



Belfast City Council

Report to:	Shadow Strategic Policy and Resources Committee
Subject:	Asset Management: (i) 402 Newtownards Rd Easement/Wayleave (ii) Land at Stewart Street – Proposed sub-letting to Sure Start (iii) Land at Annadale Embankment – Grant of Licence to Evander (NI) Ltd (iv) Land adjacent to Finlay Park – Whitewell Road, Belfast
Date:	20 March 2015
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1	Relevant Background Information
1.1	<p>(i) 402 Newtownards Rd Easement/Wayleave</p> <p>At its meeting on 12 March 2015 the Parks and Leisure Committee received a report regarding the proposed granting of an easement and wayleave to Landmark East and Northern Ireland Electricity (NIE) at 402 Newtownards Road. The Director of Property and Projects will provide an update to Committee on the decision of the Parks and Leisure Committee.</p>
1.2	<p>Landmark East are building the East Belfast visitor centre at the vacant site at 402 Newtownards Road. The building is funded by £250,000 of support from the Council's Local Investment Fund, £336,700 from the Northern Ireland Tourist Board (NITB) and the remaining £278,000 investment is from Landmark East.</p>
1.3	<p>The building footprint takes up the full area of the site and Landmark East have approached the Council seeking approval to take services to the site through Council owned Manderson Street Gardens shown shaded green on the map attached at Appendix '1'. The services include an NIE cable, water supply and gas supply and Landmark East will require an easement from the Council to construct a 1000mm diameter trench along the length of the new visitors centre to take the services to the rear of the new building. NIE will also require a wayleave agreement from the Council to provide the required electricity supply.</p>
1.4	<p>(ii) Land at Stewart Street – Proposed sub-letting to Sure Start</p> <p>At its meeting on 12 March 2015 the Parks and Leisure Committee received a report regarding the proposed granting of a sub-lease to Sure Start at Stewart Street. The Director of Property and Projects will provide an update to Committee on the decision of the Parks and Leisure Committee.</p>

1.5	The Council hold the land shaded blue and yellow on the map attached at Appendix '2' from the NIHE and NIE by way of 25 year leases which commenced on the 31 st March 2000. The land is used as a playground and open space; the playground is currently being refurbished as part of the rolling improvement programme.
1.6	At its meeting on the 22 nd February 2013 the SP&R Committee approved Local Investment Fund support of £150,000 for Sure Start to construct a modular building on the Council's leased land at Stewart St.
1.7	(iii) Land at Annadale Embankment – Grant of Licence to Evander (NI) Ltd The Carvill Group Ltd in 2009 took a licence for Council owned land at Annadale Embankment which they used as a contractor's compound adjacent to their development of new apartments subject to an annual fee of £30,000. Subsequently under a deed of variation in 2011, the area was reduced and the licence fee reduced accordingly to £4,250 per annum.
1.8	On 20 th May 2011, the Carvill Group Ltd entered into administration; however the administrators continued to pay the revised licence fee. The Carvill Group (in administration) has now sold its property interests to Evander (NI) Ltd and has sought to terminate the current licence agreement with the Council. There are no outstanding arrears and the licensee has complied with licence terms.
1.9	Evander (NI) Ltd has requested the grant of a new 2 year licence on the plot shown outlined red on the map attached at Appendix '3' for use as a contractor's compound. The adjoining site was partly developed by the Carvill Group and Evander (NI) Ltd proposes to complete the development of a further 5-storey apartment block.
1.10	(iv) Land adjacent to Finlay Park – Whitewell Road, Belfast The Parks and Leisure Committee at its meeting on 16 th October 2014 approved the acquisition of land adjacent to 93 Whitewell Road and to the exchange of lands adjacent to 95 Whitewell Road. The Council has recently undertaken some refurbishment and development work at Finlay Park, including a refurbished playground and multi user games area together with a new community garden. Given land ownership issues, there was limited opportunity to enhance the image of the entrance to the Park and the aim is to regularise these land issues.
1.11	The map attached at Appendix '4' shows Finlay Park shaded green along with the area to be acquired outlined red and the area to be disposed of outlined blue.

2	Key Issues
2.1	(i) 402 Newtownards Rd Easement/Wayleave Landmark East require an easement over 27 metres x 1 metre of Council land as shown shaded yellow on the map attached at Appendix '1' in order to bring services to the new visitors centre at 402 Newtownards Road. The NIE will also require the Council to complete a standard wayleave agreement to facilitate the cable supplying power to the visitors centre at 402 Newtownards Road.
2.2	(ii) Land at Stewart Street – Proposed sub-letting to Sure Start Sure Start have received approval in principle for £ 150,000 of Local Investment Fund support together with a further £35,000 from Sure Start, £10,000 from NIHE, £10,000 from Helm Housing and a possible £50,000 from the Alpha fund to construct a modular

	building on the Council's leased land at Stewart St.
2.3	The Committee is asked to note that Sure Start have requested a sub-lease from the Council for the area of land outlined in bold black on the map attached at Appendix '2'. This proposal is in line with the SP&R Committee's clarification of LIF guidance to Members at its meeting on the 22 nd June 2012 that a LIF proposal in respect of a Council asset could be eligible if it was subject to a lease of reasonable duration from the Council.
2.4	(iii) Land at Annadale Embankment – Grant of Licence to Evander (NI) Ltd A new 2 year licence with an annual fee of £2,750 has been provisionally agreed with Evander (NI) Ltd. Under the proposed licence the use will be restricted to a contractor's compound and the licensee will be required to reinstate the site to an agreed landscaping plan.
2.5	(iv) Land adjacent to Finlay Park – Whitewell Road, Belfast At its meeting on the 16 th October 2014, the Parks and Leisure Committee approved the acquisition of strip of land adjoining 93 Whitewell Road (shown outlined red on the map attached at Appendix '4') and to transfer, for storage purposes, a small portion of Council owned land (edged blue) adjacent to Finlay Park to the occupier of 95 Whitewell Road and to provide a fence at the transferred land for the benefit of both parties.

3	Resource Implications
	<u>Finance and Assets</u>
3.1	(i) 402 Newtownards Rd Easement/Wayleave <ul style="list-style-type: none"> • A premium of £350 has been agreed with Landmark East for the grant of the easement for the trench. • Appropriately the easement and wayleave are to be in land immediately adjacent to the culverted Connswater River and as such there is no prospect of the Council seeking to redevelop the land for anything other than amenity and access to the new C S Lewis Civic square which is being constructed as part of the Connswater Community Greenway project. Under the terms of the proposed easement, Landmark East will replace the ornamental trees at this location and fully reinstate the land to the satisfaction of the Parks Department.
3.2	(ii) Land at Stewart Street – Proposed sub-letting to Sure Start <ul style="list-style-type: none"> • Terms for the proposed sub lease including rent will be brought to the SP&R Committee for approval in accordance with standing orders. • The siting of the proposed modular building for Sure Start on part of the Stewart Street open space has been agreed with the Landscape & Design Unit and does not adversely impact on the refurbished playground and open space.
3.3	(iii) Land at Annadale Embankment – Grant of Licence to Evander (NI) Ltd <ul style="list-style-type: none"> • Termination of the licence to the Carvill Group Ltd (in Administration) and grant of a licence to Evander (NI) Ltd will regularise the current situation. Annual licence fee of £2,750 p.a. will be payable to the Council
3.4	(iv) Land adjacent to Finlay Park – Whitewell Road, Belfast <ul style="list-style-type: none"> • The proposals involve the acquisition by the Council of the land adjoining 93 Whitewell Road for a consideration of £500 plus reasonable legal costs subject to satisfying title. In relation to the land adjoining 95 Whitewell Road, it is proposed that the Council pay the owners reasonable legal costs associated with the land transfer. The Council are

3.5	<p>also to provide a new fence as referred to above. The associated costs will be provided for within the Parks and Leisure departmental budget.</p> <p><u>Human Resources</u> Staff resources from the Estate Management Unit and Legal Services will be required to complete all agreements.</p>
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4	Recommendations
	<p>It is recommended that Members agree:</p> <p>4.1 (i) 402 Newtownards Rd Easement/Wayleave To grant an easement to Landmark East over the lands shown shaded yellow on the attached plan at a premium of £350 and to complete a wayleave agreement with NIE to provide an underground cable to supply electricity to the C S Lewis building at 402 Newtownards Road.</p> <p>4.2 (ii) Land at Stewart Street – Proposed sub-letting to Sure Start To grant a sub-lease to Sure Start for the land outlined in bold black on the plan attached at Appendix '2' for the term remaining in the Head-Leases held by the Council from the NIHE and NIE, less three days at a rent and detailed terms to be agreed and approved by SP&R Committee in accordance with Standing Orders.</p> <p>4.3 (iii) Land at Annadale Embankment – Grant of Licence to Evander (NI) Ltd To approve the termination of the licence to the Carvill Group Ltd (in administration) and the grant of a new 2 year licence agreement to Evander (NI) Ltd in accordance with the above provisionally agreed terms and conditions.</p> <p>4.4 (iv) Land adjacent to Finlay Park – Whitewell Road, Belfast To ratify the decision of the Parks & Leisure Committee of 16th October: <ul style="list-style-type: none"> • To acquire the land adjoining 93 Whitewell Road for a consideration fee of £500, together with meeting all reasonable costs, subject to legal agreement. • To transfer, for storage purposes, a small portion of Council-owned land adjacent to Finlay Park to the occupier of 95 Whitewell Road and to provide a fence at the transferred land and pay reasonable legal costs. </p>

5	Key to Abbreviations
5.1	<p>NITB – Northern Ireland Tourist Board NIE – Northern Ireland Electricity Limited NIHE – Northern Ireland Housing Executive</p>

6	Documents Attached
6.1	<p>Appendix 1 – Map showing easement required by Landmark East shown highlighted yellow. Appendix 2 – Map showing area to be sub-let to Sure Start outlined green. Appendix 3 – Map showing land at Annadale Embankment to be licenced to Evander (NI) Ltd outlined red. Appendix 4 – Map showing Finlay Park shaded green, land to be acquired from the owner of 93 Whitewell Road outlined red and land to be transferred to the owner of 95 Whitewell Road outlined blue.</p>

