



Subject:	Asset Management i) Cliftonville Playing Fields – Assignment of Portion of Land to rear of 14 Glenard Brook ii) North Foreshore – Invest NI Deed of Covenant Variation iii) Balmoral Estate – Deed of Variation
Date:	20th January, 2023
Reporting Officer:	Sinead Grimes, Director of Physical Programmes
Contact Officer:	Pamela Davison, Estates Manager

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	The purpose of this report is to seek approval from the Committee on asset related disposal, acquisition, and estates matters.
2.0	Recommendation
2.1	The Committee is asked to:

	<p>i) Cliftonville Playing Fields – Assignment of Portion of Land to rear of 14 Glenard Brook</p> <ul style="list-style-type: none"> - approve the assignment of the Council’s leasehold interest in a portion of land that has been encroached on to the rear of 14 Glenard Brook; <p>ii) North Foreshore – Invest NI Deed of Covenant Variation</p> <ul style="list-style-type: none"> - note that a deed of variation has been agreed between the Council and Invest NI to release approx. 7.2 acres of land from European Regional Development Fund/Invest NI funding conditions to allow a lease of the land to Belfast Harbour Commissioner for the Phase 2A Film Studios extension; and <p>iii) Balmoral Estate – Deed of Variation</p> <ul style="list-style-type: none"> - approve the extension of the current term of the ground Lease at Plot 72 Balmoral Estate to a term of 125 years from 1st May 2022 and amend the rent review pattern from 25 yearly to 5 yearly.
3.0	Main Report
3.1	<p>i) Cliftonville Playing Fields – Assignment of Portion of Land to rear of 14 Glenard Brook</p> <p><u>Key Issues</u></p> <p>The Council holds, by way of a 10,000-year Lease dated 31st December 1991 from the Education Authority (EA), lands at Cliftonville Playing Fields shown delineated red on the map at Appendix 1. Two minor encroachments have taken place on a small portion of the site to the rear of 13 and 14 Glenard Brook. Officers have had ongoing protracted negotiations with the owners of the properties over a number of years as a result of these encroachments, in order to rectify ownership. In relation to Number 14 and in order to regularise Council’s title, it is proposed that the Council enter into a deed of conveyance and assignment with the Education Authority and the owners of number 14 Glenard Brook to assign the Council’s leasehold interest to the portion to the rear of 14 Glenard Brook shown shaded yellow on the map at Appendix 1 to the property owner. The Council will receive a premium of £110 for its assignment of these lands. This has been assessed by Land and Property Services acting on behalf of the EA. Members are asked to note that the premium value reflects the likelihood of possessory title being available to the owner. This also removes any maintenance requirements for the Council.</p> <p>Discussions are ongoing with the owner of 13 Glenard Brook in connection with the portion of lands shown shaded blue on the map at Appendix 1. In the interim the EA have however</p>

	<p>agreed to enter into a Side Letter with the Council confirming that they will not exercise their right of re-entry in respect of these lands due to the lands at the rear of 13 Glenard Brook being effectively land locked. Council officers and the EA are progressing negotiations with the owners of 13 Glenard Brook and an update on this will be brought back to Committee in due course.</p> <p><u>Financial and Resources Implications</u></p> <p>The Council will receive a premium of £110 for its assignment of the lands situated to the rear of 14 Glenard Brook. The Council will have no ongoing maintenance responsibilities for the lands adjoining 13 and 14 Glenard Brook. Legal Services shall act upon the instructions of the Estates Management Unit to complete the deed of conveyance and assignment.</p> <p><u>Equality and Good Relations Implications/Rural Needs Assessment</u></p> <p>None associated with this report.</p>
3.2	<p>ii) North Foreshore – Invest NI Deed of Covenant Variation</p> <p><u>Key Issues</u></p> <p>The Committee, at its meeting on 21st June 2019, approved in principle the leasing of an extended area of land at the North Foreshore to Belfast Harbour Commissioners (BHC) for a proposed Film Studio extension (see map at Appendix 2). The report noted that approx. 7.2 acres of the required site was subject to European Regional Development Fund/Invest NI funding conditions associated with a Deed of Covenant on the land. It was highlighted at this time that negotiations were in progress in respect of releasing these conditions. Subsequently, at its meeting on 18 June 2021 SP&R approved more detailed terms relating to the Film Studio extension. Members are asked to note that agreement has been reached with Invest NI to release the land referred to above from the Deed of Covenant via a deed of variation. This is necessary to allow completion of the proposed lease of the land to Belfast Harbour Commissioners once development works have been completed.</p> <p><u>Financial and Resources Implications</u></p> <p>Legal Services shall act on the instructions of the Estates Management Unit to finalise the necessary deed of variation.</p> <p><u>Equality and Good Relations Implications/Rural Needs Assessment</u></p> <p>None associated with this report.</p>
3.3	<p>iii) <u>Balmoral Estate – Deed of Variation</u></p> <p><u>Key Issues</u></p> <p>Plot 72 Balmoral Estate is currently held on a 99-year ground Lease from 1st May 1972, and the rent is subject to rent review every 25 years. The Tenant wishes to extend the term of</p>

	<p>the existing Lease to 125 years from 1st May 2022 and amend the current rent review pattern from 25 yearly to 5 yearly with effect from 1st May 2022. A premium of £5,000 will be payable by the Tenant subject to the Committee’s approval. A Deed of Variation to the Lease will be entered into to formalise the extended term and the amended rent review provisions, if approved by Members. A map showing Plot 72 Balmoral Estate is attached as Appendix 3 to this report.</p> <p><u>Financial and Resources Implications</u></p> <p>Council will receive a single premium payment of £5,000 for the Lease extension. Rent reviews will change from 25 years to 5 yearly with effect from 1 May 2022. Legal Services shall act on the instructions of the Estates Management Unit.</p> <p><u>Equality and Good Relations Implications / Rural Needs Assessment</u></p> <p>None associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Appendix 1 – Map showing Council lands at Cliftonville Playing Fields and encroachments to rear of 13 and 14 Glenard Brook</p> <p>Appendix 2 – Map showing Council lands at North Foreshore</p> <p>Appendix 3 – Map showing Plot 72 Balmoral Estates</p>