physical and legal boundary features and the mapping of these features using less precise methods operated by OSi and the PRAI.

With modern, accurate surveying techniques it is possible to precisely survey boundary location and represent it on a map to define a boundary. However, the PRAI rejects the use of high quality replacement mapping, perpetuating the use of flawed mapping.

MAPPING PRECISION IS KEY

This issue of mapping precision is at the core of current title boundary mapping problems. Title registration mapping procedures have not adapted to the technological advances that today afford much greater mapping precision than ever before. This mismatch is at the heart of title boundary problems leading to error between the location of a boundary on the ground and its recorded location on PRAI mapping.

It is unacceptable that less accurate official mapping takes precedence over precise survey and up-to-date mapping

Mapping precision is at the core of current title boundary mapping problems

techniques. The challenge is to develop a new PRAI procedure which allows the integration of the more accurate modern boundary surveys into the existing PRAI mapping database. This continual integration of accurate mapping would significantly improve the overall quality of the PRAI boundaries database gradually over time.

For example, the current policy of requiring the submission of precision maps that identify errors in the PRAI record, firstly to the OSi to rectify their mapping before correction of the PRAI record is unacceptable.

If this procedure is followed, the OSi depicts the corrected boundary at a scale and level of generalisation commensurate with their standard map scales and photogrammetric methodology, which are below the standard of accuracy

required for title boundary definition.

In effect, the accuracy of the precise survey is discarded, together with the definition of the features mapped, leaving no documentary evidence as to the location of the boundary, despite the execution of a precise survey establishing that clarity. This causes real difficulties for both property professionals and landowners, and perpetuates the use of inaccurate boundary definition.

TOWARDS THE REGISTRATION OF DEFINED PROPERTY BOUNDARIES IN IRELAND

To understand and address these issues, the IPTFPB has produced a report, 'Towards the Registration of Defined Property Boundaries in Ireland'. This report is not an academic exercise; it arises directly from day-to-day problems that property professionals encounter in their dealings with boundary mapping.

Importantly, 'Towards the Registration of Defined Property Boundaries in Ireland' proposes practical solutions to remove ambiguity and misunderstanding in relation to mapping for property registration.

It is hoped that the PRAI and OSi accept this report as a genuine attempt by expert property professionals to

improve the quality of title registration mapping for the benefit of all stakeholders and, most importantly, to improve the service offered by the PRAI to its ultimate customers - Irish landowners.

RECOMMENDATIONS

This report recommends a modified approach to mapping for title registration in Ireland to resolve many of the issues identified by the IPTFPB. These recommendations include:

- PRAI mapping should distinguish clearly between the accuracy of parcel index maps and title boundary maps.
- The PRAI should introduce a system of colour coding on its mapping, to distinguish the levels of accuracy of title boundary lines and other annotation, based on the precision of their derivation.
- More precise surveying should be promoted by the PRAI and such precision should take precedence in the PRAI mapping, over that which is known by the PRAI to be less precise.
- That a system of registration be introduced which requires that registered boundary surveyors, who submit mapping for property registration, meet the required standards of qualifications and competence to ensure the precision and accuracy of mapping incorporated into the PRAI record meets the adopted standards.
- That surveying and mapping to this standard be an obligatory requirement for all registrations which create new boundaries, sub-divisions and registrations subsequent to compulsory purchase, court orders or other statutory or administrative procedures.
- That a simplified form of boundary agreement be introduced to allow adjoining property owners to agree the definition and location of their common title boundaries in a simple and inexpensive way.

- That the description of "defined boundary" be introduced to refer to those boundaries which have been defined and surveyed by high precision methods, to defined standards, by registered boundary surveyors and for which adjoining owner agreements have been obtained regarding the definition and location of such boundaries.
- That OSi be encouraged to produce its mapping to formally adopted national standards of accuracy and precision, and that topographic features shown on OSi mapping should be defined as to their physical identity, coordinate location, and the degree of precision to which they have been mapped. The advent of PRIME2 from OSi may address some of this issue.
- A formal rectification procedure should be established by the PRAI and an appeals process or ombudsman be appointed to examine contested results of the rectification procedure.
- Further research is required to produce a cost benefit analysis of the solutions proposed in this report.

