



Belfast City Council

Report to: Strategic Policy and Resources Committee

Subject: Asset Management:

Item 1: Proposed Lease of part Stables Block at Sir Thomas & Lady Dixon Park

Item 2: Proposed Exchange of Land with NI Water at Annadale Embankment

Item 3: Acquisition of Open Space Land at Slievegallion Drive from NIHE

Item 4: Grazing Licences at Monagh Wood and Glen Road

Item 5: Grant of Easement to Phoenix Gas at North Foreshore

Date: 19 November 2010

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Relevant Background Information

Item 1: Lease at Stables Block

Following recent re-location of staff within Parks and Leisure Department the refurbished first floor office accommodation within the 'Stables' block at Sir Thomas and Lady Dixon Park is currently unoccupied. The first floor office area comprises approximately 1350 square feet.

Following discussions between officers from Parks and Leisure Department and the Belfast Marathon Office it is proposed that the Marathon Office be located on the first floor accommodation above the Stables Restaurant. It is also proposed that this occupation be regulated by way of a formal lease from the Council.

Belfast City Marathon Limited is a company limited by guarantee formed for the purpose of organising and operating the Belfast Marathon. The company receives annual funding from the Council in the region of £40K out of a total annual budget in the region of £300K. The Company Board of nine is made up of representatives from Athletics Northern Ireland, Sport NI, an independent Chairman, and three representatives from Belfast City Council (two Councillors and one officer). Council assistance is also provided to the staging of the event by the Council's Events Team.

The main terms of the proposed lease are:

Tenant: Belfast City Marathon Limited

Commencement Date: As soon as practicable to allow finalisation of address and telephone arrangements in the lead-in to the 2011 event.

Duration: One year and year to year thereafter.

Rent: £11,000 per annum, subject to review after five years if tenancy continues.

Rates: Tenant responsible.

Service Charge: The Council will seek to recover a number of costs (security, heating etc. on a proportionate basis via an annual Service Charge).

Access and Parking: Tenant will have access to the Park at all times. Parking will only be permitted in recognised parking bays.

Item 2. Annadale Embankment: Exchange of Land

At its meeting on 14 October 2010 the Parks and Leisure Committee approved the disposal of approximately 541 square metres (outlined red on Appendix 2) and acquisition of approximately 87 square metres (outlined blue on Appendix 2) for a net receipt to the Council of £24,500, subject to ratification by the Strategic Policy and Resources Committee and subject to an appropriate legal agreement to be drawn up by the Town Solicitor.

An extract from the Parks and Leisure Committee minute of 14 October 2010 is attached at Appendix 3. The minute sets out the reasons for the proposed scheme and the nature of the proposed development. The report also notes that Full Planning Permission for the proposed scheme was granted on 7 June 2010.

In view of the existing use of the area outlined blue (i.e. as a sewerage pumping station) acquisition of this portion by the Council remains subject to agreement on suitable decommissioning works to be carried out by NI Water as set out in the minute.

Under the provisions of The Water and Sewerage Services (Northern Ireland) Order 2006, NI Water are precluded from compulsorily acquiring land from any public body unless the compulsory acquisition has been approved by a resolution of the Assembly. For this reason NI Water are seeking to acquire the subject land from the Council by agreement.

Item 3. Slievegallion Drive open Space

The Council currently hold 4.975 acres of land at Slievegallion Drive (shown shaded green on the attached map – Appendix 4). The land is held on a 10,000 year lease, dated 20 February 1984, from the Northern Ireland Housing Executive. The lease restricts use of the site to open space.

A small portion of land at the northern end of the site was omitted from the original transfer and remains in NIHE ownership. At its meeting on 16 September 2010 the Parks and Leisure Committee approved the acquisition of this portion of land (approximately 0.173 acres) from the Northern Ireland Housing Executive. An extract from the minute is attached at Appendix 5 and a map showing the relevant land hatched black, is attached at Appendix 4.

Item 4. Grazing Licences

The Council owns an 8.5 acre site at Glen Road located between St. Teresa's GAC and the Glen Road Travellers Camp which is held in the Corporate Landbank. Part of the land (edged green on map in Appendix 6) has recently been used, without permission, by a person living in the near vicinity for grazing a horse

Members will be aware that previous Committee approval was granted to disposal of this land to NIHE for social housing purposes. Whilst there were proposals to develop both this land and the adjoining NIHE and privately owned lands for housing purposes, the sale of the land has been delayed primarily due to EU procurement issues in terms

of design and build restrictions affecting housing associations. However discussions regarding disposal are still underway with NIHE and the Housing Associations nominated by NIHE to develop this land, and a separate report will be brought back to Committee in the near future on this.

There are also horses grazing on another Council owned site at Monagh Wood (location map at Appendix 7), again without permission. The land is zoned as Green Belt under dBMAP and an Area of High Scenic Value.

Item 5: Easement at North Foreshore

Phoenix Natural Gas Ltd is laying a new mains gas pipeline from North Belfast to the Odyssey Arena Complex in East Belfast via Duncrue Road, Corporation Street and the Queen Elizabeth Bridge.

A short length of this pipeline cuts across the South West corner of the North Foreshore site as shown in the attached plan.

Key Issues

Item 1. Lease At Stables Block

Proposed lease on an annual basis, to Belfast Marathon Office, of accommodation which is not currently being utilised for Council purposes. Under the terms of the Business Tenancies (NI) Order 1996, the Council will retain an ability to recover possession if required for delivery of any statutory function. Otherwise continuance of the lease may be by mutual consent. Agreed rent is recommended as satisfying the provisions of Section 96 of the Local Government Act (NI) 1972 in relation to 'best price'.

Item 2. Annadale Embankment: Exchange of Land

Proposed acquisition of Council land by Northern Ireland Water 'by agreement'. If the Council object to disposal of the land then for NI Water to proceed with compulsory acquisition would require approval by resolution of the Assembly.

The financial terms outlined in this report have been agreed with Land and Property Services acting on behalf of NI Water.

Item 3. Slievegallion Drive open Space

Transfer of the portion of land hatched black on Appendix 4 would rationalise the existing site boundaries and 'square off' the Council's land holding. This would simplify any future pitch or other recreational development at this location. Acquisition of the land would be at no cost to the Council

Item 4. Grazing Licences

The main issue for the Council is protect its land holdings and to avoid facing any claims for adverse possession. The Estates Management Unit has already taken steps to remove a semi permanent structure from the land at Glen Road Heights that was being used as a stable.

It is proposed to advertise in the local press the availability of licences to regularise grazing on the land. The persons grazing horses on the land will be given the opportunity to respond to the advert and the sites will be licensed to the persons offering the best terms to the Council.

The grazing licences would be subject to the strict provisions that no structures, permanent or temporary would be permitted on the land at any time. The licensee in each case would be responsible for the maintenance and up keep of the land and

ensuring, insofar as possible, is kept clear from the accumulation of litter or dumping. In each case the licence would be terminable in the event that the Council sells the land, wish to develop it or needs it for any other purpose or if there are any breaches in the provisions of the licence.

There will be no security of tenure and such an arrangement would not be afforded the protection of the Business Tenancies Order, as Article 4 [1] [d] excludes a tenancy of agricultural land, including farm houses and farm buildings.

The licences are seen as the best course of action as the boundaries for both sites would be difficult to secure, and the alternative would be to take enforcement action against those currently using the land for grazing but this could prove to be a costly and time consuming option.

Item 5: Easement at North Foreshore

The pipe is underground at a depth of some 2.0 metres.

Phoenix Natural Gas Ltd requires a 5 metre wide easement for pipe maintenance purposes. This will be accessed via the existing cycle track which is in Council ownership. A Right of Way will extend over the cycle track to its junction with Dargan Road. Location Map at Appendix 8.

Resource Implications

Financial

Item 1. Lease of part Stables Block

Proposed rental income of £11,000 per annum plus service charge. Tenancy will also provide some rates income.

Item 2. Exchange Land at Annadale Embankment

Capital receipt of £24,500 reflects proposed low key use and existing planning status.

Item 3. Open Space at Slievegallion Drive

The acquisition would be at no capital cost to the Council. Minimal additional revenue costs for grass cutting of the additional portion of land.

Item 4. Grazing Licences

This will be dependant upon the terms of any offers received in relation to the expressions of interest although it is envisaged that a nominal rent may apply.

Item 5: Easement: North Foreshore

The grant of easement and right of way will require Phoenix Natural Gas Ltd to reimburse the Council's reasonable legal costs. The easement fee will be a nominal £1 per annum, if demanded.

Human Resources

Items 1 -4

Existing resource in Legal Services Department and Estates Management Unit (EMU) required in agreeing detailed terms. Further Parks and Leisure Department and EMU inputs will be required on an on-going basis in connection with lease management in relation to Item 1.

Item 5

Input from the North Foreshore Unit and Legal Services to complete the agreement.

Asset and Other Implications

Item 1 Lease at Stables

Letting brings an income-producing use to a Council asset which is currently unoccupied. Duration of lease brings flexibility to Council and to the prospective tenant. Council's ability to recover possession is protected by statute.

Item 2. Exchange Land at Annadale

As reported in minute of Parks and Leisure Committee attached at Appendix 2.

Item 3. Open Space at Slievegallion Drive

Acquisition would rationalise site boundaries which are currently undefined around this portion of land. i.e. there are currently no fences or other structures which separate the Council's existing land from the portion to be acquired

Item 4. Grazing Licences

Regularisation of current grazing by way of a licence will protect the Council's interests.

Item 5. Easement at North Foreshore

The grant of easement and right of way will have no negative impact on the Council's proposed development plans for the North Foreshore. The installation of a mains natural gas supply may benefit the North Foreshore should the Council decide to provide a mains natural gas supply to the site.

Recommendations

Item 1. Lease at Stables

Proposed lease to Belfast Marathon Office of first floor accommodation above Stables Restaurant, at Sir Thomas and Lady Dixon Park, on an annually renewable basis at a rent of £11,000 per annum (subject to review after five years if lease is continuing) is recommended for approval, subject to appropriate terms being incorporated in legal agreement prepared by the Legal Services Department.

Item 2. Exchange of Land at Annadale

Committee is recommended to approve the disposal of 541 square metres (outlined red on Appendix 2) and acquisition of approximately 87 square metres (outlined blue on Appendix 2) for a net receipt to the Council of £24,500, subject to an appropriate legal agreement to be drawn up by the Legal Services Department.

Item 3. Open Space at Slievegallion Drive

Committee is recommended to approve the acquisition from the Northern Ireland Housing Executive of approximately 0.173 acres of land shown hatched black on Appendix 4 to this report, on the basis of a long lease at a nominal rent, with use restricted to open space, subject to appropriate legal documentation to be approved by the Legal Services department.

Item 4. Grazing Licences

Committee is recommended to approve the use of the lands for grazing purposes following expressions of interest being sought, subject to the regularisation of this by way of a grazing licence to be prepared by the Legal Services Department. .

Item 5. Easement at North Foreshore

Committee is recommended to approve the grant of easement and right of way to

Phoenix Gas subject to appropriate legal documentation to be drawn up by the Legal Services Department.

Decision Tracking

Director of Property and Projects to ensure:

Item 1: Lease Completion by 31 December 2010.

Item 2: Completion of land exchange by 30 June 2011.

Item 3: Monitor acquisition completed by 31 March 2011

Item 4: Licences are completed within a 4 month timeframe.

Item 5: Easement and Right of Way completion December 2010.

Key to Abbreviations

EMU – Estates Management Unit

NI Water – Northern Ireland Water

NIHE – Northern Ireland Housing Executive

dBMAP – draft Belfast Metropolitan Area Plan

NIHE – Northern Ireland Housing Executive

Documents Attached

Appendix 1 – Map showing location of Stables block (shaded pink) at Sir Thomas and Lady Dixon Park, Upper Malone Road, Belfast.

Appendix 2 – Map showing land being disposed of to NI Water for new pumping station (outlined red) and land to be acquired by the Council (outlined blue).

Appendix 3 – Extract from the minute of the Parks and Leisure Committee of 14 October 2010.

Appendix 4 – Map showing the land to be acquired hatched black. The Council's existing land holding at Slievegallion Drive Open Space is shaded green.

Appendix 5 – Extract from the minute of the Parks and Leisure Committee of 16 September 2010.

Appendix 6 – Map showing Council boundaries of site at Glen Road outlined in red with area where horse is grazing shaded green.

Appendix 7 - Map showing Council boundaries of site at Monagh Wood outlined in red.

Appendix 8 –Map of proposed easement at North Foreshore