



Belfast City Council

Report to:	Parks and Leisure Committee
Subject:	Deed of Dedication at Orangefield Playing Fields
Date:	16 October 2014
Reporting Officer:	Andrew Hassard, Director of Parks and Leisure, Ext. 3400.
Contact Officer:	Rose Crozier, Assistant Director of Parks and Leisure, Ext. 3460.

1	Relevant Background Information
1.1	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 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 1 and totals approximately 35.32 acres.
1.2	Through its website Fields in Trust provides information toolkits and promotes community events to be held on 'dedicated' spaces around the UK. The Deed in respect of Orangefield would also require retention of the land as a public playing field and recreation ground. It also requires FIT's interest to be registered at Land Registry and Registry of Deeds.
1.3	The proposed Deed of Dedication is between the Council and the National Playing Fields Association, operating as Fields in Trust. The Deed does not contain any provision for payments or funding to the Council at any stage. However the Deed does contain provisions which, if the Council wished to dispose of any of the 'dedicated' land, would require the Council to provide a replacement site of equivalent or larger size and with equivalent or better facilities, in the same catchment and as accessible to the public as the portion of land being disposed of. The Council would also be required to apply whatever proceeds of the disposal price as are necessary to achieve these objectives. In addition the Council would be required to enter into a similar Deed of Dedication in respect of the replacement site.

2	Key Issues
2.1	In view of the provisions contained in the proposed Deed of Dedication, it is considered that entering into the Deed would place a substantial restriction on the land. The imposition of this restriction in itself represents a degradation of the Council's legal

	interest in the land and thereby represented disposal of part of the Council's interest in the land.
2.2	The provisions related to disposal of land are contained in Local Government Act (NI) 1972 and include an obligation upon the Council not to dispose of any interest in land at less than 'best price' without first obtaining approval from the Department of the Environment. In connection with this the Council sought a valuation from Land and Property Services. LPS have now reported that the loss of value to the Council arising from entering into the Deed of Dedication is represented by the sum of £350,000. This reflects the difference between the 'before' value of the land based on the Council's unrestricted title to the site (and taking into account Planning restraints) versus the 'after' value with the additional restrictions on use imposed by the Deed of Dedication. This sum has been included as part of a submission to DOE seeking approval to enter into the Deed.
2.3	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.
2.4	FIT have recently informed the Council that completion of the Deed of Dedication is required by 30 November 2014.

3	Resource Implications
3.1	Finance No income receivable and no expenditure incurred as a direct result of entering into the proposed Deed of Dedication.
3.2	Human Resources Resources in Legal Services and Estates Management Unit have been involved in considering the contents of the proposed Deed and researching title etc.
3.3	Asset and Other Implications 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 of any part of the land an exercise which is unlikely to be cost effective.

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

5	Recommendations
5.1	In accordance with the wishes of the Parks and Leisure Committee of 12 January 2012, 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 1) subject to the approval of the Strategic Policy and Resources

	Committee and the Department of the Environment.
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6	Decision Tracking
Director of Property and Projects to ensure completion of the Deed before 30 November 2014.	

7	Key to Abbreviations
FIT – Fields in Trust LPS – Land and Property Services DOE – Department of the Environment	

8	Documents Attached
Appendix 1 – Extent of land covered by proposed Deed of Dedication (outlined red). Land in Council ownership (shaded yellow).	
Appendix 2 – Extract from the minute of the Parks and Leisure Committee of 12 January 2012.	

APPENDIX 1

APPENDIX 2