



Belfast City Council

Report to:	Parks and Leisure Committee
Subject:	Land at Lenadoon Millennium Park
Date:	14 April 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 early March 2011 the council were approached by the architect acting for Lenadoon Community Forum (LCF), representatives of Lenadoon Community Forum (LCF) and Suffolk and Lenadoon Interface Group (SLIG) regarding the proposed construction of changing accommodation on Housing Executive land (outlined red on Appendix 1) which lies between council owned sites at Horn Drive Community Centre (shaded blue on Appendix 1) and Lenadoon Millennium Park (shaded green on Appendix 1). The area outlined red is being purchased by LCF from the Northern Ireland Housing Executive (NIHE).
1.2	It is understood LCF are developing changing accommodation for players using the nearby pitches at Lenadoon Millennium Park. The construction of the changing accommodation is being funded by Sport NI. As part of the grant conditions Sport NI had required LCF to spend a substantial proportion of the grant aid this current financial year (i.e. before 31 March 2011). Council officers were informed that failure to spend the relevant grant aid within this timescale would put the entire project at risk. Sport NI has however now relaxed this requirement to allow LCF to obtain good title to the necessary lands, provided this is in place before mid-June 2011. LCF currently have a facility management agreement with the council in relation to operation of Lenadoon Millennium Park.
1.3	Following the approach from LCF it was discovered that the forum wished to use portions of council owned land to facilitate the construction of changing accommodation for which they already had planning permission. In essence the building, as designed, was too big for the site which LCF were purchasing from the Housing Executive and LCF required additional land to allow construction to proceed. Council officers from Community Services (Development Department) and Parks and Leisure Department have considered the various proposals from LCF. Input was also provided by the Estates Management Unit and the council's Security Manager. It was considered that the least detrimental solution in relation to the council's

1.4	<p>existing land holdings would be to permit development into part of Lenadoon Millennium Park to facilitate the construction of the LCF changing accommodation. This solution, together with some additional security measures along the roof of the new building, were seen as going a long way towards eliminating any additional risks to the site security of the council's adjoining Horn Drive Community Centre. The total incursion into the Lenadoon Millennium Park site is a strip measuring approximately 1.85 metres wide by approximately 23 metres long, which LCF would need to purchase/lease from the Council to accommodate part of the footprint of the new building.</p> <p>Following discussions with the architect and contractor, in relation to proposed temporary use of council land as a contractor's compound, the architect and contractor sought a working width of 3 metres of the park (this is in addition to the strip referred to in the previous paragraph). Officers considered this was on the limit of what was acceptable given the proximity to the council's adjoining playground at Lenadoon Millennium Park.</p>
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2.	Key Issues
2.1	<p>Lenadoon Community Forum is seeking to purchase a 1.85 metre wide strip of council land measuring approximately 43.32 square metres (outlined blue on Appendix 2 attached). At this stage a disposal price has yet to be agreed, however a sale price of approximately £1200 in respect of the aforementioned 43.32 square metres is considered to reflect the level of market for this type of use (on basis of the agreed purchase price for the sale of adjoining land from NIHE to LCF).</p>
2.2	<p>At a meeting on 28 March 2011 with LCF representatives they indicated that no further funds are available to allow them to the acquire the relevant land at market value and they are seeking to acquire the land free of charge. As the land is to be used for purposes which the council can support under powers conferred on the council by the Recreation and Youth Services (NI) Order 1986, Articles 10(a) and (c), Legal Services advice is that the council is at liberty to dispose of the land at less than 'best price' without seeking Department of the Environment approval.</p>
2.3	<p>The above mentioned land area to be disposed of to LCF, is held by the council on a 10,000 year lease from the Northern Ireland Housing Executive and the council is required to seek Housing Executive approval to any disposal. The Housing Executive will also require the council to make a payment to them for release of a covenant which restricts use of the site to 'Informal Open Space'. The payment for release of the covenant (to allow community use/changing accommodation on this small part of the site) has been assessed by the District Valuer (acting for NIHE) at £1000.</p>
2.4	<p>The land at Lenadoon Millennium Park is also held subject to a Deed of Dedication between the council and The Millennium Commission. This Deed requires the council to seek Millennium Commission approval (now administered by the Big Lottery Fund) to any leasing or sale of land and to any change of use of the land. Council officers have contacted The Millennium Commission and have obtained informal approval to the proposed disposal. This approval remains subject to formalisation via a legal Deed of</p>

2.5	<p>Variation. It is understood the Millennium Commission will not seek any repayment of grant aid.</p> <p>The terms of the proposed temporary Licence Agreement for a contractor's compound are currently being agreed with the contractor Moss Construction (NI) Limited for a 4.85 metre wide strip of council land (i.e. the 1.85 metres which LCF propose to purchase plus a further 3 metres working width, as hatched blue on Appendix 3). Terms include payment of a weekly Licence Fee.</p> <p>In summary:</p> <ul style="list-style-type: none"> i) Members are asked to consider disposal of approximately 43.32 square metres of land at Lenadoon Millennium Park to Lenadoon Community Forum. Disposal of the land to be by way of a 99 year lease with use of the land restricted to 'community use and changing accommodation only'. These terms need to be, and are, consistent with the terms under which LCF will hold the land on which the main part of the changing accommodation will be located. Members may wish to consider whether to dispose of this land on a basis similar to the adjoining land being acquired by LCF, or to dispose of the land free of charge based on the Council's ability to do so under the Recreation and Youth Services (NI) Order 1986. That is, at approximately £1200, or alternatively, at Nil value. ii) Members are asked to note that various formal approvals from the Housing Executive need to be obtained prior to any disposal to LCF. In relation to the relaxation of the restriction on use of the land to allow its use as a community building / changing accommodation, the District Valuer has assessed the value payable by the council to the Housing Executive at £1000. iii) Members are asked to note that any proposed disposal to LCF will require Millennium Commission approval via a formal Deed of Variation. iv) Members are asked to consider the grant of a temporary Licence Agreement to Moss Construction (NI) Limited, during the construction of the changing accommodation, subject to detailed terms being agreed by the Estates Manager. <p>Summarising i) and ii) above the Housing Executive will charge the sum of £1000 to allow use of 43.32 square metres of Lenadoon Millennium Park for community use/changing accommodation. The council has the option of selling LCF the land at market value (£1200) or at £Nil. This would allow a number of financial outcomes for the council.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 70%;">Option 1. BCC charge LCF market value for land</td> <td style="text-align: right;">£1200</td> </tr> <tr> <td style="padding-left: 20px;">Council bear costs for release of covenant</td> <td style="text-align: right;"><u>(£1000)</u></td> </tr> <tr> <td style="padding-left: 20px;">Net positive financial benefit to Council</td> <td style="text-align: right;">£ 200</td> </tr> <tr> <td>Option 2. BCC charge LCF nil value for land</td> <td style="text-align: right;">£ 000</td> </tr> <tr> <td style="padding-left: 20px;">LCF bear Council costs for release of covenant</td> <td style="text-align: right;"><u>£ 000</u></td> </tr> <tr> <td style="padding-left: 20px;">Net cost to Council</td> <td style="text-align: right;">£ Nil</td> </tr> <tr> <td>Option 3. BCC charge LCF nil value for land</td> <td style="text-align: right;">£ 000</td> </tr> <tr> <td style="padding-left: 20px;">Council bear costs for release of covenant</td> <td style="text-align: right;"><u>(£1000)</u></td> </tr> <tr> <td style="padding-left: 20px;">Net cost to Council</td> <td style="text-align: right;">(£1000)</td> </tr> </table>	Option 1. BCC charge LCF market value for land	£1200	Council bear costs for release of covenant	<u>(£1000)</u>	Net positive financial benefit to Council	£ 200	Option 2. BCC charge LCF nil value for land	£ 000	LCF bear Council costs for release of covenant	<u>£ 000</u>	Net cost to Council	£ Nil	Option 3. BCC charge LCF nil value for land	£ 000	Council bear costs for release of covenant	<u>(£1000)</u>	Net cost to Council	(£1000)
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3.	Resource Implications
3.1	<p><u>Financial</u></p> <p>In terms of the proposed disposal of land to LCF, none of the financial outcomes referred to above involve significant amounts of money, ranging from a net financial gain to the council of £200 (Option 1) to a net financial loss to the council of £1000 (Option 3). However, a sum of £1000 will be payable to NIHE for the release of the restrictive covenant and in the event that this is not recouped from LCF it should be noted that there is currently no identified budget allocation for this in the Parks and Leisure budget.</p> <p>In accordance with usual practice it is proposed to charge the contractor a weekly fee for grant of the proposed Licence Agreement. The purpose of the fee is designed to encourage the contractor not to remain on the site for any longer than is necessary and to help defray the council's legal and other expenses in relation to provision of the Licence Agreement. It also recognises the potential cost savings to the contractor that provision of this additional working width provides.</p>
3.2	<p><u>Human Resources</u></p> <p>No additional human resources required. Resources from Parks and Leisure Department, Estates Management Unit and Legal Services have been and will be required, to reach agreement on terms with LCF and with the various external agencies (NIHE and Millennium Commission).</p>
3.3	<p><u>Asset and Other Implications</u></p> <p>The provision of changing accommodation at Lenadoon Millennium Park may assist in underpinning the longer term sustainability of the playing pitches on the site. The proposed transactions would result in loss of a small area of the site from the immediate control of the council but may cement community involvement in the site. This positive outcome is contingent upon the LCF being able to sustain the facility in the longer term.</p>

4.	Equality and Good Relations Considerations
4.1	<p>No known equality or good relations issues although Lenadoon Community Forum (LCF) are engaged as part of the Suffolk Lenadoon Interface Group (SLIG). Information is currently being sought from LCF in relation to Section 75 compliance.</p>

5.	Recommendations
5.1	<p>Members are recommended to authorise the disposal of a portion of Lenadoon Millennium Park (approximately 43.32 square metres outlined blue on the attached Appendix 2) to Lenadoon Community Forum on a 99 year lease at nil value with the Council recouping the costs of relaxation of the NIHE restrictive covenant on the land, from Lenadoon Community Forum (Option 2 above) at a net cost to the council of £nil, subject to the approval of the Strategic Policy and Resources Committee in accordance with Standing Orders 46 and 60 and appropriate legal agreements to be compiled, or approved by, the Town Solicitor and Assistant Chief</p>

5.2	<p>Executive. The disposal of the land will be subject to funding from Sport NI to facilitate the development of the proposed changing accommodation.</p> <p>Members are further recommended to provide approval to the Grant of Licence Agreement to Moss Construction (NI) Limited to facilitate the construction of changing accommodation for Lenadoon Community Forum, for a period of 26 weeks (and week to week thereafter up to a maximum of 52 weeks) with the Licence to cover all insurance and reinstatement issues, at a Licence Fee of £50 per week, for approximately 123.3 square metres, hatched blue on the attached Appendix 3. Grant of Licence also to be subject to Lenadoon Community Forum taking primary responsibility for liaising with the local community in relation to any issues arising from the construction project.</p>
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6.	Decision Tracking
	<p>Director of Parks and Leisure to liaise with Director of Property and Projects in relation to agreement on terms of disposal with LCF, various third party approvals and reference of the disposal to Strategic Policy and Resources Committee at the earliest opportunity.</p>

7.	Key to Abbreviations
	<p>LCF: Lenadoon Community Forum SLIG: Suffolk Lenadoon Interface Group Housing Executive, or, NIHE: Northern Ireland Housing Executive</p>

8.	Documents Attached
	<p>Appendix 1: Map showing land being acquired by LCF from NIHE outlined red. Horn Drive Community Centre site is shaded blue and Lenadoon Millennium Park is shaded green.</p> <p>Appendix 2: Map showing land area of approximately 43 square metres (outlined blue) for proposed disposal to Lenadoon Community Forum.</p> <p>Appendix 3: Map showing land area of approximately 123 square metres (hatched blue) for proposed temporary Licence Agreement to Moss Construction (NI) Limited.</p>