



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Asset Management – Estates Issues
Date:	14 November 2008
Reporting Officer:	Gerry Millar, Director of Improvement, Ext. 6217.
Contact Officer:	Sub-Item 1, John Hamill, Estates Manager, Core Improvement, Ext. 3495. Sub-Items 2, 3, 4 and 5 Ken Anderson, Estates Surveyor, Core Improvement, Ext. 3496.

Relevant Background Information

- Sub-Item 1. NIE Cable Easement – Duncrue Industrial Estate
- Sub-Item 2. Acquisition of Additional Land at McCrory Park
- Sub-Item 3. Proposed Wayleave at the Waterworks
- Sub-Item 4. Proposed Contractor's Compound at Annadale Embankment
- Sub-Item 5. Proposed Lease to BBC at Ulster Hall

Sub-Item 1 – NIE Cable at Duncrue

BCC has committed to the installation of an electricity cable to service the development of the North Foreshore. This will link our site with the NIE sub-station on Skegoneil Street to provide power and facilitate the export of electricity from the landfill gas generating plant to the national grid. Several potential cable routes have been considered and the most efficient and cost effective for the Council will be predominantly over public roads.

Sub-Item 2 – McCrory Park

At its meeting on 14 February 2008 the Parks and Leisure Committee agreed to the acquisition of an additional portion of land (approximately 0.16 acres) in addition to the land (approximately 0.42 acres) currently held by the Council on a 15 year lease from the Trustees of Whiterock/Westrock Residents Association. The land has been developed as a childrens' play facility.

A copy of the minute of the above mentioned Committee is attached as Appendix 2 to this report and a map showing the existing site (outlined with a heavy black line) and the additional land (hatched) is attached as Appendix 3.

The WWRA title to the existing site is via a lease to them from the Trustees of Cardinal O'Donnells GAC. Similarly the granting of a lease to the Council by the WWRA in relation to the additional lands, is contingent upon the grant of a further lease from the Trustees of Cardinal O'Donnells GAC to the WWRA.

Sub-Item 3 – The Waterworks

At its meeting on 7 November 2006 the former Parks and Cemeteries Services Sub-Committee approved a number of arrangements with Cliftonville Football Club (CFC) and their contractor to allow access etc. across Council owned lands in connection with the construction and subsequent use of a new spectator stand at to be constructed at CFC's ground.

The Council has recently been approached with a new request to provide a sewer wayleave across Council lands within the Waterworks site. The sewers are to be installed as part of the new stand development at the football ground.

The location of the proposed combined storm and foul sewer is shown on the attached map (Appendix 4).

The installation of this sewer across Council owned land has been selected by the Club on the basis that it would have been more expensive for them to take the sewer in the opposite direction through their own land and out to the public street. On this basis the Estates Management Unit have negotiated a payment of £3000 from the Club.

Installation of the proposed sewers would involve fencing off the immediately surrounding area for a period of approximately 2 weeks. Appropriate reinstatement of the lands would be a requirement of any agreement reached with CFC.

Sub-Item 4 – Annadale Embankment

At its meeting on 15 May 2008 the Parks and Leisure Committee provided authority to officers to act to protect the Council's property interests through discussions with the Carvill Group who are developing some 216 apartments on land adjoining Council owned land at Annadale Embankment.

Discussions with Carvill Group remain on-going on a number of issues. At this stage however officers have agreed outline terms with Carvill Group to allow them to occupy Council land on a temporary basis during the construction of the apartment development. The main terms agreed are:

- i) Carvill Group have agreed to take responsibility for the entirety of the area (approximately 1.21 acres) shown outlined with a heavy black line on the attached map (Appendix 5).
- ii) Carvill Group expect to cease occupation of the site on 31 October 2009 but have sought some flexibility in this timescale.
- iii) Carvill Group will hand back the land to the Council duly landscaped in accordance with their Planning Permission and as agreed with Parks & Leisure Department.
- iv) Carvill Group have agreed to pay the Council a Licence Fee of £30,000 per annum for use of the land identified on the attached map.

Any agreement with Carvill Group is 'without prejudice' to discussions on other outstanding issues related to protection of the Council's property interests.

Sub-Item 5 – BBC Lease Ulster Hall

The BBC previously leased a room in the Ulster Hall for use as a recording studio to control the broadcasting of performances held at the hall. The termination of this leasing agreement was approved by the Belfast Waterfront and Ulster Halls Board on 30 August 2006 to facilitate planned refurbishment of the Ulster Hall. The Board requested that a further report be submitted for its consideration in relation to any proposed future arrangements with the BBC following completion of the Ulster Hall work. Terms have now been agreed with the BBC's agent for a new 10 year lease for a studio and store on the second floor of the Ulster Hall. The proposed lease would commence on 1 January 2009 at an agreed rent of £2,500 per annum reviewable after 5 years. The BBC would also pay an annual service charge to cover the costs of heating and the cleaning and maintenance of common areas. The BBC will also be responsible for rates and internal repairs plus insurance of their fittings and contents. The lease will provide a two month rent free period at the commencement of the lease to allow for fitting out by the BBC and will also provide an opportunity for the BBC to terminate the lease after 5 years.

Key Issues

Sub-Item 1– NIE Cable at Duncrue

There is one instance where NIE will require an easement over privately held lands. This is in the Duncrue Estate where a plot of land held by the Council has been leased to Action Mental Health. Under the City Council's cable provision agreement with NIE in respect of the North Foreshore the Council is liable for the cost of obtaining the easement and following negotiations with Action Mental Health's estate agent compensation has been agreed at £15,000 plus reasonable agents and legal costs to be agreed.

Sub-Item 2 – McCrory Park

Council already hold lands (0.42 acres) at McCrory Park on a lease from the Trustees of Whiterock/Westrock Residents Association. The parties have agreed to an extension of the existing play area to include additional land (approx. 0.16 acres).

- The acquisition of the additional lands by the Council on lease from the WWRA is contingent upon grant of lease to the WWRA by the Trustees of Cardinal O'Donnells GAC.
- The Council would become responsible for maintenance of the facility but the acquisition of the land and its development would be at no cost to the Council.
- Members may wish to note that development works (funded by BRO) have already been carried out on the site, these include installation of seating, a barbeque and grass areas.

Sub-Item 3 – The Waterworks

- Sewer wayleave required by Cliftonville Football Club to facilitate development of new spectator facilities at their football ground. The proposed wayleave is across Council owned land at the Waterworks.
- Outline terms have been agreed between the Club and the Council's Estates Manager and will be incorporated in a suitable Wayleave Agreement.

Sub-Item 4 – Annadale Embankment

- Agreement reached with Carvill Group in relation to temporary

occupation of approximately 1.21 acres of Council's owned land at Annadale Embankment for use as a contractor's compound in connection with development of 216 apartments on their adjoining land.

- Outline terms include hand-back of land duly landscaped as previously agreed and required by Planning Service.
- Agreement reached with Carvill Group to pay a Licence Fee of £30,000 per annum for use of Council land.
- Agreement is 'without prejudice' to other issues on which discussions remain on-going.

Sub-Item 5 – BBC Lease Ulster Hall

- Lease of third floor studio and store at Ulster Hall to the BBC on a 10 year lease commencing 1 January 2009 at a rent of £2500 per annum.
- Appropriate Legal Agreement to be prepared by the Director of Legal Services.

Resource Implications

Sub-Item 1– NIE Cable at Duncrue

Financial

The proposal requires an expenditure of £15,000 plus fees by way of compensation for the grant of easement. However this will be more than compensated by the expected income from electricity generation from landfill gas at the North Foreshore.

Human Resources

No additional human resources required

Asset and Other Implications

The easement will assist in realising potential for electricity generation within the North Foreshore asset.

Sub-Item 2 – McCrory Park

Financial

There are no acquisition or development costs to the Council but the Council will become responsible for future maintenance costs in respect of the additional land and facilities installed on it.

Human Resources

No additional human resources required.

Asset and Other Implications

The small area to be acquired (approx. 0.16 acres) would increase the Council's responsibilities at this location. It is understood the additional land improves the overall quality of the scheme play area scheme by providing additional seating, a barbeque area and grass areas.

Sub-Item 3 – The Waterworks

Financial

Potential small capital receipt to Council from grant of wayleave. No other known financial implications.

Human Resources

No additional human resources required.

Asset and Other Implications

Installation of this short length of sewer at this location will have negligible impact on the future use of the Council's asset as public open space. Given the location of the sewers it is also unlikely that their presence would impact upon any future built development. Some disruption during installation works.

Sub-Item 4 – Annadale Embankment

Financial

Some savings in maintenance consumables during Carvill occupation. In addition agreed fee of £30,000 per annum helps compensate for loss of this amenity land while also facilitating Carvill Group and reducing their 'on site' costs during the construction of this development.

Human Resources

No additional human resources required.

Asset and Other Implications

Agreement ties up this portion of land on a temporary basis but is specifically 'without prejudice' to the longer term preservation of the Council's interest.

Sub-Item 5 – BBC Lease Ulster Hall

Financial

The Council will receive an annual rental income of £2,500 plus an initial annual service charge of £700.

Human Resources

No additional human resources required.

Asset and Other Implications

The recording studio and store shall be held under a 10 year lease by the BBC with the option to break after 5 years.

Recommendations

Sub-Item 1– NIE Cable at Duncrue

It is recommended that the Committee grant approval to the NIE cable easement at Duncrue Place in the location shown hatched on Appendix 1.

Sub-Item 2 – McCrory Park Committee is recommended to approve the acquisition of approximately 0.16 acres of additional land at McCrory Park (as shown on Appendix 3) subject to completion of an appropriate legal agreement, similar to that for the lease on adjoining lands, to be prepared by the Director of Legal Services.

Sub-Item 3 – The Waterworks

Committee is recommended to approve the installation at the Waterworks of a combined foul and storm sewer to agreed specifications at the location shown on the attached map (Appendix 4) on terms agreed by the Estates Manager and incorporated in an appropriate legal agreement to be drawn up by the Director of Legal Services.

Sub-Item 4 – Annadale Embankment

Committee is recommended to approve the outline terms in respect of temporary use of the area at Annadale Embankment outlined with a heavy black line on the attached map (Appendix 5) as agreed with Carvill Group and set out in the body of this report, subject to these being incorporated in an appropriate Licence Agreement to be drawn up by the Director of Legal Services.

Sub-Item 5 – BBC Lease Ulster Hall

Committee is recommended to approve the leasing of the premises (shown on Appendix 6) at the Ulster Hall to the British Broadcasting Corporation for a term of 10 years at an initial rent of £2,500 and subject to the incorporation of the outline terms contained within the body of this report within an appropriate legal agreement to be drawn up by the Director of Legal Services.

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Key to Abbreviations

WWRA – Whiterock/Westrock Residents Association. GAC – Gaelic Athletic Club. BRO – Department for Social Development, Belfast Regeneration Office. CFC – Cliftonville Football Club NIE – Northern Ireland Electricity plc BBC – British Broadcasting Corporation
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Documents Attached

<u>Sub-Item 1– NIE Cable at Duncrue</u>

Appendix 1 shows hatched black location of proposed NIE cable easement across land leased by the Council to Action Mental Health. The Council's surrounding lands at Duncrue Industrial Estate are shown shaded pink.

<u>Sub-Item 2 – McCrory Park</u>

Appendix 2 – Extract from the minutes of the Parks and Leisure Committee of 14 February 2008.

Appendix 3 – Map showing the existing site at McCrory Park outlined with a heavy black line and the additional land to be acquired shown hatched.

<u>Sub-Item 3 – The Waterworks</u>

Appendix 4 – Map showing the position of the proposed sewer at the Waterworks marked blue and the Council's surrounding land shaded green.
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<u>Sub-Item 4 – Annadale Embankment</u>

Appendix 5 – Map showing outlined with a heavy black line, an area of approximately 1.21 acres at Annadale Embankment which is the subject of the proposed temporary occupation by Carvill Group as a contractor's compound.
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<u>Sub-Item 5 – BBC Lease Ulster Hall</u>

Appendix 6 – Floor plan showing the second floor rooms to be leased to the BBC outlined with a heavy black line.
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