



Belfast City Council

Report to:	Parks and Leisure Committee
Subject:	Proposed Sewer Wayleave at Lyric Wood
Date:	10 March 2011
Reporting Officer:	Andrew Hassard, Director of Parks and Leisure,
Contact Officer:	Cathy Reynolds, Estates Manager, Property and Projects Department,

1.	Relevant Background Information
1.1	In 2007 planning permission was granted for development of three houses on the site of two former houses at 194 and 196 Stranmillis Road. The first of the houses is now nearing completion and a request has been received from the owner of the land to grant a wayleave in respect of all three proposed dwellings. The requested wayleave is in respect of a 150mm diameter combined storm and foul sewerage pipe which will run from the boundary of the council's land to the trunk main sewer (see map at Appendix 1). A two metre working width on each side of the proposed pipe is considered adequate in this case. The trunk sewer to which it will connect is located on council land close to the footway at Stranmillis Embankment.
1.2	An alternative solution of pumping foul sewerage to the main sewer on Stranmillis Road is available to the land owner at additional expense to him. The financial terms agreed with the land owner (see below) take account of the financial saving accruing to him from installation of the proposed pipes through council owned land.

2.	Key Issues
2.1	The proposed sewer installation is necessary to serve the (almost completed) new private dwelling plus two additional dwellings which have yet to be commenced. Sewerage from the former dwellings on the site was discharged to sewers in the Stranmillis Road. However the new development incorporates basements. It is thus no longer possible to discharge foul sewerage by gravity to the sewer on the Stranmillis Road, as this is at a higher level than the basement. The site owner could potentially pump foul sewerage to the main sewer under the Stranmillis Road.

2.2	NI Water has ruled that storm sewerage from the site cannot be discharged to the Stranmillis Road and thus the site owner has no choice but to seek agreement with the council regarding a storm water sewer across council land. In the absence of agreement with the council the site owner would be able to serve notice on NI Water requesting them to exercise their statutory powers to provide storm sewerage to the site across council land.
2.3	In view of the above we have sought to agree terms with the site owner in relation to sewer arrangements in respect of all three dwellings at one time rather than deal with them in a piecemeal manner. It is thus proposed that the council grant a wayleave to the land owner subject to the payment of the sum of £1,250 plus reasonable legal costs.

3.	Resource Implications
3.1	<u>Financial</u> Small capital receipt to the council primarily based on a percentage of the potential financial benefit to the adjoining land from installing sewers across council land (as opposed to installation of a pumped sewer within the development site).
3.2	<u>Human Resources</u> No additional human resources required other than Estates Management Unit and Legal Services resource in agreeing terms and drawing up the proposed legal agreement, plus some Parks and Cemeteries Services resource in monitoring the installation to ensure minimal damage to trees at this location.
3.3	<u>Asset and Other Implications</u> The installation could have an impact on any the future development at Lyric Wood, however given its current planning designation it seems unlikely the council will wish to develop this land in the foreseeable future. In terms of current use the proposed route of the sewer has been agreed with the Parks and Cemeteries Services site manager in an effort to minimise the impact on existing trees on the site.

4.	Equality and Good Relations Considerations
4.1	No known equality or good relations issues associated with this issue.

5.	Recommendations
5.1	Committee is recommended to approve the proposed sewer wayleave as shown on the map at Appendix 1, subject to payment to the council of £1,250 plus reasonable legal expenses, and subject to appropriate terms to be incorporated in a legal agreement to be drawn up by Legal Services.

6.	Decision Tracking
	Director of Parks and Leisure to monitor progress to ensure a relevant legal agreement is provided to the adjoining land owner within two months.
7.	Key to Abbreviations
	None.
8.	Documents Attached
	Appendix 1: Map showing route of the proposed pipe (blue line) and overall wayleave width (shaded yellow). The position of proposed access covers (2 No.) are show as small circles on the map. Surrounding land in Council ownership is shaded green.