

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE
LAND AND PROPERTY SUB-COMMITTEE
HELD IN THE BANN VIEW COMMITTEE ROOM, CIVIC HEADQUARTERS
WEDNESDAY 1 NOVEMBER 2017 AT 7:00 PM**

- Chair** : Councillor Knight-McQuillan
- Present** : Alderman Hillis, Councillors Duddy, McCorkell,
McLaughlin, McCandless and Quigley
- Officers Present** : P Donaghy, Democratic and Central Services
Manager
S Mathers, Development Management &
Enforcement Manager
D Hunter, Council Solicitor
E Keenan, Council Solicitor
A Jeffers, Regeneration Manager
E McCaul, Committee & Member Services Officer
D McLaughlin, Corporate Services Officer
- Non Sub-Committee:
Members Present** : Councillor P McShane

SUBSTITUTIONS

Councillor McCandless substituted for Councillor Baird.

1. APOLOGIES

Councillors C McShane and Baird.

2. DECLARATIONS OF INTEREST

Nil

3. SCHEDULE OF SUB-COMMITTEE MEETINGS

The Land and Property Sub-committee received a report outlining a schedule of proposed sub-committee Meetings for 2018.

It had previously been agreed by Council to meet on the first Wednesday of the month at 7:00 pm.

The sub-committee is scheduled to meet on 3 January 2018. Given that this is immediately following the Christmas/New Year holiday, Members are requested to consider changing the date of the meeting to 7:00 pm on Wednesday 10 January 2018.

It is recommended that the sub-committee approves the schedule of sub-committee meetings circulated, including the change to date for the January 2018 meeting.

AGREED – to recommend that Council approves the schedule of sub-committee meetings circulated, including the change to date for the January 2018 meeting.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Alderman Hillis
Seconded by Councillor McCandless and

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

4. REQUESTS FOR USE OF COUNCIL LAND

The Democratic and Central Services Manager presented a confidential report previously circulated on requests for use of Council land for the Sub-Committee to consider.

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

4.1 (Ref 461/17) Use of Council land at Church Street Carpark to Access site 16 Main Street, Ballymoney to Carry out Building Works

The Democratic and Central Services Manager presented the report to use Council lands at Church Street Carpark, Ballymoney in order to gain access premises at 16 Main Street, Ballymoney to carry out building works was taken to the October Land and Property Sub Committee meeting. The Sub-Committee had deferred a decision pending clarification on the installation of a roller shutter door.

The Democratic and Central Services Manager advised that a roller shutter door is not required and the demolished wall will be reinstated in line with planning permission.

The request is to book/rent out two car parking spaces to provide safe and clear access for the offloading of materials and removal of same from site in order to carry our works to the rear of number 16 Main Street Ballymoney. Delivery of materials would be during non-busy times of the day to allow consideration of vehicular movement. Loading and unloading would take place early morning or late evening. The proposed start date is scheduled for mid-November and it is envisaged the works will last for 6-8 month period. Should permission be granted, a temporary licence will be drafted to include terms and conditions, cost recovery and damage/defect obligations.

It has been suggested closing this particular section of the footpath to ensure safety to the public and 2 options are proposed for consideration:

Option 1: close the footpath for the duration of the works

Option 2: close the footpath only when material is being delivered and removed.

Option 2 would minimise the impact on pedestrians using the footpath.

Recommendation – Option 1

It is recommended that Council grants, in principle, approval to the request to use Council Land at Church Street Carpark to gain access to the rear of premises located at 16 Main Street, Ballymoney and close the footpath for the duration of the works.

The approval is subject to the signing of the proposed licence/agreement, permit access on a temporary capacity to facilitate the renovation work to take place at the rear of 16 Main Street, Ballymoney; and subject to Planning Policy considerations and retention of Bond.

Or

Recommendation - Option 2

It is recommended that Council grants, in principle, approval to the request to use Council Land at Church Street Carpark to gain access to the rear of premises located at 16 Main Street, Ballymoney and close the footpath only when material is being delivered and removed.

The approval is subject to the signing of the proposed licence/agreement, permit access on a temporary capacity to facilitate the renovation work to take place at the rear of 16 Main Street, Ballymoney; and subject to Planning Policy considerations and retention of Bond.

Proposed by Alderman Hillis
Seconded by Councillor McCandless and

AGREED – to recommend Option 2 - that Council grants, in principle to use Council Land at Church Street Carpark to gain access to the rear of premises located at Main Street, Ballymoney and close the footpath only when material is being delivered and removed.

The approval is subject to the signing of the proposed licence/agreement, permit access on a temporary capacity to facilitate the renovation work to take place at the rear of 16 Main Street, Ballymoney; subject to Planning Policy considerations and retention of Bond and planning permission being granted.

4.2 462/17 Use of a Section of Council Land at Convention Avenue Car Park, Portstewart to Use as a Temporary Compound Storage Facility

A request has been received from a contractor to use a corner of Convention Avenue Car Park Portstewart for a temporary compound storage facility to facilitate their construction contract in the former site of the Montague Arms Hotel.

Council's Car Parks Officer had provided the following report.

The area of the car park requested for use would take four coach/bus parking bays and the applicant would want to use this space until the end of spring 2018.

The Convention Avenue Car Park is leased by Council. Legal advice indicates that there is nothing within the lease that would prevent Council from sub-letting an area within the car park.

The contractor supplied a map of their preferred area they would like to use as a temporary compound storage facility in Convention Avenue Car Park, Portstewart. The applicant has stated that they are willing to accept another area if required.

A map was circulated of Convention Avenue Car Park, Portstewart.

Council Solicitor updated the Sub-Committee on correspondence received from the Trustees from who Council leases the car park.

To allow the request for a temporary compound storage facility a licence/agreement would be assembled by Council's legal department to alleviate concerns, including;

- a) An agreed start and end date (confirmation of end of spring 2018 date, 30th June).
- b) Inconvenience to the public being kept to a minimum.
- c) Appropriate management of the requested parking bays.
- d) Agreed compensation for loss of parking bays on a pro rata format, this will be negotiated by the Infrastructure department.
- e) Assurance given by the contractor that any damage to the surface, kerbs etc. of the car park resulting from the plant machinery entering and exiting the car park will be repaired

within a certain timescale on agreement of a defect report being carried out prior to the agreement commencing.

f) Public liability insurance details.

Subject to satisfactory completion of points a – f, the car park officer will liaise with both the Council's legal department to assist in assembling a licence/agreement and with all stakeholders to resolve any complaints received.

Council's Solicitor also advised that the Trustees would require exclusive use of the car park in July during Convention week.

The Democratic and Central services Manager advised that in light of the information presented, the recommendation should read that:

It is recommended - that subject to agreement on the points (a-f) and the signing of the proposed licence/agreement, to allow a compound storage facility on a temporary basis in Convention Avenue Car Park, Portstewart; subject to planning permission being granted and that the terms outlined are complied with, including the exclusive use of the car park by the Trustees in July during Convention week.

Proposed by Alderman Hillis

Seconded by Councillor McCandless and

AGREED – to recommend to Council that subject to agreement on the points (a-f) and the signing of the proposed licence/agreement, to allow a compound storage facility on a temporary basis in Convention Avenue Car Park, Portstewart, including planning permission being granted and that the terms outlined are complied with, including the exclusive use of the car park by the Trustees in July during Convention week.

4.3 (485/17) Use of Council Land

The Democratic and Central Services Manager presented the confidential report previously circulated. She advised that the recommendation should read that:

It is recommended - that Council grants, in principle, approval to the request from the Company to use Council land at the location identified in the report from Monday 4 December to Friday 8 December (inclusive).

The Sub-Committee noted the updated officer recommendation.

Proposed by Councillor McLaughlin

Seconded by Councillor McCandless and

AGREED - to recommend that Council grants, in principle, approval to the request from the Company to use Council land at the location identified in the report from Monday 4 December to Friday 8 December (inclusive).

4.4 (488/17) Use of Council Land at Marina Carpark, Ballycastle for Action Cancer Big Bus on Monday 6 January 2018

The Democratic and Central Services Manager presented the report.

A request has been received from Action Cancer to use Council land at Marina Carpark, Ballycastle for the Action Cancer Big Bus screening campaign on Monday 6 January 2018.

Action Cancer has submitted a request to use Council land at Marina Carpark, Ballycastle to host a screening campaign on Monday 6 January 2018. They have requested the use of 10 car parking spaces between the hours of 8 am and 5 pm.

The Democratic and Central Services Manager advised the Sub-Committee that a previous request for this event had been granted but had not taken place.

It is recommended - that Council grants, in principle, approval to the request from Action Cancer to use Council land at Marina Carpark, Ballycastle for the Action Cancer Big Bus screening campaign on Monday 6 January 2018.

AGREED – to recommend that Council grants, in principle, approval to the request from Action Cancer to use Council land at Marina Carpark, Ballycastle for the Action Cancer Big Bus screening campaign on Monday 6 January 2018.

The Democratic and Central Services Manager presented requests for retrospective approval for use of Council land:

- 4.5 Ref: 490/17** - Request from Naturally North Coast and Glens to use Council Land at Station Square and Amphitheatre Portrush for an Artisan Market as part of the Portrush Beer and Food Festival on 7th and 8th October 2017.
- 4.6 Ref: 489/17** - Request from 'We are Realm' to use Council Land at Ramore Head, Portrush to take photographs on Tuesday 24th October 2017.
- 4.7 Ref: 484/17** - Request from North West Orienteering Club to use Council land at the Blackburn Path, Limavady to hold a schools' orienteering event on Thursday 26th October 2017 between 9.30am and 11.30am
- 4.8 Ref: 487/17** - Request from Ballymoney Scout Group to use Council land at Old Ballymoney Graveyard for history visit on 26th October 2017 between 7 p.m and 8 p.m.
- 4.9 Ref: 491/17** - Request for Irish Surfing to use Council land at East Strand, Portrush with West Strand as back up for Irish Surfing Camp and Contest on 2nd to 5th November 2017.

AGREED - to recommend that Council grants retrospective approval to items 4.5 - 4.9 inclusive.

5. REQUESTS TO PURCHASE COUNCIL LAND

There were no requests to purchase Council land for the Sub-Committee to consider.

6. PORTRUSH PUBLIC REALM SCHEME CONTRACTOR'S COMPOUND

In October 2017 Council appointed FP McCann Limited as the Principal Contractor on the Portrush Public Realm Scheme. To facilitate the works the contractor will require sites within the town to set up compound and storage areas.

Council officers have discussed various potential sites with the Contractor and the following are proposed.

4 Court Area of Recreation Grounds, Ramore Avenue

Utilising access from Ramore Avenue, where this land forms part of the site works area.

Sandhill Drive Carpark, Upper Section

Utilising 50% of the carpark capacity maintaining unobstructed access to general public, apartments which have a right of way, and the coach/campervan use.

It is recommended that - following successful negotiations based around current market value, and securing agreement with Contractor, Council approves the siting of contractor's compounds at 4 Court Area of Recreation Grounds, Ramore Avenue and Sandhill Drive Carpark.

The Regeneration Manager answered a number of queries around car parking space and what each area would be used for.

Councillor Duddy voiced concern that once a section of land was put out of use, it could continue to be used for other purposes and not restored to its original purpose. He also indicated that a Condition Report of the car parks should be undertaken prior to leasing the same.

It was also stressed by Alderman Hillis, that temporary should mean temporary and if surfaces were damaged they should be restored to original state.

Proposed by Councillor McLaughlin
Seconded by Councillor Quigley and

AGREED – to recommend that following successful negotiations based around current market value and securing agreement with Contractor, that Council approves the siting of contractor's compounds at 4 Court Area of Recreation Grounds, Rathmore Avenue and Sandhill Drive carpark subject to planning permission being obtained for the Sandhill Drive option and satisfactory reinstatement and payment of Council's legal fees.

7. LEASES/LICENSES

There were no leases/licences for the Sub-Committee to consider.

8. LEGAL ISSUES

8.1 Seaport Avenue, Portballintrae

Council's Solicitor presented a confidential report previously issued.

Following consideration of the information contained in the report:

It is recommended that Council accepts Senior Counsel's advice and issues proceedings in relation to (i) and (ii) as detailed in the report.

Proposed by Alderman Hillis
Seconded by Councillor McCandless and

AGREED – to recommend that Council accepts Senior Counsel's advice and issues proceedings in relation to (i) and (ii) as detailed in the report.

AGREED – to discuss North West Hotel Development, lands at Ballyreagh Road, Portstewart at the end of the meeting.

8.2 Portballintrae Legal Costs (verbal update)

The Democratic and Central Services Manager advised that the report requested by the Sub-Committee previously would be available at the January meeting of the Sub-Committee.

9. CORRESPONDENCE

The Democratic and Central Services Manager presented the report, previously circulated.

9.1 Housing Executive Regional Services Land and Regeneration Re: Joey Dunlop Leisure Centre, Garryduff Road, Ballymoney

Correspondence has been received from the Housing Executive with reference to the Joey Dunlop Leisure Centre, Garryduff Road, Ballymoney.

The Housing Executive has informed Council that land shown in red on the map circulated is still registered in their ownership and requested that contact be made in order to have the matter rectified.

It is recommended - that Council enters into a Deed of Rectification with the Northern Ireland Housing Executive.

AGREED: to recommend that Council enters into a Deed of Rectification with the Northern Ireland Housing Executive

9.2 Robert Quigg V C Commemoration Society

The Sub-committee noted correspondence received from the Robert Quigg V. C. Commemoration Society in relation to Robert Quigg V. C. Sculpture in Bushmills.

Approval for undertaking ownership was previously granted by Moyle District Council.

The Sub-Committee was advised that a Deed of Dedication will be drawn up to formalise the transfer on the terms outlined previously.

* Councillor McCandless, McLaughlin and McShane P left the meeting at 8:05 pm.

8. LEGAL ISSUES CONTINUED

8.3 North West Hotel Development, Lands at Ballyreagh Road, Portstewart – Request for Further Easement

Correspondence has been received from Don Hotels Ltd requesting that Council enter into a Deed of Easement to include

- a right of way over the Easement Area for the purposes of access to and egress from the Property and for servicing the property;
- a right to park motor vehicles on the Easement Area;
- a right to implement traffic and parking measures and paint road or parking markings on the Easement Area;
- a right to construct roadways or footpaths on the Easement Area and remove any boundary structures between the Easement Area and the Property; and
- a right to passage and running of services to the Property through the Easement Area.

It is recommended – that Council notes the correspondence.

Council's Solicitor advised the Sub-Committee on its options as the landowner in terms of the current planning application.

A discussion ensued on the matter.

Proposed by Councillor Duddy

Seconded by Councillor McCorkell

To recommend that Council submits a response in respect of the planning application.

Amendment

Proposed by Alderman Hillis
Seconded by Councillor Knight-McQuillan

Defer to Corporate Policy and Resources Committee meeting on 21st November to allow consultation to take place with Coleraine and District Motor Club and the organisers of the North West 200 in relation to the land currently leased from Council which forms part of the planning application.

The Chair put the amendment to a vote, with 3 voting for, 0 against and 0 abstentions. The Chair declared the amendment carried.

MOTION TO PROCEED 'IN PUBLIC'

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

There being no further business the Chair thanked everyone for their attendance and the meeting concluded at 8:37 pm.