



Subject:	Asset Management i) Off-Street Car Parks – Title Regularisation ii) Ballygomartin Road Site - proposed lease of land to Black Mountain Shared Space iii) Exchange Street - Acquisition of lands at Exchange Street
Date:	21 February 2025
Reporting Officer:	Sinead Grimes, Director of Property & Projects
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Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.	
Insert number <input type="checkbox"/>	
<ol style="list-style-type: none">1. Information relating to any individual2. Information likely to reveal the identity of an individual3. Information relating to the financial or business affairs of any particular person (including the council holding that information)4. Information in connection with any labour relations matter5. Information in relation to which a claim to legal professional privilege could be maintained6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction7. Information on any action in relation to the prevention, investigation or prosecution of crime	
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	The purpose of this report is to seek approval from the Committee on asset related disposal, acquisition and estates matters.
2.0	Recommendation
2.1	<p>The Committee is asked to:</p> <p>i) Off-Street Car Parks – Title Regularisation</p> <p>Note the position and the legal steps now required by Council in order to perfect and regularise title to portions of the off-street car park lands acquired from DRD on 1st April 2015 by virtue of the Scheme for the Transfer of Designated Off-Street Car Park Assets and Liabilities (the Transfer Scheme).</p>
2.2	<p>ii) Ballygomartin Road Site – proposed lease of land to Black Mountain Shared Space</p> <p>Approve the lease of land to Black Mountain Shared Space for the development of BMSS Phase 2.</p>
2.3	<p>iii) Exchange Street - Acquisition of lands at Exchange Street</p> <p>Approve the acquisition of lands at Exchange Street by way of vesting.</p>
3.0	Main Report
3.1	i) Off-Street Car Parks – Title Regularisation
3.2	<p><u>Key Issues</u></p> <p>As part of Local Government Reform, ownership of off-street car parks transferred from the Department for Regional Development, now DfI (the Department) to Belfast City Council (the Council) by virtue of the Scheme for the Transfer of Designated Off-Street Car Park Assets and Liabilities dated 1st April 2015 (the Transfer Scheme – attached at Appendix 1) pursuant to Section 122 and Schedule 8 of the Local Government Act (NI) 2014.</p> <p>The Department committed to provide Certificates of Title in respect of the off-street car park lands to enable the Council to register same at Registry of Deeds and Land Registry and allow the formal transfer to take effect, however, this has only been possible if the Department holds title documents.</p> <p>There are several areas of off-street car park lands for which the Department does not hold title documents and where the lands are unregistered and unadopted, but the Department can produce a Conveyance of Possessory Interest for these lands. This will provide the</p>

Council with a qualified class of title only, which cannot be reclassified to an absolute title for a minimum of 12 years, however, given that these lands transferred to and vested in the Council by virtue of the above recited legislation on 1st April 2015, the required time frame of 12 years ownership before making such an application to Land Registry, will occur on 1st April 2027, at which time the Council will apply for an absolute title.

There are also several areas of off-street car park lands for which the Department does not hold title documents and where the lands are **unregistered and adopted** and the Department cannot guarantee title and therefore will not be able to provide a Certificate of Title, nor will any Conveyances of Possessory Interest be possible in these cases. The Department is progressing the statutory abandonment process in relation to these adopted lands, regardless that a formal transfer has been unable to take place. Having exhausted all other avenues with the Department to regularise title, the Council is left with no alternative other than to vest those areas of land that lack paper title and are unregistered and adopted in order to obtain a title in fee simple, free from and discharged from all third-party claims or legal interests. The Council will then, as a result of vesting, benefit from an absolute class of title in relation to these lands.

A view may also be taken to vest those lands for which a Conveyance of Possessory Interest is being provided if Land Registry prove difficult in giving the Council the absolute class of title referred to above following 1st April 2027, or for which a Conveyance of Possessory Interest is being provided but the Council require an absolute class of title earlier than 1st April 2027, (for any reason), and the Council therefore need to vest these lands because the Land Registry reclassification timeframe of 12 years has not yet been reached. It may be necessary to undertake a vesting procedure of lands in respect of which Council has obtained Certificate(s) of Title in the event that the quality of title documents supporting the Certificate is deemed to be insufficient to enable registration to occur.

The Council will vest the lands as required in accordance with powers granted to Council under Section 97 of the Local Government Act (NI) 1972.

3.3 **Financial and Resource Implications**

Council's Estates Management Unit will work with Legal Services to make the necessary application(s) to Land Registry following 1st April 2027 to reclassify the qualified title to an absolute class of title, and further to make the necessary vesting application(s) to the relevant Department and place any notice/advertisement that is required as part of the vesting procedure. Compensation may become payable if any person comes forward and can demonstrate a legal right/entitlement to the lands being vested. Should any objections or

disputes arise, it may be necessary for Council to make an application(s) to the Lands Tribunal to resolve matters.

3.4 **Equality or Good Relations Implications/Rural Needs Assessment**

None associated with this report.

3.5 **ii) Ballygomartin Road Site – proposed lease of land to Black Mountain Shared Space**

3.6 **Key Issues**

BCC owns the land at 300 Ballygomartin Road shown shaded yellow on the Site Map attached at Appendix 2. The land outlined in red on the Site Map is leased to Black Mountain Shared Space (BMSS) for a term of 25 years from 24 June 2024 and has been developed for the BMSS Phase 1 – Peace IV shared community facility.

It is proposed to lease the c1,700 sq m of land shown hatched in blue on the Site Map to BMSS to accommodate the development of 8 office units and known as the BMSS Phase 2 project. The lease will be on similar terms and co-terminus with the BMSS Phase 1 lease. LPS has assessed the rental value of the BMSS Phase 2 land at £5,000 per annum.

Members are asked to approve the lease of land at the Ballygomartin Road site shown hatched in blue on the Site Map attached at Appendix 2, to BMSS for a term to expire on 23 June 2049 at an initial rent of a £5,000 per annum to accommodate the BMSS Phase 2 development.

3.7 **Financial and Resource Implications**

BCC will receive rent of £5,000 per annum. Legal Services shall act on the instructions of the Estates Management Unit.

3.8 **Equality or Good Relations Implications/Rural Needs Assessment**

None associated with this report.

3.9 **iii) Exchange Street - Acquisition of lands at Exchange Street**

3.10 **Key Issues**

Belfast City Council (the Council) would acquire lands at Exchange Street shown outlined in red on the Site Map attached at Appendix 3, for the purposes of merging its existing lands at Exchange Street car park and the Corporation Street site, shown shaded yellow on the Site Map attached in Appendix 3, to assemble one large site.

Exchange Street is adopted by the Department for Infrastructure (the Department) and currently provides thirteen on-street parking spaces, however, it is not a through road. It serves no purpose to the road network other than to allow access to Council owned lands.

While the Department adopts the surface of Exchange Street, it does not hold title documents to the bed and soil and therefore cannot transfer same to Council. The Department do not accept that the bed and soil of roads transferred to it by virtue of the Transfer of Functions legislation 1973, and the Department does not consider it meets the requirements of adverse possession in respect of unregistered adopted lands in order to transfer a possessory interest. As such, the Department cannot guarantee title to the lands by way of either a Certificate of Title or Conveyance of Possessory Interest.

Having exhausted all other avenues to formally transfer the lands from the Department to the Council, the Council, with agreement from the Department, now intend to vest the lands at Exchange Street in order to obtain a title in fee simple, free from and discharged from all third-party claims or legal interests. As a result of vesting, the Council will benefit from an absolute class of title in relation to these lands.

The Council would vest Exchange Street in accordance with powers granted to it under Section 97 of the Local Government Act (NI) 1972.

In order to mitigate the risk that public rights would survive vesting, Council would make an abandonment application to the Department under Article 68 of the Roads Order to run concurrently with the vesting process.

Following abandonment, the Department would cease to operate the lands for on-street parking. Council would incorporate the additional parking spaces into Exchange Street car park and commence charging at the passing rate.

3.11

Financial and Resource Implications

Council's Estates Management Unit will work with Legal Services to lodge an application with the Department to initiate the abandonment process and will bear the associated costs. Further, to make the vesting order application and place any notice/advertisement that is required as part of the vesting procedure. Compensation may become payable to any person who comes forward and can demonstrate a legal right/entitlement to the lands being vested. Should any objections or disputes arise, it may be necessary for Council to make an application(s) to the Lands Tribunal to resolve matters.

3.12	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>None associated with this report.</p>
4.0	<p>Appendices - Documents Attached</p>
	<p>Appendix 1 – DRD Transfer Scheme containing maps of the off-street car parks which may require regularisation of title.</p> <p>Appendix 2 – Ballygomartin Road – Site Map showing BMSS Phase 2 lands hatched in blue.</p> <p>Appendix 3 – Exchange Street - Site Map showing lands subject to vesting outlined in red.</p>