



Subject:	Assets Management i) Land at Orchardville Crescent – Disposal ii) Land at Ladybrook Park – Disposal iii) Retail Unit at Belfast Castle – New Lease iv) Benview Community Centre – New Licence v) Cregagh Youth & Community Centre – New Licence vi) Cliftonville Playing Fields – Disposal of land to rear of 13 Glenard Brook vii) North Foreshore – Financial Provisions viii) North Foreshore – Licence to Occupy ix) Brook Leisure Centre – Licence Agreement
Date:	21 st June 2024
Reporting Officer:	Sinead Grimes, Director of Property and Projects
Contact Officer:	Pamela Davison, Estates Manager

Restricted Reports									
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
<p>Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.</p> <p>Insert number <input style="width: 40px; height: 20px;" type="text"/></p> <ol style="list-style-type: none"> 1. Information relating to any individual 2. Information likely to reveal the identity of an individual 3. Information relating to the financial or business affairs of any particular person (including the council holding that information) 4. Information in connection with any labour relations matter 5. Information in relation to which a claim to legal professional privilege could be maintained 6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction 7. Information on any action in relation to the prevention, investigation or prosecution of crime 									
<p>If Yes, when will the report become unrestricted?</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">After Committee Decision</td> <td style="width: 30%; text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>After Council Decision</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Sometime in the future</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Never</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>		After Committee Decision	<input type="checkbox"/>	After Council Decision	<input type="checkbox"/>	Sometime in the future	<input type="checkbox"/>	Never	<input type="checkbox"/>
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After Council Decision	<input type="checkbox"/>								
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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	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> i) Land at Orchardville Crescent - Disposal <ul style="list-style-type: none"> - approve the disposal of lands at the rear of houses 20 to 56 Orchardville Crescent to the adjoining homeowners. ii) Land at Ladybrook Park – Disposal <ul style="list-style-type: none"> - approve the disposal of lands at the rear of houses 26 to 40 Ladybrook Park to the adjoining homeowners. iii) Retail Unit at Belfast Castle – New Lease <ul style="list-style-type: none"> - approve a new 6-year lease of the vacant basement level retail unit. iv) Benview Community Centre – New Licence <ul style="list-style-type: none"> - approve a new 1-year licence agreement for the use of a portion of Benview Community Centre as a play centre & for use of storage container. v) Cregagh Youth & Community Centre – New Licence <ul style="list-style-type: none"> - approve a new licence to Irish Rugby Football Union (Ulster Branch) for their occasional use of the overflow parking area adjacent to Cregagh Youth & Community Centre. vi) Cliftonville Playing Fields – Disposal of land to rear of 13 Glenard Brook <ul style="list-style-type: none"> - approve the assignment of BCC’s long leasehold interest in a portion of land that has been encroached on to the rear of 13 Glenard Brook. vii) North Foreshore – Financial Provisions <ul style="list-style-type: none"> - note that Council will enter into a performance deed with the Northern Ireland Environment Agency to document revised financial provisions required under North Foreshore Waste Management Licence. viii) North Foreshore – Licence to Occupy <ul style="list-style-type: none"> - approve Council entering into a licence to occupy with Renewable Power Systems and Dargan Road Biogas Limited. ix) Brook Leisure Centre – Licence Agreement <ul style="list-style-type: none"> - approve a licence agreement with Colin Gaels Gaelic Athletic Club to install and position a storage container at Brook Leisure Centre.

3.0	Main Report
3.1	<p data-bbox="320 219 938 253">i) Land at Orchardville Crescent - Disposal</p> <p data-bbox="272 271 427 304"><u>Key Issues</u></p> <p data-bbox="272 322 1473 1509">On the 14th January 1993 the former Parks Committee and then on 22nd August 2014 the Strategic Policy and Resources Committee agreed to the disposal of several positions of land to the rear of houses at 8 to 54 Orchardville Crescent to the adjoining homeowners. It was agreed that disposals were to take place at £4,000 per acre with each party bearing its own legal costs. Subsequently, a number of disposals took place on the western end of the site, however the Council continued to hold title to land to the rear of 20 to 56 Orchardville Crescent. During the Strategic Policy & Resources Committee meeting on the 22nd August 2014, the Committee also agreed to proceed with further disposals of 20 to 56 Orchardville Crescent at £4,000 per acre. However, not all adjoining homeowners decided to purchase the lands and at present, the Council own lands to the rear of no's, 20 – 30, 36, 44 & 48 – 56 Orchardville Crescent. The subject land does not form part of any other land in Council ownership and is effectively inaccessible other than by each of the adjoining homeowners. Additionally, the adjoining homeowners may seek to claim adverse possession due to having had access to and use of the land for a sufficient period of time to establish possessory title. The land currently under BCC ownership and being offered to each of the adjoining homeowners is shown outlined in red at Appendix 1. Recently, there have been several requests received from the adjoining homeowners to purchase the land which BCC owns to the rear of No. 20 - 56 Orchardville Crescent. Land & Property Services have provided updated valuations in the region of £21,000 per acre subject to a minimum fee of £250 for smaller plots. Subject to the entirety of the remaining lands being disposed of, the Council would achieve a capital receipt of c. £7,700. However, it is expected that not all adjoining homeowners will take up the offer to purchase land and the total capital receipt is likely to be somewhat less than this. As part of the arrangement with the adjoining homeowners it is expected that each party will bear its own legal costs.</p> <p data-bbox="272 1527 783 1561"><u>Financial and Resource Implications</u></p> <p data-bbox="272 1579 1473 1711">Legal Services shall act on the instructions of the Estates Management Unit. If successful in disposing of the lands in their entirety, this would provide the council with a capital receipt of c. £7,700.</p> <p data-bbox="272 1729 1193 1762"><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p data-bbox="272 1780 699 1814">None associated with this report.</p>
3.2	<p data-bbox="320 1832 858 1865">ii) Land at Ladybrook Park – Disposal</p> <p data-bbox="272 1883 427 1917"><u>Key Issues</u></p> <p data-bbox="272 1935 1473 2063">On the 12th September 1991, the former Parks Committee agreed to the disposal of several portions of land to the rear of houses at 8-40 Ladybrook Park, to the adjoining homeowners. Subsequent to this Committee approval a number of disposals took place, however the</p>

Council continue to hold title to land to the rear of No's 26, 30, 32, 36 & 40. The subject land does not form part of any other land in Council ownership and is effectively inaccessible other than by the adjoining homeowners on Ladybrook Park. Additionally, the adjoining homeowners may seek to claim adverse possession due to having had access to and use of the land for a sufficient period of time to establish possessory title. The land currently held under BCC ownership and being offered to each of the adjoining homeowners is shown outlined in red at Appendix 2. Due to the number of enquiries in relation to Orchardville Crescent, it is proposed the Council also engage with the adjoining homeowners at Ladybrook Park. Based on comparable LPS valuations, if negotiations are successful in agreeing to the disposal of the lands in its entirety, then this will provide the Council with a capital receipt of c. £3,650. However, it is expected that not all adjoining homeowners will take up the offer to purchase the land and the total capital receipts are likely to be somewhat less than this. As part of the arrangement with adjoining homeowners it is expected that each party will bear its own legal costs.

Financial and Resource Implications

Legal services shall act on the instructions of the Estates Management Unit. If successful in disposing of the lands in their entirety, this would provide the Council with a capital receipt of c. £3,650.

Equality or Good Relations Implications/Rural Needs Assessment

None associated with this report.

3.3 iii) Retail Unit at Belfast Castle – New Lease

Key Issues

Following an expressions of interest process advertised in January 2024, the Council received proposals from prospective tenants for the letting of the basement level retail unit of c. 18 m2 at Belfast Castle. Approval is sought to grant a new lease to a prospective tenant seeking to operate the unit as a Jewellers at a rent of £5,500 per annum on a 6 year term with mutual break options at Years 2 & 4.

Financial and Resource Implications

Legal Services shall act on the instructions of the Estates Management Unit. A rent of £5,500 per annum will be payable by the prospective tenant to the Council.

Equality or Good Relations Implications/Rural Needs Assessment

None associated with this report.

3.4 iv) Benview Community Centre – New Licence

Key Issues

Belfast City Council have occupied and used a portion of Benview Community Centre as a play centre from 1997. The Council's current Licence expires on 30th June 2024. The Council will enter into a new 1 year licence agreement from 1st July 2024 with a licence fee of £4,025.56 with any additional use of the hall and hall annex to be charged at £10 per hour.

The new licence will permit the use of a storage container at the rear of the building. The Council will also have the right to terminate this agreement at any time by the giving of one month's notice to Benview Community Centre. See Map attached at Appendix 3.

Financial and Resource Implications

Legal services shall act on instructions of the Estates Management Unit. An annual licence fee of £4,025.56 will be payable by the Council with any additional use of the hall and hall annex to be charged at £10 per hour.

Equality or Good Relations Implications/Rural Needs Assessment

None associated with this report.

3.5 v) Cregagh Youth & Community Centre – New Licence

Key Issues

Irish Rugby Football Union (Ulster Branch) 'IRFU – UB' have requested a new licence for use of the overflow parking area adjacent Cregagh Youth & Community Centre on games days / evenings during the forthcoming rugby season. The new licence will permit IRFU – UB with use of the overflow parking area on up to 20 instances (performance dependent during the 2024/2025 rugby season) at an agreed cost of £300 on each occasion of use subject to approval. The licence will also make provision for any requested additional use of the site (beyond the agreed fixtures list) subject to a request being made by IRFU – UB to the Council at least one week in advance of their proposed additional use of same. See Map attached at Appendix 4.

Financial and Resource Implications

Legal Services shall act on the instructions of the Estates Management Unit. The Council will receive a licence fee from Irish Rugby Football Union (Ulster Branch) of £300 per each occasion of use of the overflow parking area.

Equality or Good Relations Implications/Rural Needs Assessment

None associated with this report.

3.6 vi) Cliftonville Playing Fields – Disposal of land to rear of 13 Glenard Brook

Key Issues

Members will recall at the Strategic Policy & Resources Committee on 20th January 2023 the disposal of the lands to the rear of 14 Glenard Brook. An encroachment has also taken place on a small portion of the site to the rear of 13 Glenard Brook. Council Officers have continued to have negotiations with the owner of 13 Glenard Brook as a result of this encroachment, in order to rectify ownership. To regularise Council's title, it is proposed that BCC enter into a deed of conveyance and assignment with the Education Authority (EA) and the owner of 13 Glenard Brook so as to assign our leasehold interest to the owner of 13 Glenard Brook. BCC will receive a premium of £120 for its assignment of these lands, assessed by Land & Property Services acting on behalf of the EA. The premium is small as it reflects the likelihood

of possessory title being available to the owner. The EA have agreed to simultaneously convey its freehold interest to the owner of 13 Glenard Brook and the EA have also agreed to enter into a Side Letter with the Council confirming that they shall not exercise their right of re-entry in respect of the Council's non-observance of the maintenance obligations contained in the Lease, the EA acknowledge that the Council has been unable to maintain the lands due to the encroachment. See Map at Appendix 5.

Financial and Resource Implications

Legal Services shall act upon the instructions of the Estates Management Unit to complete the deed of conveyance and assignment. BCC will receive a premium of £120. Each party shall bear its own legal costs.

Equality or Good Relations Implications/Rural Needs Assessment

None associated with this report.

3.7

vii) North Foreshore – Financial Provisions

Key Issues

In 2008, the Council agreed a Waste Management Licence for part of the former Dargan Road Landfill Site (now known as the North Foreshore) with the then Environment and Heritage Service within the Department of the Environment. The Northern Ireland Environment Agency is the current regulator under The Waste and Contaminated Land (Northern Ireland) Order 1997 and from whom the Council holds its current Licence dated 5 January 2017. This Licence is a statutory requirement for sites where waste has been disposed of, to ensure sites are appropriately managed to minimise environmental impacts. The Licence places an obligation on the Council to make and maintain adequate financial provision in relation to and/or arising from its duties and obligations under the Licence. These financial provisions focus on post closure, aftercare and site surrender costs and include costs for environmental monitoring, capping and restoration, cap maintenance, leachate management, landfill gas management, surface water management, security and production of site reports etc. NIEA are entitled to request evidence of financial provision at any time and recently requested an up-to-date breakdown of Council's provisions. The breakdown provided has now been agreed and equates to a total provision of £3,710,432. NIEA have requested that this amount is documented by way of a performance deed between the parties. Committee are asked to note that Council will now enter into this deed as soon as is practicable.

Financial and Resources Implications

Legal Services shall act on the instructions of the Estates Management Unit to finalise the performance deed. The deed is and will remain a continuing security and NIEA will be entitled to enforce should the Council fail to meet its obligations under the Licence. Council are also obliged to pay to NIEA their legal and administrative costs and expenses incurred in the preparation and execution of the deed equating to £100 +VAT.

Equality or Good Relations Implications/Rural Needs Assessment

None associated with this report.

3.8 viii) North Foreshore – Licence to Occupy

Key Issues

Renewable Power Systems Ltd occupy the current gas generator compound at the North Foreshore under a 20 year Lease dated 21 November 2008 and operate the gas generators extracting landfill gas from the site on behalf of the Council under a simultaneous contract. Not all generators on site are still active and a company called Dargan Road Biogas Limited own 3 that are not in use. These generators are maintained on site to fulfil the requirements of a ROCS accreditation which DRBL gained a number of years ago in conjunction with their plans to develop an Anerobic Digestion Plant on a site opposite. To satisfy OFGEM, DRBL have requested a formal licence to occupy from RPS which requires the Council's consent and for Council to enter into the licence as a party. Subject to Members approval, a monthly fee of £2,500 has been agreed for the requested licence duration from 5 September 2023 to 30 December 2026. This initial term will be subject to early termination provisions to retain flexibility for all parties.

Financial and Resources Implications

Legal Services shall act on the instructions of the Estates Management Unit to complete the proposed licence to occupy. Council will receive a monthly fee of £2,500 backdated to 5 September 2023, with a potential total income of up to £100,000 up to the 30 December 2026.

Equality or Good Relations Implications/Rural Needs Assessment

None associated with this report.

3.9 ix) Brook Leisure Centre – Licence Agreement

Key Issues

Colin Gaels Gaelic Athletic Club (the Club) have requested to enter into a licence agreement with Belfast City Council in order to install and position a metal container on the Brook Leisure Centre Site for storage purposes. The licence agreement shall be for an initial period of 2 years, continuing monthly thereafter. Approval is sought for detailed terms to be agreed by the Director of Property & Projects and the Director of Legal Services. The container will be installed, maintained and insured by the Club. Connection to mains services shall not be required. See map at Appendix 6.

Financial and Resource Implications

Legal Services shall act upon the instructions of the Estates Management Unit.

Equality or Good Relations Implications/Rural Needs Assessment

None associated with this report.

4.0	Appendices - Documents Attached
	<p>Appendix 1 – Map outlining the plots of land under BCC Ownership at Orchardville Crescent outlined in red.</p> <p>Appendix 2 – Map outlining the plots of land under BCC Ownership at Ladybrook Park outlined in red.</p> <p>Appendix 3 – Map outlining Benview Community Centre in red and storage container position shaded yellow.</p> <p>Appendix 4 – Map showing the overflow parking area adjacent Cregagh Youth & Community Centre delineated red and route of access shaded yellow.</p> <p>Appendix 5 – Map showing BCC lands at Cliftonville Playing Fields delineated red and encroachment to rear of 13 Glenard Brook shaded blue.</p> <p>Appendix 6 – Map showing BCC lands at Brook Leisure Centre outlined red.</p>