



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Temporary Licence and Disposal of Land at Dundonald Cemetery
Date:	23 May 2008
Reporting Officer:	Gerry Millar, Director of Improvement, Ext. 6217
Contact Officer:	Stephen Walker, Principal Parks & Cemeteries Development Manager, Ext 3510. Ken Anderson, Estates Surveyor, Core Improvement Team, Ext. 3496.

Relevant Background Information

At its meeting on 14 February 2008 the Parks and Leisure Committee agreed to disposal of an area of land at Dundonald Cemetery to the Hanwood Trust and agreed in principle to the preparation of a legal agreement which would enable early commencement of work at the site prior to completion of a formal land transfer. The Committee also noted and supported the Hanwood Trust's requested to transfer the land at a notional cost subject to compliance with the Council's obligations to obtain the approval of the Department of the Environment to any disposal at less than best price (in accordance with Section 96 of the Local Government Act 1972). Approval was also subject to notification to the Strategic Policy and Resources Committee.

The land in question lies on the opposite side of the former Comber Railway line from the main portion of Dundonald Cemetery and lies within Castlereagh Borough Council local government area. The Belfast City Council land is required as part of an area required for development of a third generation pitch and associated run-off area. In the short term the land was required to accommodate soil shifting from other parts of the development taking place in the immediate vicinity.

The report to the Parks and Leisure Committee gave brief information on the proposed development which is being carried forward by the Hanwood Trust on behalf of Castlereagh Borough Council. Appendix 1 attached provides further information on the potential use of the developed facilities by residents from Belfast City Council area.

Key Issues

There are three main issues and several sub-ordinate issues associated with these:

1. The views of Committee are sought in relation to retrospective approval to the grant of a temporary Licence Agreement to the Hanwood Trust to allow storage of soil on approximately 0.43 acres of Belfast City Council lands. This land forms part of the lands referred to at '2' below.
 - The terms of this Licence to provide protection to the Council particularly in relation to provision of suitable indemnities and insurances plus compliance with all statutory requirements in relation to control of pollution and waste disposal.
 - Although Hanwood Trust are understood to have made considerable savings from use of the Council lands it has been requested by the Hanwood Trust, in view of the nature of the scheme, that the Licence should be granted at no financial cost to Hanwood Trust.
2. The views of Committee are sought in relation to disposal of the area of land shown outlined red on the attached map Appendix 2 (approximately 0.58 acres). The map also shows adjoining BCC land shaded yellow.
 - Disposal is proposed by way of a 125 year lease (or such longer period as considered appropriate) to be prepared by the Director of Legal Services and subject to conditions which include protecting the Council's interests in relation to any future land contamination issues.
 - Hanwood Trust have requested the land for nil consideration. In accordance with Section 96 of the Local Government Act 1972 the approval of the Department of the Environment is likely to be required if the Council proceed on this basis. On a pro rata basis, and based upon a valuation prepared for Castlereagh Borough Council by the District Valuer, to value of Belfast City Council's portion would be approximately £50,000 a further reference to the District Valuer would be require in order to verify the appropriateness of this level of value to the BCC lands.
3. The main funders of this project are Sport NI (formerly the NI Sports Council) who are making a capital contribution of £1M. It is understood that Sport NI may require Belfast City Council to enter into a Deed of Dedication in relation to the BCC (land) portion of the scheme. If such a requirement is to be proposed by Sport NI it would be aimed at ensuring continued use of the facility for its intended 'sports' use for the 21 year period covered by the Deed. While understanding this aim, officers will wish to ensure that Belfast City Council does not commit to provision of future financial support for a scheme which lies outside the city's local government boundary.

Resource Implications

Financial

It is envisaged that no expenditure (except for limited legal and valuation fees) would be required by Belfast City Council. However the release of these lands at nil cost on Licence and their subsequent disposal may represent something of a lost financial opportunity to Belfast City Council. For these reasons the approval of the Department of the Environment is required.

Human Resources

No additional human resources required.

Asset and Other Implications

The portion of land requested by Hanwood Trust forms part of a larger area of approximately 3.6 acres, in Belfast City Council ownership, which is located on the opposite side of the former Comber railway line from Dundonald Cemetery. None of this land is used in connection with the cemetery and it is essentially a low lying area of scrubland. The southern boundary of the 3.6 acres adjoins the extended Dundonald Ice Bowl site and is believed held by Castlereagh Borough Council or their nominees.

Recommendations

Committee is recommended to accede to the requests from the Hanwood Trust for provision of the lands outlined red on the map (Appendix 2 attached) subject to appropriate legal agreements to be prepared by the Director of Legal Services to encompass the safeguards as set out in this report and to approve reference of these matters to the Department of the Environment for approval as required. The Committee is further recommended to approve entering into a 21 year duration, Deed of Dedication with Sport NI such does not commit the Council to any future financial expenditure in respect of the Hanwood development.

Key to Abbreviations

BCC – Belfast City Council

Documents Attached

Appendix 1 – Further background information relating to the provision of sports and community facilities by the Hanwood Trust at Dundonald

Appendix 2 – Map showing the lands for disposal (outlined red) and adjoining BCC lands (shaded yellow).

