



## Belfast City Council

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| <b>Report to:</b>         | Strategic Policy & Resources  |
| <b>Subject:</b>           | Asset Management: Leases, License & Disposals<br>(i) Roselawn Cemetery – Northern Ireland Electricity Wayleave Agreement<br>(ii) Duncrue Industrial Estate – Eircom Wayleave Agreement<br>(iii) Deed of Dedication at Orangefield Playing Fields<br>(iv) Proposed Bridge at Dundonald |
| <b>Date:</b>              | 17 <sup>th</sup> October 2014   |
| <b>Reporting Officer:</b> | Gerry Millar, Director of Property & Projects Ext 6217  |
| <b>Contact Officer:</b>   | Cathy Reynolds – Estates Manager, Property & Projects Department, ext 3493  |

| 1   | Relevant Background Information   |
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| 1.1 | <p><b>(i) Roselawn Cemetery - Northern Ireland Electricity Wayleave Agreement</b><br/>           At its meeting on 12 June 2014 the Parks and Leisure Committee approved permission for Northern Ireland Electricity to remove overhead electricity cables which are affected by memorial trees and to have these cables put underground in a route approved by relevant Council Officers and NIE. An extract of the relevant minute of the Parks and Leisure Committee is attached as Appendix 1 to this report.</p> |
| 1.2 | <p>NIE have offered to be responsible for the works and cost of re-laying the overhead cables in the areas affected. The Council's Parks and Leisure Department are to provide a suitable trench for the underground cabling and this will require a wayleave agreement between the Council and NIE.</p>  |
| 1.3 | <p><b>(ii) Duncrue Complex – Eircom Wayleave Agreement</b><br/>           The Council's Digital Services section has requested a wayleave agreement to facilitate an enhancement to the services provided by them and to obtain a connection onto the Eircom network already in place at Duncrue Complex. Duncrue Complex is an IT resilience site for Digital Services and there is an IT hub located within the complex.</p>  |
| 1.4 | <p>As part of Local Government Reform planning powers will be transferred to the Council and this will necessitate existing Planning Service IT systems being incorporated into the Council's existing IT maintenance contract.</p>   |
| 1.5 | <p>Whilst the service connection link for Planning Service may ultimately have to be</p>  |

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|     | located directly into the office accommodation they will occupy, Digital Services also wish to make contingency arrangements for a possible connection into Duncrue Complex. There is a lead in time required for engineering and other associated works to be agreed.  |
| 1.6 | <p><b>(iii) Deed of Dedication at Orangefield Playing Fields</b></p> <p>At its meeting on 12 January 2012 the Parks and Leisure Committee agreed to enter into a Deed to dedicate a substantial part of Orangefield Playing Fields as part of the Queen Elizabeth II Fields Challenge. The minute (Appendix 3) noted the need for legal and estates issues to be addressed as part of this process. The extent of the land to be included in the Deed is shown outlined red on Appendix 2 and totals approximately 35.32 acres.</p>   |
| 1.7 | A further report was provided to the Parks and Leisure Committee on 16 October 2014 setting out in more detail the impact of the proposed Deed on the value of the site and upon future use of the asset. A copy of the report is attached (Appendix 4) and the Director of Property and Projects will provide an update to Members on the meeting of the Parks and Leisure Committee.  |
| 1.8 | <p><b>(iv) Proposed Bridge at Dundonald</b></p> <p>At its meeting on 16 October 2014 the Parks and Leisure Committee received a report seeking in principle approval to the provision of access to allow Castlereagh Borough Council (CBC) and their contractors to carry out site investigations and to allow for the subsequent installation of a pedestrian bridge across Belfast City Council land at the rear of Dundonald Cemetery (copy report attached – Appendix 7). CBC wish to enter into legal agreements with Belfast City Council to provide CBC with the rights they require to allow their project to move forward. CBC also require longer term rights across BCC land to retain and maintain the bridge structure and to manage and maintain an area of land beneath the bridge.</p>  |
| 1.9 | <p>Belfast City Council (BCC) own land which lies between the Comber Greenway and Castlereagh Council's wider Dundonald Ice Bowl development. The land was originally acquired by BCC as part of Dundonald Cemetery but is now separated from the main cemetery site by the Comber Greenway. This area of BCC land currently falls within Castlereagh local government area and will fall within the Castlereagh/Lisburn LGA, after 1 April 2015. It will however remain in BCC ownership after 1 April 2015.</p> <p>Castlereagh Borough Council (CBC) are planning redevelopment of the Ice Bowl. As part of the proposals they wish to install a 3 metre wide pre-fabricated pedestrian bridge to link the Comber Greenway with the redeveloped Ice Bowl site. The location of the proposed bridge and the extent of the lands in BCC ownership are shown on the attached map (Appendix 5). This area of BCC land forms a narrow strip and the bridge is located some 270 metres from the eastern end of the site. For over half of this distance the BCC land is covered in trees and scrub. The remaining distance is in rough grass.</p> |

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| <b>2</b> | <b>Key Issues</b>  |
| 2.1      | <p><b>(i) Roselawn Cemetery - Northern Ireland Electricity Wayleave Agreement</b></p> <p>NIE and the Council Contractor will be required to carry out works in accordance with the proposed work requirements set out in the attached minute 12 June 2014.</p> |
| 2.2      | NIE will be reminded that Roselawn Cemetery is a very busy site and an open Cemetery and the works scheduled will have to accommodate adjacent earth   |

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|      | <p>burials, burial of cremated remains at memorial trees and respect for the privacy of the visiting public to nearby graves and Memorial Trees.</p>  |
| 2.3  | <p>Similarly the closing down of the electricity to the site will also need to be planned and agreed so as to cause minimum disruption to the operation of the site.</p>  |
| 2.4  | <p><b>(ii) Duncrue Complex – Eircom Wayleave Agreement</b><br/> A wayleave agreement is required over Council owned land at Duncrue Complex to facilitate a connection into the Eircom network for BCC business continuity purposes in relation to the transfer of planning powers to BCC.</p>  |
| 2.5  | <p><b>(iii) Deed of Dedication at Orangefield Playing Fields</b><br/> The key issues are as set out in the attached report to Parks and Leisure Committee (Appendix 4). The boundaries of the Deed of Dedication have been drawn in a way so as not to overlap or interfere with the Council’s development of the Connswater Community Greenway.</p>  |
| 2.6  | <p>FIT have recently informed the Council that completion of the Deed of Dedication is required by 30 November 2014.</p>  |
| 2.7  | <p><b>(iv) Proposed Bridge at Dundonald</b><br/> Site Investigations.<br/> Access is required to allow the drilling of trial boreholes at the location of the proposed bridge foundations. CBC have yet to confirm the access route but a ‘worst case’ scenario is where they would require access by JCB and a drilling rig over the whole of the 270 metre grass, tree and scrub covered area. It would not be CBC’s intention to reinstate the access route but merely to let it grow-over naturally. The risk to BCC in this approach is that the cleared path becomes an attraction for anti-social behaviour until such times as the relatively impenetrable growth returns. It is anticipated the site investigations would be carried out on a periodic basis between now and the commencement of construction.</p> |
| 2.8  | <p>A Licence Agreement between CBC and BCC would normally be required to regulate the access arrangements and the responsibilities and liabilities of the parties which flow from those arrangements. If CBC choose to utilise the ‘worst case’ access route, as referred to above, resources may need to be deployed to deal with anti-social behaviour, including possible fly-tipping. In view of this, officers are seeking agreement from CBC which would make CBC responsible for any additional management issues arising from the site investigations. If a short access route across adjoining CBC land can be identified then it is proposed this would be beneficial and may also reduce or eliminate any potential ASB costs to CBC.</p>  |
| 2.9  | <p>Construction Access.<br/> CBC are currently investigating whether construction traffic for installation of foundations and installation of the bridge itself will need to use access from the eastern end of the site. If such access is required it would require installation of appropriate surfacing along the whole 270 metre run across BCC land. Removal of the surfacing following completion of the bridge and an agreed level of reinstatement of the land would be required. CBC would be responsible for all security issues and any ASB associated with their use of the site during this period.</p>   |
| 2.10 | <p>Grant of Rights.<br/> The landing points of the bridge are not in BCC ownership however property</p>   |

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| 2.11 | <p>rights would be required by CBC to allow them to retain the bridge over BCC land and to allow for the installation of foundation columns within BCC land. In addition CBC will require periodic access to a 5 metre wide strip of land beneath the bridge to facilitate not only maintenance of the bridge but to clear or cut back any trees or other growth which might interfere with the structure or use of the bridge. BCC will require CBC to be responsible for litter clearance beneath the bridge and a reasonable area around same. BCC are not proposing to deploy any additional BCC resources towards litter picking or Anti Social Behaviour (ASB) in this location. There are no current ASB issues on any of the BCC land on the south side of the Comber Greenway and thus minimal BCC resources are deployed here. Officers are thus seeking agreement from CBC to ensure any management issues arising from the installation and use of the bridge and its impact on the surrounding BCC land are resourced by CBC. This would include responsibility for maintenance of the shrubbery and trees in the vicinity of the bridge and for any ASB.</p> <p>Legal Arrangements and Valuation.</p> <p>The Grant of Rights and Construction Access arrangements could be incorporated within an Easement to be granted to CBC for a period of 30 years, with detailed terms to be agreed by Estates Management Unit. The grant of these rights constitutes a disposal of an interest in land and thus falls within the 'best price' provisions as contained in Section 96 of the Local Government Act (NI) 1972. In view of this, Land &amp; Property Services (LPS) have been requested to provide a valuation associated with the grant of the various rights and this will be incorporated within a Grant of Easement to be prepared by the Town Solicitor.</p> |
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| <b>3</b> | <b>Resource Implications</b>   |
|          | <p><b><u>Finance and Assets</u></b></p> <p>3.1 <b>(i) Roselawn Cemetery - Northern Ireland Electricity Wayleave Agreement</b></p> <ul style="list-style-type: none"> <li>• The costs to Belfast City Council are estimated to be in the region of £10,000 and will be accommodated in the annual budget for Parks and Leisure. There are no additional costs identified at this time, and NIE are not proposing to charge the Council any fees.</li> <li>• The work will reduce the risk to the public of electrocution and reduce the risk of trees causing power supply failure during periods of strong winds.</li> <li>• The visual amenity of the site will be improved by the removal of some runs of overhead cables and poles and the locations of the proposed underground cables and associated wayleave agreements result in no greater impact on the property asset than presently exists.</li> </ul> <p>3.2 <b>(ii) Duncrue Complex – Eircom Wayleave Agreement</b></p> <ul style="list-style-type: none"> <li>• The proposed route of the wayleave, which is for the benefit of BCC, is on Council land.</li> </ul> <p>3.3 <b>(iii) Deed of Dedication at Orangefield Playing Fields</b></p> <ul style="list-style-type: none"> <li>• No income receivable and no expenditure incurred as a direct result of entering into the proposed Deed of Dedication.</li> <li>• The proposed Deed would affect most of Orangefield Playing Fields. In arriving at the proposed area, for inclusion in the Deed, care has been taken to try and avoid any currently known areas where the requirements of the Deed could conflict with other legal obligations or circumstances. The Deed would underpin the use of the dedicated space for public recreational purposes. This goal is mainly achieved by making disposal</li> </ul> |

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| <p>3.4</p> <p>3.5</p> | <p>of any part of the land an exercise which is unlikely to be cost effective.</p> <p><b>(iv) Proposed Bridge at Dundonald</b></p> <ul style="list-style-type: none"> <li>• No capital cost to BCC. Proposed terms to be agreed with CBC would aim to limit opportunities for anti-social behaviour and make CBC responsible for any attendant revenue costs arising from the bridge development. LPS to provide valuation associated with the grant of rights to CBC and this value will be incorporated as part of the terms and conditions associated the Grant of Rights.</li> <li>• Council officers will aim to limit the ecological and other impacts upon this BCC property asset and to retain as much flexibility as possible in relation to future utilisation of the surrounding lands by BCC. CBC will be required to obtain all necessary statutory approvals associated with the proposed development which they hope to complete by 31 March 2015.</li> </ul> <p><b>Human Resources</b><br/>Staff resources from the Estate Management Unit, Community Services, Parks and Leisure Department and Legal Services will be required to complete all agreements.</p> |
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| <p>4</p> <p>4.1</p> <p>4.2</p> <p>4.3</p> <p>4.4</p> | <p><b>Recommendations</b></p> <p><b>It is recommended that Members agree:</b></p> <p><b>(i) Roselawn Cemetery - Northern Ireland Electricity Wayleave Agreement</b><br/>To authorise the request from NIE to carry out the realignment/re-engineering of the overhead electricity line crossing Roselawn Cemetery subject to NIE satisfying the terms to be agreed by the Parks and Leisure Department as referred to in the Parks and Leisure minute and subject to the completion of an appropriate wayleave agreement.</p> <p><b>(ii) Duncrue Complex – Eircom Wayleave Agreement</b><br/>Committee is recommended to approve the grant of a Wayleave Agreement to Eircom, as outlined above, on terms to be agreed by the Council.</p> <p><b>(iii) Deed of Dedication at Orangefield Playing Fields</b><br/>In accordance with the decision of the Parks and Leisure Committee of 12 January 2012 and 16 October 2014, Committee is recommended to proceed with completion of a Deed of Dedication with the National Playing Fields Association in respect of the identified land at Orangefield Playing Fields (Appendix 2) subject to the approval of the Department of the Environment.</p> <p><b>(iv) Proposed Bridge at Dundonald</b><br/>Committee is recommended to approve the grant of a temporary Licence Agreement to allow periodic access by Castlereagh Borough Council (CBC) and/or their contractors to facilitate site investigations and to approve the Grant of Rights to CBC to allow the construction, retention and maintenance of a pedestrian bridge over Council land to the rear of Dundonald Cemetery, for a period of 30 years, subject to detailed terms to be agreed between CBC and the Estates Manager and subject to a valuation to be assessed by Land &amp; Property Services with all such terms to be incorporated in appropriate legal agreements to be drawn up by the Town Solicitor.</p> |
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| <b>5</b> | <b>Key to Abbreviations</b>   |
| 5.1      | <p>BCC – Belfast City Council<br/> NIE – Northern Ireland Electricity<br/> NICS – Northern Ireland Civil Service<br/> FIT – Fields in Trust<br/> LPS – Land and Property Services<br/> DOE – Department of the Environment<br/> CBC – Castlereagh Borough Council<br/> ASB – Anti Social Behaviour, including fly-tipping</p> |

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| <b>6</b> | <b>Documents Attached</b>   |
| 6.1      | Appendix 1 – Parks and Leisure Minute – 12 June 2014  |
| 6.2      | Appendix 2– Extent of land covered by proposed Deed of Dedication (outlined red). Land in Council ownership (shaded yellow).            |
| 6.3      | Appendix 3 – Extract from the minute of the Parks and Leisure Committee of 12 January 2012.   |
| 6.4      | Appendix 4 – Copy report presented to the Parks and Leisure Committee on 16 October 2014.   |
| 6.5      | Appendix 5 – Map showing approximate location of proposed bridge coloured yellow and surrounding Belfast City Council land shaded blue. |
| 6.6      | Appendix 6 – Drawing of proposed bridge construction.   |
| 6.7      | Appendix 7 – Copy report presented to Parks and Leisure Committee on 16 October 2014.   |