



Subject:	Asset Management i) Whitla Street Car Park – Options Agreement ii) Finvoy Street Community Centre – Contractor Compounds iii) Knocknagoney Linear Park – Electricity Substation iv) Beechvale Farm – Conacre Agreements v) Whiterock Leisure and Community Centre- Licence to Sustrans vi) Monagh Wood-Easement to Phoenix Natural Gas Limited vii) Orangefield Park-Lease to the Department for Infrastructure
Date:	19 February 2021
Reporting Officer:	Sinead Grimes, Director of Physical Programmes
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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 or Summary of Main Issues
1.1	The purpose of this report is to seek approval from the Committee in respect of asset related disposal, acquisition and Estates matters.
2.0	Recommendations

2.1	<p>Members are asked to -</p> <p>i) Whitla Street Car Park – Options Agreement</p> <ul style="list-style-type: none"> - approve entering into an options agreement with Translink for the 0.36-acre portion of Whitla Street Car Park which has been approved for disposal to Translink to facilitate the redevelopment of Yorkgate Train Station. <p>ii) Finvoy Street Community Centre – Contractor Compounds</p> <ul style="list-style-type: none"> - approve entering into a licence and a side letter to vary the terms of an existing lease to allow two sites to be used for storage and welfare facilities by the contractor appointed to construct the new Finvoy Street Community Centre. <p>iii) Knocknagoney Linear Park – Electricity Substation</p> <ul style="list-style-type: none"> - approve the disposal of a 21sqm site at Knocknagoney Linear Park to Northern Ireland Electricity (NIE) to facilitate the installation of a new electricity substation. <p>iv) Beechvale Farm – Conacre Agreements</p> <ul style="list-style-type: none"> - approve the renewal of three conacre licences for the growing of crops, grazing and grass cutting on agricultural lands at Beechvale Farm for a licence period from and including 1 April 2021 to 31 March 2022. <p>v) Whiterock Leisure and Community Centre –Licence to Sustrans</p> <ul style="list-style-type: none"> - approve the grant of a licence to Sustrans for an initial period of 2 years. <p>vi) Monagh Wood- Easement to Phoenix Natural Gas Limited</p> <ul style="list-style-type: none"> - approve the grant of an easement regarding the siting of gas mains pipework / equipment at Monagh Wood between the Council & Phoenix Natural Gas Limited. <p>vii) Orangefield Park- Lease to the Department for Infrastructure</p> <ul style="list-style-type: none"> - approve entering into a lease agreement with the Department for Infrastructure regarding the siting of a water level alert station & its associated pipework on Council lands at Orangefield Park.
3.0	Main report
3.1	<p>i) Whitla Street Car Park – Options Agreement</p> <p><u>Key Issues</u></p> <p>SP&R, at its meeting on 22 January 2021, agreed to dispose of a 0.36-acre portion of Whitla Street Car Park to Translink to be used for their Yorkgate Train Station redevelopment project. Initial negotiations between the Estates Unit and Translink’s Estates Surveyor had been conducted subject to Translink gaining planning permission for the site. However, Translink have requested to complete the conveyance during the current financial year 2020/21 and as their planning permission is unlikely to be in place by then, have agreed to</p>

offer the Council first refusal to re-acquire the site in lieu of this condition. Council's Legal Services and those providing legal advice to Translink have recommended that this arrangement is dealt with by way of an options agreement. Subject to Committee approval it has been agreed with Translink that Council will have the option to re-acquire the site at market value or the agreed purchase price of £185,000, whichever is lower, if planning permission is refused or the proposed redevelopment is not completed by 31 March 2023.

Financial and Resources Implications

Staff resources from the Estates Unit and Legal Services will be involved in the completion of the proposed options agreement.

Equality and Good Relations Implications/ Rural Needs Assessment

None associated with this report.

3.2

ii) Finvoy Street Community Centre – Contractor Compounds

Key Issues

SP&R, at its meeting on 23 August 2019, agreed to acquire DfI lands at Finvoy Street to be used along with adjacent Council owned land to facilitate the construction of a new community centre for Walkway Community Association (WCA). The project is being funded by the Social Investment Fund and the land will to be leased to WCA for 50 years. The Council's Project Management Unit are delivering the project and the building contractor who has already commenced works on site has identified two small sites in the vicinity which they would like to use for storage and welfare facilities for the duration of the construction project. Both sites are owned by the Department for Infrastructure (DfI). One is a cleared site which was formally occupied by No 2 Finvoy Street and the other makes up a part of Finvoy Street Community Garden and is held by the Council under a 10-year lease with a restrictive use covenant. The map attached at Appendix 2 shows both sites outlined red, along with the extent of Finvoy Street Community Garden shaded green and the new WCA Community Centre site shaded blue.

The Estates Unit have approached DfI for permission to use both areas and DfI have agreed to licence the site of former No 2 Finvoy Street until 31 January 2022 and enter into a side letter to vary the terms of our existing lease for the land at the community garden to allow use by the contractor up until the same date.

Financial and Resources Implications

Staff resources from the Estates Unit and Legal Services will be involved in the completion of the proposed licence agreement and side letter on suitable terms to be agreed by the Estates Unit. DfI have confirmed that they will grant the licence for a fee of £1.00 if demanded and seek no fee for varying the terms of the lease.

Equality and Good Relations Implications/ Rural Needs Assessment

None associated with this report.

3.3

iii) Knocknagoney Linear Park – Electricity Substation

Key Issues

NIE are currently holding a 42-year lease for a substation site at Knocknagoney Linear Park. The existing substation is outdated. NIE have proposed entering a new lease to allow them to install a new substation on an adjacent plot of land with the addition of a wayleave to allow the removal of the existing overhead power lines and place them under ground. The map attached at Appendix 3 shows the location of the proposed new substation and wayleave locations along with a right of way for maintenance. Terms have been agreed for a new 99-year lease with a premium of £1,500 subject to Committee approval. It is anticipated the new substation will be more secure than the existing apparatus and the removal of the hazardous stays will improve the safety of park users.

Financial and Resources Implications

Staff resources from the Estates Unit and Legal Services will be involved in the completion of the proposed 99 lease and wayleave agreement as soon as practically possible. The Council will receive a premium of £1,500.

Equality and Good Relations Implications/ Rural Needs Assessment

None associated with this report.

3.4

iv) Beechvale Farm – Conacre Agreements

Key Issues

Following the open marketing of the c110 acres of agricultural land at Beechvale Farm in early 2019, three conacre licences were entered into for the period from 1st April 2019 to 31st March 2020, with the successful bidders, as follows:

- Mr Chris Johnson (3 fields)
- Mr Denis Foreman (5 fields)
- SH Long Produce Limited (7 fields)

On 21 February 2020, the SP&R Committee approved the renewal of the respective conacre licences to the above parties for the period 1st April 2020 to 31 March 2021. On 21 June 2019, the SP&R Committee approved the proposal to appoint selling agents to dispose of Beechvale Farm. On 21 February 2020, the SP&R Committee agreed to defer the actioning or implementing the decision of 21 June 2019 to market Beechvale Farm for sale to enable a further report to be submitted on other future options for the site taking into consideration the motion agreed earlier in the meeting on Market Gardens and Urban Farming. Due to the

impact of COVID 19 on the market/economic conditions the consideration of future options for Beechvale Farm has been delayed and a report on the options will be presented to the SP&R Committee at a future meeting. Given this delay, it is proposed that the respective conacre licences are renewed with each of the above parties for a further licence period from 1 April 2021 to 31 March 2022 under the same terms and conditions and licence fee as the existing conacre licences. The licence fees will mitigate the Council's holding costs until such time as the options at Beechvale Farm are considered.

Financial and Resource Implications

The three conacre licences of agricultural land at Beechvale Farm will generate total licence fees for the Council of £13,208.15 for the period 1st April 2021 to 31st March 2022.

Equality or Good Relations Implications/Rural Needs Impact Assessment

None associated with this report.

3.5

v) Whiterock Leisure and Community Centre-Licence to Sustrans

Key Issues

Sustrans is a leading charity encouraging and enabling people to travel by foot, bike, or public transport for more of the journeys made every day. In Northern Ireland Sustrans are working with schools, workplaces, and communities to encourage active travel for everyday journeys. The charity, having a proven track record of successful initiatives across the city including the active transport hub at CS Lewis Square in East Belfast is now keen to promote a number of activities in West Belfast based on Falls Park and are looking for a location for a shipping container for bike storage. The activities to be promoted include :

- Back On Your Bike: increasing the confidence and skill of those who have not been on their bikes for a period of time.
- Better By Bike: providing skills and advice for those who wish to ride their bikes more as part of everyday life.
- Bike Fix Basics: beginners bicycle maintenance skills.
- Led Walks: local community walks organised and led by Sustrans.

The Belfast Health Development Unit is engaging directly with Sustrans with regard to how these activities can be incorporated in planned activity as part of the "Take 5 Steps to Wellbeing" programme. Public Health Authority has provided £5,000 to fund the purchase of a container – the funding must be drawn down by 31st March 2021. A suitable location for the container has been identified in the grounds of Whiterock - on the site of the polytunnel shown on the top left of the picture at Appendix 5. The site is within the council-owned community garden at Whiterock Community Centre. The polytunnel was damaged and has been removed since this photograph was taken leaving that part of the garden clear. The

community centre staff have indicated they would be supportive of the Sustrans initiative at this location. Access will be facilitated during the normal opening hours of the site and in line with programming of activities as above. The container would be the community pick-up point for the bikes with the activities taking place in and around Falls Park.

Financial and Resource Implications

Sustrans will be responsible for all costs associated with supply of the container, obtaining planning permission, obtaining appropriate public liability and contents insurance and for installation, maintenance, and subsequent removal as well as the cost of any reinstatement required. Resources from the Estates Unit and Legal Services will be required to complete the licence if approved.

Equality or Good Relations Implications/Rural Needs Assessment

None associated with this report.

3.6 **vi) Monagh Wood- Easement to Phoenix Natural Gas Limited.**

Key Issues

Phoenix Natural Gas Limited (PNG) had approached the Council seeking retrospective consent for their installation of a gas mains / equipment at the front of BCC lands at Monagh Wood. PNG have advised Estates that they had initially been informed by the Department for Infrastructure (as DRD at the time) that the DFI had owned the land that the gas mains / equipment had been installed on at Monagh Wood. However the landowners are the Council not DFI. PNG have therefore requested retrospective consent from BCC and have stated that they are willing to enter into an easement agreement with BCC to retain the gas mains / equipment in situ on our land. An easement fee of £1,000 was assessed by Estates and agreed with PNG subject to Member's approval. The easement will be for a term of 99 years.

Financial and Resource Implications

The Council will receive an easement fee of £1,000. Staff from Estates Unit and Legal Services will be required to complete the easement.

Equality and Good Relations Implications/Rural Needs Assessment

None associated with this report

3.7 **vii) Orangefield Park – Lease to the Department for Infrastructure**

Key Issues

The Department for Infrastructure (DfI Rivers) have approached Council seeking a lease agreement for the siting of a water level alert station (also known as a hydrometric recording station) & its associated pipework at Council lands at Orangefield Park. The Council will benefit from early warning of potential flooding which will allow staff to take preventative

measures to protect the public and park. In the event of termination of the lease, it has been agreed that DfI Rivers will remove all equipment from BCC lands and return the land to its former condition. The lease agreement will permit DfI Rivers staff or its agents to access the site at all reasonable times with the purpose of obtaining recorded data and maintenance of the structure and its contents. The lease will be for a period of 25 years commencing upon the conclusion of installation works. Estates will prepare and issue an access agreement in advance of any such initial installation works commencing on our lands.

Financial and Resource Implications

No rent will be payable by DfI Rivers as the water level alert station will provide Council staff with early warning of potential flooding of parts of Orangefield Park . Staff from Estates Unit and Legal Services will be required to complete the easement.

Equality and Good Relations Implications/Rural Needs Assessment

None associated with this report.

<p>4.0</p>	<p>Documents Attached</p>
	<p>Appendix 1 – Map showing site at Whitla Street over which Council will hold an options agreement from Translink.</p> <p>Appendix 2 – Map showing sites at Finvoy Street outlined red required by construction contractor at the new WCA Community Centre for storage and welfare facilities. Finvoy Street Community Garden has been shaded green and the extent of the new WCA Community Centre Site shaded blue.</p> <p>Appendix 3 – Map showing site to be leased to NIE outlined red at Knocknagoney Linear Park, along with associated wayleave shaded yellow and right of way coloured blue. Knocknagoney Linear Park has been shaded green.</p> <p>Appendix 4 – Beechvale Farm Site Map</p> <p>Appendix 5 - Aerial photograph of proposed location of container at Whiterock</p> <p>Appendix 6 - Map showing the route of the gas mains through Monagh Wood in blue together with the proposed service area shown shaded yellow.</p> <p>Appendix 7 – Map showing the proposed positioning of the water level alert station at Orangefield Park shaded in yellow and the route of the associated pipework delineated in blue.</p>