

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE
LAND AND PROPERTY SUB-COMMITTEE
HELD IN THE BANN VIEW COMMITTEE ROOM, CIVIC HEADQUARTERS
THURSDAY 12 APRIL 2018 AT 7:00 PM**

- Chair** : Councillor Quigley: Items 1 - 6
Councillor C McShane: Items 7 - 10
- Present** : Councillors Duddy, McCorkell and Holmes
- Officers Present** : M Quinn, Director of Corporate Services
R Baker, Director of Leisure & Development
S Mathers, Development Management &
Enforcement Manager
N McSorley, Digital Services Manager
D Hunter, Council Solicitor
D McLaughlin, Land & Property Officer
E McCaul, Committee & Member Services Officer

SUBSTITUTION

Councillor Holmes replaced Alderman Hillis for the transaction of business at the meeting.

1. APOLOGIES

Alderman Hillis and Councillor Knight-McQuillan

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor McCorkell
Seconded by Councillor C McShane and

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

AGREED – to change the order of business and receive a presentation by Director of Leisure & Development at this point in the meeting.

3. REF: 78/18 REQUEST TO USE COUNCIL LAND FOR FILMING DISNEY FEATURE FILM

The Director of Leisure & Development advised that Time Freeze Productions had requested to use Council land at Whiterocks Beach, Whiterocks Coastal Park and Magheracross Viewing Point/car-park for filming a Disney feature film.

The request was for filming in 6 areas over 4 days (weather permitting) on 12 – 15 June 2018 inclusive. If adverse weather impacted on filming, alternative dates suggested were 19 – 21 June 2018.

The Sub-Committee were informed that the film 'Artemis Fowl' would be directed by Kenneth Branagan and star Dame Judy Dench.

As the request would impact on traffic on a section of coastal route requiring traffic diversions during filming, a road closure application has been submitted for approval.

Proposed by Councillor McCorkell
Seconded by Councillor Duddy and

AGREED – to recommend in principle that Council grant permission to Time Freeze Productions use of Council land at Whiterocks Beach, Whiterocks Coastal Park and Mageracross Viewing Point/car-park for filming a Disney feature film on the dates outlined.

The Director of Leisure and Development confirmed that Council would receive a fee for use of the land.

* The Director of Leisure & Development left the meeting at 7:10 pm.

4. PRESENTATION – ENCROACHMENTS ON COUNCIL LAND – DIGITAL SERVICES MANAGER

The Sub-Committee received a presentation from the Digital Services Manager on how GIS was being utilised within land and property. This included:

- Digitising all Legal Maps
- Scanning of all legal documents
- Developing a Land and property Asset Management application
- Land & Property Queries
- Planning Applications
- Property Certificates and
- Designing maps for legal documents

Council had 1150 legal title files, 500 leased parcels of land, 120 parcels sold, 320 easements, 700 files from Crown Estate Commissioners, 25 from National Trust, 63 Council buildings and 260 other ownership parcels of land.

The Sub-Committee were advised that in recent case studies, it was found that 80% of Council owned land was unregistered; 5 cases had been resolved, 5 cases had no files and 8 encroachments had been identified. Some of the cases of encroachments identified included Castle Erin, Portrush; Kinora Terrace, Portstewart; Ballyreagh Road, Portrush, Hermits Cottage, Portrush; Beach Road, Portballintrae and Seaport Avenue, Portballintrae.

The Digital Services Manager reported that there were several Council owned buildings in which there was no title, including the Town Halls in Coleraine, Limavady and Portstewart as well as the Joey Dunlop Leisure Centre in Ballymoney.

The advantages of the GIS system were outlined, especially when the system was tied in with other external GIS systems, which made identifying ownership of pieces of land a lot quicker.

Following the presentation, point made included:

- Possibility of data sharing agreement with Housing Executive and potential to tie into GIS system
- Lack of resources to register all pieces of land and the need to get the review of Land & Property carried out quickly

The Director of Corporate Services referred to the March meeting of the Land and Property Sub Committee and advised that a review of the resources allocated to the Land and Property function in Council would be presented to the Land and Property Sub Committee in June 2018.

* The Digital Services Manager left the meeting at 7:55 pm.

5. UPDATE FROM PREVIOUS MEETING

5.1 Land and Property Services – D1 Disposal of Land at Kilwee Gardens, Rockend, Corkey

The Land & Property Officer reported that at the March meeting the Sub-Committee received correspondence from the Land and Property Services regarding the D1 disposal of land at Kilwee Gardens, Rockend, Corkey. The Sub-Committee agreed to:

- confirm Council's ownership of the playground adjacent to the land identified for disposal
- request extra time from Land and Property Services to respond to the correspondence

The Sub-Committee was informed that:

- Council confirmed that it owns and maintains the adjacent playground.
- An "Expression of Interest" would have been required by the deadline of 22 March 2018.
- At this stage Council has no identified requirement for any additional land at the site of the playpark.

The update was **NOTED** by the Sub-Committee.

5.2 Request to Purchase Council Land Item Ref: 001/18P Land at Dungiven

At the March Land & Property meeting, a request to purchase a small portion of ground to the rear of 22 & 23 Columbia Park and adjacent to 24 Columbia Park, Dungiven (Foreglen) was discussed. The Committee agreed to defer a decision on this request pending a site visit.

The Sub-Committee were updated as follows:

- The site visit scheduled for Thursday 29 March 2018 was cancelled due to non-availability of Elected Members.
- Council own and maintain this area – grass cutting and tidying up. Land is registered in Council's ownership.
- Area has been identified as an existing area of open space – as advised by Council's Planning department.
- Council have erected a set of goal posts on adjacent "kickabout" area.

- Land to the rear of this strip of land is owned by another individual or organisation.

Proposed by Councillor Duddy
Seconded by Councillor C McShane and

AGREED – to recommend that Council refuse the request to purchase portion of ground to the rear of 22 and 23 Columbia Park and adjacent to 24 Columbia Park, Dungiven (Foreglen).

6. REQUESTS FOR USE OF COUNCIL LAND

The Director of Corporate Services presented a confidential report previously circulated on requests for use of Council land.

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

The Director of Corporate Services drew Members attention to reference 52/18 – Request to use land in front of the Harbour Bar, Coast, Portrush Yacht Club, Harbour Office, North Pier and ending at the slipway at Portrush on page 4 of the report and advised that approval in principle would be, ***subject to a Road Closure Order, temporary Street Trading Licences for each of the 6 stalls and removal of stalls within 12 hours of end of the event from Council property.***

The Director of Corporate Services also drew Members attention to reference 58/18 – Request to use Council land at Main Street Car Park, Dungiven on page 5 of the report and advised that if approved in principle ***no planning permission was required.***

The Director of Corporate Services advised that an additional request for use of Council land had been received after the report had been circulated as follows:

As part of the Rathlin Sound Maritime Festival activities, the Ballycastle Runners Club proposes to organise a running event from the seafront to Marconi's Cottage on Sunday 27 May 2018 at 10 am. The run will start around the fountain area at the seafront.

Recommendation - that this request to use Council land be added to list circulated to approve in principle.

It is recommended – that the requests listed at Appendix 1 of the report are considered and recommendation made.

It is recommended – that the requests at Appendix 2 and 3 of the report are noted.

AGREED - to recommend that Council approve in principle the requests listed at Appendix 1 of the report and the additional conditions noted at item 52/18, and including the additional request for use of Council land by Ballycastle Runners Club

The requests set out in Appendix 2 and 3 of the report were **NOTED**.

Members of the Sub-Committee indicated they would welcome a presentation on road closure legislation. The Director of Corporate Services agreed to progress this request.

- * The Chair – Councillor Quigley left the meeting at 8:20 pm.
- * Councillor C McShane assumed the position of Chair at 8:20 pm.

7. REQUESTS TO PURCHASE COUNCIL LAND

The Land and Property Sub-Committee were advised that there were no requests to purchase land.

8. LEASES/LICENSES

There were no leases/licenses to discuss.

9. LEGAL ISSUES

9.1 Ref no 348/16 – Land at Toberdoney Road, Dervock

At its meeting on 2nd August 2017 the Land and Property Sub Committee considered a request to purchase an area of land at Toberdoney Road, Dervock.

It was agreed to recommend that Council declare land at the rear side of Jamieson Land Rover, Dervock surplus and in respect of Capital Asset Disposal – that being registration for the “D1” – Public Sector Clearing House arrangements in accordance with Department of Finance Central Advisory Unit Guidance followed by advertisement for sale on the Open Market.

Council Solicitor updated the Sub-Committee on the options available to Council for the disposal of the surplus land at Toberdoney Road, Dervock which is currently unregistered.

Options available to Council:

- a) apply for possessory title
- b) register, obtain title deed and sell
- c) Sell with D1 and get indemnity insurance. Land to be valued prior to sale.

The purchaser in all cases to be responsible for Council’s legal costs. Council would retain a strip of the land which could be used for a bus shelter.

Proposed by Councillor Duddy
Seconded by Councillor Holmes and

AGREED – to recommend that Council agree Option C – Sell with D1 and get indemnity insurance. Land to be valued prior to sale.

Also **AGREED** that Council would retain a strip of land for a bus shelter.

9.2 North Pier Portrush

Council Solicitor outlined that the leasee of a Council owned building (shop) at North Pier, Portrush had requested that Council forgo rent charges for 2018 due to anticipated disruption from major capital works being carried out at the harbour.

Proposed by Councillor Duddy
Seconded by Councillor McCorkell and

AGREED – to recommend that in the absence of supporting evidence the request for rent to be waived for 2018 be refused.

The Sub Committee noted that if evidence was to be produced at a later date the matter could be considered.

9.3 North West Hotel Development – Proposed Car Parking Site

Council Solicitor advised that at the March meeting the Sub-Committee had recommended that two valuations for the land be obtained.

He advised that two valuations had subsequently been received and members were provided with details of both. The solicitor also advised members of developments in terms of legal proceedings in relation to the recent planning approval.

The solicitor outlined the options in relation to the request for a further easement:

Options available to Council –

- a) Refuse the request and if the hotel development proceeds, plans would need to be amended
- b) Defer the matter to see if Judicial Review takes place
- c) Grant the request for a 15 year lease for car parking only and if planning permission falls through after the review, put in a restrictive covenant in the lease that the area reverts back to Council.
- d) Grant the request in terms of disposal and go through the D1 procedure
- e) Grant the request in terms of disposal and sell now

Proposed by Councillor Duddy

Seconded by Councillor McCorkell and

AGREED – to recommend that Council agrees Grant the request for a 15 year lease for car parking only and if planning permission falls through after the review, put in a restrictive covenant in the lease that the area reverts back to Council.

Also **AGREED** that leasee would be required to cover Council's legal costs.

The solicitor also advised that the Coleraine and District Motor Club would have to be consulted in terms of the current lease it holds at the area in question.

The Director of Corporate Services advised the Sub Committee of the parking requirements for the Open Golf Championship 2019 and that the area requested for the easement may have potential for temporary parking for the tournament.

10. CORRESPONDENCE

There was no correspondence.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Duddy
Seconded by Councillor Holmes 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 8:50 pm.