



Belfast City Council

Report to:	Parks and Leisure Committee
Subject:	Land adjacent to Finlay Park
Date:	16 October 2014
Reporting Officer:	Andrew Hassard, Director of Parks and Leisure
Contact Officer:	Stephen Walker, Departmental Portfolio and Programme Manager Cathy Reynolds, Estates Manager, Property & Projects

1	Relevant Background Information
1.1	The Committee is reminded that the Council has recently undertaken some significant refurbishment and development work at Finlay Park, which is on the Whitewell Road in North Belfast. This investment included a refurbished playground and multi user games area together with a new community garden. This work was funded through different programmes within the Parks and Leisure Department.
1.2	As part of the overall programme consideration was given to enhancing the image of the entrance to the facility. However, there were a number of land issues which required regularisation. The Parks and Leisure Department requested assistance from the Estates Management Unit to regularise the land ownership issues. The overarching aim of this is to simplify the land ownership around the facility and to enable an attractive entrance to be provided, should the funding become available in the future.
1.3	In the interim, various meetings have been held with the owners of properties immediately adjacent to Finlay Park, namely No's 93 and 95 Whitewell Road. This report sets out a proposal to regularise land ownership. A copy of the street view image for the existing entrance is attached as Appendix 2.

2	Key Issues
2.1	The Committee is asked to note that the properties immediately adjacent to Finlay Park are No's 93 and 95 Whitewell Road. A Location Map is attached at Appendix 1.
2.2	No 93 Whitewell Road includes a circa 2.5 meter wide strip which has the appearance of forming part of the existing park entrance. It is proposed that this situation is regularised by acquiring the strip of land, as shown edged red on the attached map.

2.3	The owner of No 95 Whitewell Road, a local Spar Supermarket, has encroached onto an area of some 28 sq m of adjoining Council owned land (hatched blue on the map at Appendix 2). An 8ft high palisade fence has been erected (shown as a dotted line on the enclosed map) to provide secure storage for gas bottles etc at the side of his premises. This has been a long standing situation. As a consequence the entrance to Finlay Park is partially blocked, unsightly and uninviting.
2.4	Given the long standing nature of this encroachment it is likely that the owner of No 95 could potentially claim possessory title to part or all of these lands. Therefore it is being proposed that an agreement is reached whereby an alternative small area of Council land (shown shaded pink and hatched pink and blue on the attached map) is substituted for the area upon which encroachment has occurred. The owner of No 95 will vacate the remainder of the encroached land and it is proposed that the Council would erect a new security fence (shown as a dashed line on the attached map) to the rear land.
2.5	The resolution of the land issues will assist in providing sufficient space to potentially upgrade and enhance the entrance with attractive landscaping and park signage, should funding become available in the future. This would improve accessibility, mirror the high standard of the park and invite the public to enjoy the new facilities within.

3	Resource Implications
3.1	<p><u>Financial</u> The proposals involve the acquisition by the Council of the land adjoining No 93 for a consideration of £500 plus reasonable legal costs subject to satisfying title. No accommodation works will be provided. In relation to the land adjoining no 95, it is proposed that the Council pay the owners reasonable legal costs associated with the land transfer. The Council are also to provide a new fence as referred to above. The associated costs will be provided for within the Parks & Leisure departmental budget estimates.</p>
3.2	<p><u>Human</u> Staff resource from Estates Management Unit and Legal Services.</p>
3.3	<p><u>Assets</u> The regularisation of land ownership issues will assist in any future entrance improvement works and enhance the quality of Finlay Park.</p>

4	Equality and Good Relations Considerations
4.1	There are no equality and good relations implications associated with this report

5	Recommendations
5.1	The Committee is asked to approve the acquisition of land adjacent No 93 Whitewell Road and to the transfer of lands adjacent to No 95 Whitewell Road, as referred to above and as shown on the map attached at Appendix 1, subject to the approval of the Strategic Policy & Resources Committee in line with Standing Orders.

6	Documents Attached
Appendix 1 – Location Map and proposed land transfers Appendix 2 – Street view of existing entrance	