

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE  
LAND AND PROPERTY SUB-COMMITTEE  
HELD IN THE BANN VIEW COMMITTEE ROOM, CIVIC HEADQUARTERS  
WEDNESDAY 7 FEBRUARY 2018 AT 7:30 PM**

- Chair** : Councillor Knight-McQuillan
- Present** : Councillors Baird, Duddy, Holmes, McCorkell,  
McLaughlin and Quigley
- Officers Present** : M Quinn, Director of Corporate Services  
S Mathers, Development Management &  
Enforcement Manager  
D Hunter, Council Solicitor  
E Keenan, Council Solicitor  
S Duggan, Committee & Member Services Officer
- Non Sub-Committee:** Councillor P McShane  
**Members Present**

**SUBSTITUTION**

In accordance with Standing Order 22 (4) Alderman Hillis gave notice of Councillor Holmes' substitution, for the transaction of business for the evening.

**1. APOLOGIES**

Alderman Hillis; Councillor C McShane.

**2. DECLARATIONS OF INTEREST**

Councillor P McShane in Correspondence.  
Councillor C McLaughlin in Correspondence.  
Councillor J Baird in Correspondence.

**MOTION TO PROCEED 'IN COMMITTEE'**

Proposed by Councillor Baird

Seconded by Councillor Duddy and

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

### **3. REQUESTS FOR USE OF COUNCIL LAND**

The Director of Corporate Services presented a confidential report previously circulated on requests for use of Council land and referred to Powerpoint presentation 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

#### **3.0 (Ref 434/17) – Access to Council Land at Flowerfield Arts Centre, Portstewart**

A request has been received from the owner of a property which borders the car park to the rear of Flowerfield Arts Centre to create a pedestrian access to permit access to the car park.

Detail of the request was circulated and matters for consideration outlined.

The Sub-Committee is requested to consider the information provided and make recommendation on:

1. The granting or refusal of approval for the request to create a pedestrian access from the rear of the property at Flowerfield Road to the Council's car park at Flowerfield Arts Centre; and
2. The instigation of investigation by Council officers into the areas of encroachment identified including any subsequent legal proceedings as required to serve Council's interests.

Proposed by Councillor Duddy

Seconded by Councillor Baird and

**AGREED** – to recommend that the request to create a pedestrian access from the rear of the property at Flowerfield Road to the Council's car park at Flowerfield Arts Centre is refused; and

Proposed by Councillor Baird  
Seconded by Councillor McCorkell

**AGREED** – to recommend that the instigation of investigation by Council officers into the areas of encroachment identified including any subsequent legal proceedings as required to serve Council's interests is approved.

- \* **Councillor Quigley arrived at the meeting at 7.40PM during consideration of the above item.**

#### **4.0 (Ref 03/18) Use of Council Land at Dunseverick Harbour, Bushmills for Documentary Filming in Jan/ Feb 2018**

A request has been received from DoubleBand Films to use Council land at Dunseverick Harbour, Bushmills for Documentary filming 19<sup>th</sup> February 2018.

Detail of the request was circulated.

**It is recommended** that Council grants, in principle, approval to the request from DoubleBand Films to use Council land at Dunseverick Harbour, Bushmills for Documentary filming 19<sup>th</sup> February 2018.

**AGREED** – to recommend that Council grants, in principle, approval to the request from DoubleBand Films to use Council land at Dunseverick Harbour, Bushmills for Documentary filming 19<sup>th</sup> February 2018.

#### **5.0 (Ref 10/18) Use of Council Land at the Promenade Castlerock to park the Action Cancer Big Bus on 1<sup>st</sup> & 2<sup>nd</sup> March 2018/ 26<sup>th</sup> April 2018**

A request has been received from The First Dunboe Presbyterian Church to use Council land at the Promenade, Castlerock for parking of the Action Cancer Big Bus on 1<sup>st</sup> & 2<sup>nd</sup> March 2018/ 26<sup>th</sup> April 2018. A further request was received for an amendment of additional date to 5<sup>th</sup> February 2018 due to due to adverse weather conditions.

Detail of the request was circulated.

**It is recommended** that Council grants, in principle, approval to the request from the First Dunboe Presbyterian Church to use Council land at the Promenade, Castlerock for parking of the Action Cancer Big Bus on 5<sup>th</sup> February 2018/ 1<sup>st</sup> & 2<sup>nd</sup> March 2018/ 26<sup>th</sup> April 2018.

**AGREED** – to recommend that Council grants, in principle, approval to the request from the First Dunboe Presbyterian Church to use Council land at the Promenade, Castlerock for parking of the Action Cancer Big Bus on 5<sup>th</sup> February 2018/ 1<sup>st</sup> & 2<sup>nd</sup> March 2018/ 26<sup>th</sup> April 2018.

**6.0 (Ref 17/18 #32) Use of Council Land for the All Ireland Intersvarsity Surf Competition at East and West Strand, Portrush on 3<sup>rd</sup> and 4<sup>th</sup> March 2018**

A request has been received from The Irish Surfing Association to use Council land at East and West Strand, Portrush for the All Ireland Intersvarsity Surf Competition on 3<sup>rd</sup> and 4<sup>th</sup> March 2018.

Detail of the request was circulated.

**It is recommended** that Council grants, in principle, approval to the request from The Irish Surfing Association to use Council land at East and West Strand, Portrush for the All Ireland Intersvarsity Surf Competition on 3<sup>rd</sup> and 4<sup>th</sup> March 2018.

**AGREED** – to recommend that Council grants, in principle, approval to the request from The Irish Surfing Association to use Council land at East and West Strand, Portrush for the All Ireland Intersvarsity Surf Competition on 3<sup>rd</sup> and 4<sup>th</sup> March 2018.

**7.0 (Ref 14/18 #31) Use of Council Land for Portrush Heritage Group at Antrim Gardens and Landowne Green Portrush on 31<sup>st</sup> March 2018**

A request has been received from Portrush Heritage Group to use Council land at Antrim Gardens and Landowne Green Portrush for Geophysical Survey on 31<sup>st</sup> March 2018.

Detail of the request was circulated.

**It is recommended** that Council grants, in principle, approval to the request from Portrush Heritage Group to use Council land at Antrim

Gardens and Lansdowne Green Portrush for Geophysical Survey on 31<sup>st</sup> March 2018.

**AGREED** – to recommend that Council grants, in principle, approval to the request from Portrush Heritage Group to use Council land at Antrim Gardens and Lansdowne Green Portrush for Geophysical Survey on 31<sup>st</sup> March 2018.

The Principal Planning officer referred to detail within the request and advised that the applicant was required to apply for planning permission and advertising consent.

#### **8.0 (Ref 18/18 438/17) Use of Council Land at Benone Beach for the Celtic Challenge IPKSA on 23<sup>rd</sup> & 24<sup>th</sup> June 2018**

A request has been received from Irish Power Kiting Sand Yacht Association (IPKSA) to use Council land at Benone Beach for the Celtic Challenge on 23<sup>rd</sup> & 24<sup>th</sup> June 2018.

Detail of the request was circulated.

**It is recommended** that Council grants, in principle, approval to the request from IPKSA to use Council land at Benone Beach for the Celtic Challenge on 23<sup>rd</sup> & 24<sup>th</sup> June 2018.

**AGREED** – to recommend that Council grants, in principle, approval to the request from IPKSA to use Council land at Benone Beach for the Celtic Challenge on 23<sup>rd</sup> & 24<sup>th</sup> June 2018.

#### **9.0 (Ref 08/18 #22) Use of Council Land at Portballintrae Carpark adjacent to Boat Club and slipway entrance to the water for the PortballinTRI Charity Triathlon on 23<sup>rd</sup> June 2018**

A request has been received from PortballinTRI to use Council land at Portballintrae Carpark adjacent to Boat Club and slipway entrance to the water for the PortballinTRI Charity Triathlon on 23<sup>rd</sup> June 2018.

Detail of the request was circulated.

**It is recommended** that Council grants, in principle, approval to the request from PortballinTRI to use Council land at Portballintrae Carpark adjacent to Boat Club and slipway entrance to the water for the PortballinTRI Charity Triathlon on 23<sup>rd</sup> June 2018.

**AGREED** – to recommend that Council grants, in principle, approval to the request from PortballinTRI to use Council land at Portballintrae Carpark adjacent to Boat Club and slipway entrance to the water for the PortballinTRI Charity Triathlon on 23<sup>rd</sup> June 2018.

**10.0 (Ref 486/17) Use of Council Land adjacent to Amenity Site off Causeway Street Portrush, for Twelfth July Demonstration on Thursday 12<sup>th</sup> July 2018**

A request has been received from Ballycastle District I.L.O.L. No. 2 to use Council land adjacent to Amenity Site off Causeway Street, Portrush for a Twelfth July Demonstration on Thursday 12<sup>th</sup> July 2018.

Detail of the request was circulated.

**It is recommended** that Council grants, in principle, approval to the request from Ballycastle District I.L.O.L. No. 2 to use Council land adjacent to Amenity Site off Causeway Street, Portrush for a Twelfth July Demonstration on Thursday 12<sup>th</sup> July 2018.

**AGREED** - to recommend that Council grants, in principle, approval to the request from Ballycastle District I.L.O.L. No. 2 to use Council land adjacent to Amenity Site off Causeway Street, Portrush for a Twelfth July Demonstration on Thursday 12<sup>th</sup> July 2018.

**11.0 (Ref 492/17) Use of Council Land at Causeway Coastal Route for Parkinson's Walk on 8<sup>th</sup> September 2018**

A request has been received from True Grit Events to use Council land on Causeway Coastal Route for Parkinson's Walk on 8<sup>th</sup> September 2018.

Detail of the request was circulated.

**It is recommended** that Council grants, in principle, approval to the request from True Grit Events to use Council land on Causeway Coastal Route for Parkinson's Walk on 8<sup>th</sup> September 2018.

**AGREED** – to recommend that Council grants, in principle, approval to the request from True Grit Events to use Council land on Causeway Coastal Route for Parkinson's Walk on 8<sup>th</sup> September 2018.

**12.0 (Ref 16/18) Use of Council Land at Portballintrae Village Hall Carpark for the Causeway Coast Marathon on 21<sup>st</sup> and 22<sup>nd</sup> September 2018**

A request has been received from 26 Extreme to use Council land at Portballintrae Village Hall Carpark for the Causeway Coast Marathon on 21<sup>st</sup> and 22<sup>nd</sup> September 2018.

Detail of the request was circulated.

**It is recommended** that Council grants, in principle, approval to the request from 26 Extreme to use Council land at Council land at Portballintrae Village Hall Carpark for the Causeway Coast Marathon on 21<sup>st</sup> and 22<sup>nd</sup> September 2018.

**AGREED** – to recommend that Council grants, in principle, approval to the request from 26 Extreme to use Council land at Council land at Portballintrae Village Hall Carpark for the Causeway Coast Marathon on 21<sup>st</sup> and 22<sup>nd</sup> September 2018.

### **13.0 (Ref 19/18) Use of Council Land at Ringaree for the 2018 Vauxhall International North West 200 from 13<sup>th</sup> May to 19<sup>th</sup> May 2018**

A request has been received from Mervyn Whyte MBE, Event Director, to use Council land at Ringaree for the 2018 Vauxhall International North West 200 from 13<sup>th</sup> May to 19<sup>th</sup> May 2018.

Detail of the request was circulated.

**It is recommended** that Council grants, in principle, approval to the request from Mervyn Whyte MBE, Event Director, to use Council land at Ringaree for the 2018 Vauxhall International North West 200 from 13<sup>th</sup> May to 19<sup>th</sup> May 2018.

Proposed by Councillor Duddy  
Seconded by Councillor McCorkell and

**AGREED** – to recommend that Council grants, in principle, approval to the request from Mervyn Whyte MBE, Event Director, to use Council land at Ringaree for the 2018 Vauxhall International North West 200 from 13<sup>th</sup> May to 19<sup>th</sup> May 2018.

The Principal Planning officer advised planning permission was required for temporary stationary caravans.

## **4. LEASES/LICENSES**

The Director of Corporate Services informed committee the Item was withdrawn from the Agenda.

## **5. LEGAL ISSUES**

### **5.1 Portballintrae, Village Hall**

Council's solicitor provided an update and advice in relation to the matter which had been previously circulated to members. Following clarification and questions from members it was

Proposed by Councillor Quigley  
Seconded by Councillor Duddy and

**AGREED** – to recommend Option A in terms of the lease, as outlined in the advice provided.

Proposed by Councillor Duddy  
Seconded by Councillor Holmes and

**AGREED** – to recommend Option B, in terms of recovery, as outlined in the advice provided.

The Sub-Committee noted that recovery of outstanding debt and associated action be dealt with through Councils Debt Management Policy, without reference to the Land and Property Sub-Committee.

### **5.2 Deed of Variance Causeway Hotel, Giant's Causeway**

Detail of the request was circulated.

Council's Solicitors have been in negotiations with the National Trust's Solicitors with regards to the required Deed of Variation.

**AGREED** – to recommend that Committee grant the variation to the lease.

### **5.3 Portballintrae**

Council's Solicitor provided an update in relation to Bayhead Road, Portballintrae.

## **6 CORRESPONDENCE**

- \* Councillor C McLaughlin and Councillor P McShane left the meeting at 8.36PM.**



## **6.1 NORTH WEST HOTEL DEVELOPMENT, LANDS AT BALLYREAGH ROAD, PORTSTEWART – REQUEST FOR FURTHER EASEMENT**

The Director of Corporate Services presented the report previously circulated.

Members were reminded that this request was deferred at Council's meeting on 28<sup>th</sup> November 2017.

Council received correspondence 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 grants, in principle, approval to the request from Don Hotels Ltd for;

- 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.

Council's solicitor advised the Sub-Committee that in the period of time since the report and recommendation had been circulated an issue in relation to Council's planning decision taken at the Planning Committee on 24<sup>th</sup> January had arisen. In light of this, the recommendation was updated to request members to defer the

item pending clarification on outstanding matters.

Council's solicitor further advised that clarification from the applicant's solicitors had been sought in terms of the nature of the request.

Proposed by Councillor Duddy  
Seconded by Councillor McCorkell and

**AGREED** – to recommend that the matter is deferred to Corporate Policy & Resources Committee meeting on 20<sup>th</sup> February, pending clarification on outstanding matters.

## **6.2 North West Hotel Development, Lands at Ballyreagh Road, Portstewart – NIE Access Request**

**(Ref 429/17) - Use of Council Land at Ballyreagh Road to bury NIE Overhead Cables at Proposed Hotel Development Site and NW 200 Paddock Area.**

The Director of Corporate Services presented the report previously circulated.

At the Land and Property Sub-Committee meeting held on 2<sup>nd</sup> August 2017 it was recommended to defer consideration of this request.

Correspondence has been received from Northern Ireland Electricity (NIE). NIE has received a request from Don Hotels Ltd. to use Council Land in front of the proposed hotel development site and NW200 paddock area on the Ballyreagh Road, Portrush to bury overhead electricity cables.

Detail of the request was circulated.

It is recommended that Council grants, in principle, approval to the request from NIE to use Council land at the front of the proposed hotel site and NW200 paddock area to bury overhead electricity cables.

The Director of Corporate Services updated the recommendation to the Item **is recommended** for deferral to the Corporate Policy and Resources committee, pending clarification on outstanding matters.

- \* **Councillor Baird left the meeting at 8.51PM during discussion of the item.**

**AGREED** – to recommend deferral to the Corporate Policy and Resources committee meeting on 20<sup>th</sup> February, pending clarification on outstanding matters

#### **MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Councillor Duddy  
Seconded by Councillor McCorkell and

**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 8:51PM.