



**MINUTES OF THE MEETING OF THE
LAND AND PROPERTY SUB-COMMITTEE
HELD IN THE BANN VIEW COMMITTEE ROOM, CIVIC HEADQUARTERS
WEDNESDAY 7 AUGUST 2019 AT 7:00 PM**

- Chair** : Councillor Knight-McQuillan
- Present** : Alderman Hillis, Fielding, McCandless
Councillors McGurk, McLean, Knight-McQuillan,
McShane, Quigley.
- Non Committee Member** : Councillor A Lavery
- Officers Present** : M Quinn, Director of Corporate Services
J Richardson, Head of Capital Projects, Energy &
Infrastructure
P Thompson Head of Tourism & Recreation
E Hudson, Planning Officer
J Mills, Council Solicitor
D McLaughlin, Land and Property Officer
T McKenna, Committee & Member Services Officer

1. APOLOGIES

There were no apologies given.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

AGREED – to change the Order of Business.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Councillor Quigley
Seconded by Alderman Fielding and

AGREED - that the Sub-Committee proceed to conduct the following business 'In Committee'.

3. CAUSEWAY STREET APARTMENTS, PORTRUSH – EASEMENT

The Head of Capital Projects, Energy & Infrastructure presented a report and Appendices 1 – 3, previously circulated, on Causeway Street, Portrush Right of Way Valuation for the Sub-Committee's consideration.

Members were asked to consider the valuation and the associated value to Council of this valuation. The further valuation was requested by Members at the March 2019 meeting, when Council's solicitor updated members on progress in relation to an ease of access from a development at Causeway Street, Portrush to the East Strand car park.

It is critical that Members consider and take into account the impacts/implications of this easement as summarised below:

- loss of 33 car parking spaces which are needed at many peak car parking times.
- future loss of possible associated revenue *1 .
- reduction in asset value – due to reduced re-development flexibility / resale value and area required for an access footpath / right of way.
- reduced operational control – as 30 residents will gain access. E.g. large events which require car park closures and additional co-ordination.
- construction of a foot path estimated at £5324 (appendix 3 – shows the position of this access route and footpath).
- car park re-alignment (costs to be confirmed).
- lighting cost risk – it is likely that residents may request egress and ingress access lighting across our land as this area may not be considered adequately lit at present for this function. Path lighting estimated at £9500.00 +.

*1 an example loss 1 year annual loss at a 40p/hr tariff would be 33 spaces X 0.40p hr X 10hr X 6 months seasonal = £24,090.00 PA. Thus losses are considerable over time-as the easement is forever.

The Sub Committee was asked to consider the 4 options detailed below and as outlined in the report, previously circulated and make a recommendation:

- Proceed with the easement at the LPS valuation.
- Members agree a higher offer value commensurate with the easement implication for offer to the developer.
- Seek an additional valuation for consideration at a later L&P Committee meeting.
- Do not grant easement.

Members expressed concern regarding the easement. The Director of Corporate Services confirmed that Council agreed to the Developers request 'in principle' in November 2015, and that Council was the decision making body, and no delegated authority has been granted to any Officer in this matter. Legal advice was also provided to Members.

It is recommended – that Council does not grant an easement or right of way that would restrict future use or development of the East Strand Car Park, Portrush.

Proposed by Councillor Quigley
Seconded by Councillor McGurk and

AGREED - that Council would not grant an easement or right of way that would restrict future use or development of the East Strand Car Park, Portrush.

* **Councillor Quigley left the meeting at 7:40pm.**

4. BALLYCASTLE TOWPATH

The Head of Tourism & Recreation gave a verbal update on the Ballycastle Towpath.

As requested at the Land and Property Sub Committee meeting held on 5th June 2019, a site meeting was held on Wednesday 31st July 2019 for Elected Members.

It is recommended – that Council grants approval to Officers to explore the proposals and consider the options to unlock the potential future development of land at the Tow River path, Ballycastle. A report will be brought back to the Land and Property Sub Committee.

Proposed by Councillor C McShane
Seconded by Councillor McGurk and

AGREED - that Council grants approval to Officers to explore the proposals and consider the options to unlock the potential future development of land at the Tow River Path, Ballycastle. A report will be brought back to the Land and Property Sub Committee.

5. ASSET DISPOSAL

The Head Capital Projects, Energy & Infrastructure presented a report and Appendices to outline the advantages and disadvantages regarding the Londonderry Port & Harbour Commissioners (LPHC) expression of interest to acquire the Magilligan Ferry Terminal & Slipway.

It is recommended –that the Committee considers the attached report and presentation and direct officers on the appropriate option – either to dispose or retain the asset. Note: The disposal option would be via the Disposal of Surplus Public Sector Property NI (D1) process to satisfy disposal legal requirements.

Amendment

Proposed by Alderman McCandless

Seconded by Councillor McGurk and

AGREED that the matter is taken to the Environmental Services Committee to consider Council's future requirement for the Magilligan Ferry Terminal and Slipway and brought back to a meeting of the Land and Property Sub Committee for further consideration of the Londonderry Port & Harbour Commissioners' (LPHC) expression of interest.

6. COCKPIT BRAE WEST CAR PARK, BALLYMONEY – LIGHTING INSTALLATION

The Head of Capital Projects, Energy & Infrastructure presented a report and Appendices to inform Members that a proprietor of a local business in Ballymoney has requested that Council consider installing lighting in the Cockpit Brae West car park, which is adjacent to the main entrance of his business.

Officers have discussed an estimated cost with the proprietor, who has agreed to pay this cost for the installation. It was explained to the proprietor that Council would own this installation and that he would have no control or given any dispensations on this installation or site in anyway as a result. No guarantees would be given to the proprietor that

Council would not utilize this car park at a future date. This has been accepted by the proprietor.

Members were advised that the only future cost liability to Council would be the maintenance cost of approximately £500 per annum.

It is recommended - that the Council agrees to accept the offer from the proprietor of a local business to finance the installation of street lighting at Cockpit Brae West car park, Ballymoney.

Proposed by Councillor McLean
Seconded by Alderman Hillis and

AGREED - that Council accepts the offer from the proprietor of a local business to finance the installation of street lighting at Cockpit Brae West car park, Ballymoney.

* **Councillor McShane left the meeting at 7.45pm.**

7. REQUESTS FOR USE OF COUNCIL LAND

The Director of Corporate Services presented a report and Appendices 1-3 previously circulated, on requests for use of Council land for Sub-Committee's consideration.

The Director of Corporate Services advised the Sub Committee of the late addition of application number 49/19 to Appendix 1 for consideration and approval. Request No 78/19 is for information only.

The following factors were taken into account when considering each request:-

- Right of way issues
- Setting precedent
- Impact on Council's strategy
- Valuation
- Long term impact on Council's asset
- Legal implications
- Health and Safety, Insurance, Risk Assessments and Event
- Management Plans

It is recommended that the requests listed at Appendix 1, previously circulated and including late application number 49/19, are considered and approval granted subject to the following:

279/18 –Permanent Structure – The Old Mill, Cloughmills is approved subject to:

- planning permission being granted
- assurance from the manufacturer of the steel cover that it will support the weight of the piece of agricultural machinery
- Receipt of a satisfactory risk assessment
- Receipt of a valid Public Liability Insurance certificate.

Proposed by Councillor McLean
Seconded by Alderman Fielding and

AGREED – to recommend that the requests listed in Appendix 1 as, 279/18, 62/19, 86/19, 49/19 are approved.

It is recommended that Council approves the requests at Appendix 2 and notes those on Appendix 3.

AGREED – to recommend that Council approves the requests at Appendix 2 and notes those on Appendix 3.

8. LEASES/LICENCES

8.1 Rural Development Programme – Village Renewal

In June 2016, the Leisure and Development Committee agreed to the match funding of two programmes within the RDP process – Basic Services, and Village Renewal.

In June 2019, Council agreed to progress with an initial list of actions to enable projects to proceed.

It is recommended that the Council grants permission for the following items to allow the proposed project to proceed within the Village Renewal Programme:

- a) Glenariffe – agree to a Deed of Consent and Deed of Development for the provision of a rebound wall and court behind community hall.

- b) Cushendun – agree to extend the current lease by a period of 21 years to permit the provision of an upgraded playpark.

Proposed by Councillor McGurk
Seconded by Councillor McLean and

AGREED – that Council grants permission for the following items to allow the proposed project to proceed within the Village Renewal Programme:

- a) Glenariffe – agree to a Deed of Consent and Deed of Development for the provision of a rebound wall and court behind community hall.
- b) Cushendun – agree to extend the current lease by a period of 21 years to permit the provision of an upgraded playpark.

8.2 Transfer of Ownership WW1 ‘Tommy’ Silhouettes

Council’s approval is being sought for the transfer of 4 WW1 ‘Tommy’ silhouettes to the Ballymoney, Coleraine, Limavady and Moyle branches of the Royal British Legion.

In 2018 Council, in partnership with the Royal British Legion (RBL), delivered a programme of events to mark the Centenary of the End of the Great War. Council purchased 4 ‘Tommy’ aluminium silhouettes which were used during the events in November 2018.

The Royal British Legion branches have expressed interest in the transfer of ownership of the silhouettes.

It is recommended that Council:

- a) approves the transfer of ownership of the silhouettes, one each to Ballymoney, Coleraine, Limavady and Moyle Royal British Legion branches.
- b) notes that, if approved, officers will work with the Royal British Legion to ensure a transfer agreement is established.

Amendment

Proposed by Councillor Knight McMillan
Seconded by Alderman Hillis and

AGREED – that Council:

- a) approves the transfer of ownership of the WW1 “Tommy” silhouettes to the Royal British Legion Group 10 for their discretionary distribution to the appropriate Royal British Legion branches.
- b) notes that, if approved, officers will work with the Royal British Legion to ensure a transfer agreement is established.

8.3 Land at Mosside - Grazing Rights

In March 2019 Council agreed that *an independent estate agent be instructed to advertise the site for a lease of the grazing rights by way of a public advertisement on the open market for use of the field adjacent to the Community Centre and playing fields at Mosside and further agreed that a Certificate of Lawful Use/Development (CLUD) be applied for* in relation to the grazing rights for land at Mosside. A public advert was placed in the local press on 20th June 2019 to let the land (approximately 3.90 acres) at Mosside for grazing.

Since the meeting of the Land and Property Sub Committee further clarification was received from the Principal Planning Officer advising “*as the use of land for agriculture is specifically excluded from the meaning of development by planning legislation, there is no reason to or need to submit a CLUD application.....therefore, there is no planning issue with the continued use of this area for agriculture/grazing purposes*”.

It is recommended that Council:

- accepts the highest offer received as a result of the public advertisement on the open market, payable annually for a 5 year term and subject to review.
- To instruct the appointed solicitor to draw up a 5 year licence for the grazing of the land and Mosside.
- Does not apply for a Certificate of Lawful Use/Development (CLUD) as agreed by Council in March 2019 as it is not required.

Amendment

It was recommended that Council:

- accepts the highest offer received as a result of the public advertisement on the open market, payable annually for a 2 year term subject to review.
- To instruct the appointed solicitor to draw up a 2 year licence for the grazing of the land and Mosside. The provision for animal welfare to be included in the terms of the licence.
- Licence to include a clause permitting Council to take the land back subject to an appropriate period of notice being given.
- Does not apply for a Certificate of Lawful Use/Development (CLUD) as agreed by Council in March 2019 as it is not required.

AGREED – that Council:

- Accepts the highest offer received as a result of the public advertisement on the open market, payable annually for a 2 year term subject to review.
- To instruct the appointed solicitor to draw up a 2 year licence for the grazing of the land and Mosside. The provision for animal welfare to be included in the terms of the licence.
- Licence to include a clause permitting Council to take the land back subject to an appropriate period of notice being given.
- Does not apply for a Certificate of Lawful Use/Development (CLUD) as agreed by Council in March 2019 as it is not required.

9. LEGAL ISSUES

The Director of Corporate Services introduced Mr James Mills as the newly appointed Council Solicitor who will be responsible for Land & Property legal matters.

Council Solicitor gave a verbal update on the following legal matters:

- Portstewart Townhall
- First Registration of Council Land
- Housing Executive - Regularisation of Land Boundary Issues

10. CORRESPONDENCE

10.1 Dry Arch Children's Centre Dungiven - Expression of Interest in the Former Sports Pavilion, Dungiven

In March 2018 Council received correspondence from the Dry Arch Children's Centre, Dungiven expressing an interest in acquiring the former Sports Pavilion in Dungiven.

The Committee is asked to note the expression of interest from the Dry Arch Children's Centre in availing of space in the former Dungiven Sports Pavilion.

10.2 Focus on Family (Cornfield Project) – Request for Additional Land

Correspondence has been received from the Project Manager of Focus on Family (The Cornfield Project) seeking an agreement "in principle" to lease an additional area of land from Council for an initial 5 year period.

The current arrangement with this area of land is that it is owned outright by CCGBC and leased to the Woodland Trust, who then licence it to The Cornfield Project (under the management of Focus on Family). This agreement is in place from Jan 2018-Dec 2022 after which The Woodland Trust will surrender their lease, returning ownership to Council. Prior to that point the Cornfield Project will seek to enter into a new lease or licence with Council to continue the work after the December 2022 end period.

Following consultation with a wide range of local user groups and residents to identify potential additional site features, The Cornfield Project wishes to take forward plans for the installation of the new children's bike area.

A recent review of Council's cemetery provision has been carried out. Confirmation is to be sought regarding Council's potential plans and provisional timeframe to extend the Cemetery at this site and the information brought back to the Land and Property Sub Committee for consideration.

Following discussion it was:

AGREED - that that Officers contact the Project Manager of Focus on Family (The Cornfield Project) requesting more information regarding the extent of their funding connected with this proposed project and to advise him of Council's future requirement of the land. There would be no guarantee of how long Council could permit them to use the area of land requested and if agreed, Council may only be able to offer a short term of 2 years, after which the land may need to be returned to Council.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor McGurk
Seconded by Alderman Fielding and

AGREED - that Sub-Committee proceed to conduct the following business 'In Public'.

There being no further business the Chair declared the meeting closed.

The meeting concluded at **8.35pm**.