

**LAND AND PROPERTY SUB-COMMITTEE MEETING
WEDNESDAY 6 SEPTEMBER 2023**

No	Item	Summary of Key Recommendations
1.	Apologies	<i>Councillor Nicholl</i>
2.	Declarations of Interest	<i>Councillor C Archibald</i>
3.	Minutes of Previous Meeting held on 7 th June 2023	<i>Confirmed as a correct record</i>
	<i>'In Committee' (Items 4-10 inclusive)</i>	
4.	Requests for Use of Council Land	
4.1	Requests to Use Council Land	
	(i) Reference 54/23	<i>To recommend to approve and waive fee in line with the Land and Property policy</i>
	(ii) Reference 62/23	<i>To recommend to approve and waive fee in line with the Land and Property policy</i>
	(iii) Reference 138/22	<i>To recommend to approve with fee and bond payable</i>
	(iv) Reference 79/23 #443	<i>To recommend to approve with £150 fee payable</i>
	(v) Retrospective Approvals	
	Reference 59/23	<i>To recommended that no reduction in the fee is applied</i>
	Reference 163/22	<i>To recommended that an invoice is raised on a quarterly basis</i>
	Reference 67/23	<i>To recommend that no fee is charged in line with the Land and Property Policy</i>
	Reference 68/23	<i>To recommend that no fee is charged as this was a Mayoral appointment</i>
	Reference 74/23	<i>To recommend that a fee is charged in line with the Land & Property Policy</i>
	Reference Ref 73/23	<i>To recommend that a fee is charged in line with the Land & Property Policy</i>

	Retrospective Approvals	To recommend to Note Reference 65/23, 70/23, 72/23, 77/23 and 81/23
	(vi) Retrospective Approvals under 4.6 – Scheme of Delegation	To recommend to Note. To recommend that, at the request of Councillor Huggins, the Director of Environmental Services agreed to provide all Elected Members with the list of approvals under the Scheme of Delegation on a monthly basis
5	Requests for Use of Council Land	
5.1	Magilligan Ferry Terminal –Disposal Update	To recommend that Council accepts the tendered bid submitted by Londonderry Port & Harbour Commissioners, and that legal conveyancing is now commenced and completed, transferring the asset, lands, structures and all associated liabilities to LPHC, from Causeway Coast & Glens Borough Council and; Seeks approval from the Department for Communities for the sale due to the asset having a negative value and; That the outstanding loans associated with the asset see out their original terms and on the advice of the Chief Finance Officer are not repaid on completion of the sale
6	Leases and Licenses	
6.1	Portrush, Lease of Lands at Metropole Park	To recommend that Council grant a lease and a ‘letter of comfort’ for a lease to CAUS for a period

		<i>of up to 25 years subject to the Heads of Terms being agreed and subject to DfC approval. It was further recommended that Council retains a land barrier between the Community Plaza and the public highway. A map of the revised lease area is to be prepared and brought back to the L&P SC along with the draft Heads of Terms for approval.</i>
7.	Requests to Purchase/Dispose of Council Land/Property	
7.1	Limavady, Drumaduff Landfill Site – Requisition of Lands	<i>To recommend that Council grant permission for Officers to progress and engage with Council’s legal representation to make an un-conditional offer to the current landowner for such lands, known as ‘Drumaduff landfill. It is further recommended to agree that if the qualified un-conditional offer is not accepted , that officers then have delegated authority to engage the ‘Vesting Order’ process in order to ensure Council can carry out its statutory obligations.</i>
7.2	Cushendall, Transfer of Ownership of Layd Church Ruins, Cushendall to the Department for Communities	<i>To recommend Option 1 - Consent to the transfer of ownership of the Layd Church ruins, Cushendall to the Department for Communities at nominal value, subject to Section 96 approval in accordance with Local Government Circular 21/2020 – Guidance to Councils – Disposal of Land at Less than Best Price</i>

7.3	Ballymoney, Queen Street, Gap Site – Progression of Disposal via Legal Conveyancing	<p>To recommend that Council grant approval for Officers to conduct a property disposal tender process to seek the highest market value for the said property, with bids sought from both the public, (D1), and private marketplaces simultaneously.</p> <p>To recommend that upon completion of the property marketplace tendered bid campaigns, a report item shall be brought back to the L&P SC for review and consideration.</p>
7.4	Ballymoney, Killyrammer Community Centre- Progression of Disposal – Tender Bid returns	<p>To recommend that the un-conditional offer as submitted by the highest bidder is accepted and that the legal conveyancing and financial transaction processes commence and conclude accordingly</p>
7.5	Garvagh, Land off Coleraine Road, Gap Site – Progression of Disposal	<p>To recommend that Council grant approval for Officers to conduct a property disposal tender process to seek the highest market value for the said property, with bids sought from both the public, (D1), and private marketplaces simultaneously.</p> <p>To recommend that upon completion of the above property marketplace tendered bid campaigns, a report item shall be brought back to the L&P SC for view and consideration.</p>
7.6	Rasharkin, Well and Waterways – Progression of Disposal	<p>To recommend that Council grant approval for officers to conduct a property disposal tender</p>

		<p><i>process to seek the highest market value for the said property, with bids sought from both the public, (D1), and private marketplaces simultaneously.</i></p> <p><i>To recommend that upon completion of the above property marketplace tendered bid campaigns, a report item shall be brought back to the L&P SC for review and consideration.</i></p>
7.7	Ballymoney, Land at Eastermeade – Progression of Disposal	<p><i>To recommend that Council grant approval for Officers to conduct a property disposal tender process to seek the highest market value for the said property, with bids sought from both the public, (D1), and private marketplaces simultaneously;</i></p> <p><i>It was further agreed to recommend that upon completion of the above property marketplace tendered bid campaigns, a report item shall be brought back to the L&P SC for review and consideration</i></p>
8.	Leases and Licences	
8.1	Leases and Licences – Renewal of Commercial Leases - Quarterly Update	<i>To recommend to note the quarterly update presented on the renewal/review of commercial leases</i>
8.2	Dungiven, Main Street Car Park – Renewal of License Ulster Bank Ltd	<i>To recommend that Council grants approval to renew the Licence Agreement between Causeway Coast and Glens Borough Council and Ulster Bank Ltd. to permit the use of the car</i>

		<p><i>park space at 104-106 Main Street, Dungiven for the purpose of parking its mobile bank unit for a period of 2 years from 24th July 2023 to 23rd July 2025 at the rent as detailed within the report</i></p>
8.3	Ref 08/21/L – Portrush – Request to Lease Land Adjacent to Existing Car Park at Tides Restaurant	<p><i>To recommend that Council agrees to lease Council land adjacent to “The Tides Portrush” restaurant for additional car parking subject to the conditions detailed under option 4.2 of the report.</i></p> <p><i>The Heads of Terms for any lease granted will be brought to the L&P SC for consideration and approval.</i></p>
8.4	Benone Bistro – Commercial Lease, Heads of Terms	<p><i>To recommend that Council agrees to the Heads of Terms and grant approval to renew the lease for Benone Bistro - Waves, commencing on 1st September 2023 for a period of 5 years, at the yearly rent as detailed within the report and further agrees to the addition of the outside seating area to the lease</i></p>
8.5	Ballymoney, Drumaheglis Caravan Park, Cafe – Commercial Lease, Heads of Terms	<p><i>To recommend that Council agrees to the Heads of Terms as detailed, and grants approval to enter into a new Commercial lease with the tenant for the Slipway Café and Unit 1, Drumaheglis Holiday Park and Marina, Ballymoney, commencing on 1st June 2023 for a period of 5 years, at the yearly as detailed within the report</i></p>
9.	Legal Issues	

9.1	Council Title and First Registration – Quarterly	<i>To recommend that Council notes the Quarterly Progress Report as at 31 August 2023 and associated Appendices</i>
9.2	Addendum – Dungiven, Main Street Off Street Car Park – Claim of Prescriptive Easements	<i>To recommend that Council accept the Developer’s claim for a prescriptive easement of a right of way and to formalise same via a formal grant of easement, Officers to finalise terms and further agrees to recommend that Council dispute any claim for a prescriptive easement for water and defend same in any subsequent litigation</i>
10.	Correspondence	
10.1	Portrush Railway Station Clock – Request that CCGB Purchase Clock	<i>To recommend that Council refuses the offer from the owner of the Portrush Railway Clock to purchase the clock, and request that the owner liaises with Council to remove the clock from Council Headquarters at their earliest convenience</i>

**MINUTES OF THE MEETING OF THE LAND AND PROPERTY SUB-COMMITTEE
MEETING HELD IN THE BANN VIEW COMMITTEE ROOM AND VIA VIDEO-
CONFERENCE ON WEDNESDAY 6 SEPTEMBER 2023 AT 7.00PM**

- Chair:** Alderman Knight-McQuillan
- Present:** Alderman Fielding, Councillors C Archibald, D Huggins
P McCully, C McShane (R).
- Officers Present:** A McPeake, Director of Environmental Services
J Richardson, Head of Capital Works, Energy
and Infrastructure (Item 5) (R)
W McCullough, Head of Sport and Wellbeing (Item 6.1)
J Beggs, SIB Project Officer (R) (Item 6.1)
J Mills, Land and Property Solicitor
D McLaughlin, Land and Property Officer
J Drillingcourt, Assistant Land and Property Officer
I Owens, Committee and Member Services Officer

Key:
(R) Remote attendance via MS Teams

The Director of Environmental Services undertook a roll call of sub-committee Members in attendance.

The Chair advised of a change to the order of business with Agenda Item 6.2 Leases and Licences - Portrush, Lease of Lands at Metropole Park being considered at 6.1.

1. APOLOGIES

Apologies were recorded for Councillor Nicholl.

2. DECLARATIONS OF INTEREST

Councillor C Archibald, as a member of the Planning Committee, in Item 8.3 - Ref 08/21/L- Portrush – Request to Lease Land Adjacent to Existing Car Park at Tides Restaurant. Councillor C Archibald left the meeting during discussion of this item.

3. MINUTES OF PREVIOUS MEETING HELD ON 7TH JUNE 2023

Summary, previously circulated.

AGREED – to recommend that the Minutes of the Land and Property Sub Committee meeting held Wednesday 7 June 2023 were confirmed as a correct record.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Councillor McCully
Seconded by Councillor Huggins and

AGREED – to recommend that Land and Property Sub Committee move ‘*In Committee*’.

The information contained in the following items is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

4. REQUESTS FOR USE OF COUNCIL LAND

4.1 Requests to Use Council Land

Confidential report previously circulated presented by the Land and Property Officer, maps were illustrated via PowerPoint throughout the sub-committee meeting, as appropriate.

There are 4 new requests for the Sub-Committee to consider. The requests are summarised in the table below with further detail provided at Appendix 1, previously circulated.

Issues for Consideration

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

- 2.1 Right of way issues
- 2.2 Setting a precedent.
- 2.3 Impact on Council’s strategy
- 2.4 Valuation
- 2.5 Long term impact on Council's asset
- 2.6 Legal implications
- 2.7 Health and Safety, Insurance, Risk Assessments and Event Management Plans

Recommendation

It was recommended that the requests listed at Appendix 1 & Appendix 2 were considered and recommendation/decision made where applicable.

It was recommended that the requests in Appendix 3 were for information and notation only.

(i) Reference 54/23

Date – 15th September 2023

Location – Portrush, East Strand

Detail – A request from Cancer Focus NI to use Portrush East Strand for a ‘Coldwater dip’ around 8pm. Estimated 50-100 in attendance. Small gazebo will be erected on beach 3m x 3m (weather permitting)

Charity No: 101307

Officer Recommendation – For Decision

(ii) Reference – 62/23

Date – 7th October 2023

Location – Portballintrae Car Park & Surrounding Coastal Path

Detail - Bravehearts NI to use Portballintrae carpark to erect a gazebo and have a BBQ for all attendees followed by a fundraising Coastal Walk

Charity No: NIC 101055

Officer Recommendation – For Decision

Proposed by Councillor C Archibald

Seconded by Councillor Huggins and

AGREED – to recommend that requests Ref No 54/23 and 62/23 are approved and the fees are waived in accordance with the Land & Property Policy.

(iii) Reference - 138/22

Date – 13th – 16th October 2023

Location – East Strand Car Park, Beach. The Promenade, Bowl Portrush

Detail – Knock Motorcycle and Car Club Ltd to use Council land at East Strand Car Park, Beach, The Promenade and Bowl Portrush from 13th – 16th October 2023 for a static show and beach race.

Officer Recommendation - For decision on fees

Proposed by Alderman Fielding

Seconded by Councillor Huggins and

AGREED – to recommend that the fee as detailed within the report is charged and further agreed to recommend that a bond, similar to that charged last year is also requested prior to the event taking place.

(iv) Reference - 79/23#4435

Date – 19th September 2023

Location – Rathlin Island Various

Detail - A request from BBC to film on Rathlin Island at various locations on 19th September 2023 between 7am – 6pm (filming to be no more than 3 hours max) 5 in attendance.

Officer Recommendation - For Decision

Proposed by Councillor C Archibald

Seconded by Councillor McCully and

AGREED – to recommend that the event is approved and that a fee is charged as detailed within the report.

(v) Retrospective Approvals

The Sub-Committee was asked to note the following Retrospective Approvals and make a recommendation on the charging of a fee, where required.

Ref 59/23	A request from Legacy 2 Productions & Forte Films to film at Ramore Head and West Strand Beach, Portrush. Taking
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<p>For Decision On Fee</p>	<p>place on 24th July 2023 from 9am – 5.30pm. 12 in Attendance. The event followed a family who emigrated from Portrush to Canada and the filming follows them coming back to Portrush. Film Company has requested a reduction in the fee.</p> <p>AGREED – to recommended that no reduction in the fee is applied.</p>
<p>Ref 163/22</p> <p>For Decision on Charging</p> <p>Suggested Quarterly</p>	<p>A request from Push It Mama to use Council Land at Lansdowne Car Park, The Arcadia and West Strand Car Park, Portrush, for post-natal exercise classes from June 2023, ongoing on the following days and times. Mondays – 9.15am for up to 1hr Wednesdays – 2.15pm – 3.45pm Fridays – 9.30am for up to 1hr</p> <p>AGREED – to recommended that an invoice is raised on a quarterly basis.</p>
<p>Ref 65/23</p>	<p>A request from BBC Countryfile to film on Benone Beach for its “One Man and His Dog” segment. Filming was on 25th July and took place from 10am – 12pm</p>
<p>Ref 67/23</p> <p>For Decision on Fee</p>	<p>A request from Ulidia Community Empowerment to film in Ballymoney Museum on 11th August 2023 from 2.30pm – 4pm. Filming for a short documentary about “The Kingdom of Dalriada”.</p> <p>AGREED – to recommend that no fee is charged in line with the Land and Property Policy.</p>
<p>Ref 68/23</p> <p>For Decision on Fee</p>	<p>A request from Triangle Triathlon Club to use Benone Beach and grass area at Benone Tourist Complex on 20th August 2023 from 9am to 12pm for their Women’s only Running Event.</p> <p>AGREED – to recommend that no fee is charged in line with the Land and Property Policy.</p>
<p>Ref 70/23</p>	<p>A request from Ballykelly FC to use grass area and pitches at Kings Lane, Ballykelly on August 16th 2023 from 6pm – 8.30pm. The event is not for profit, it is to raise support for the local football team.</p>
<p>Ref 72/23</p>	<p>A request from Purple Productions to film various areas on the North Coast, namely Cushendall Beach, Dalriada Harbour, Waterfoot Harbour, Cottage Wood & Layd Old Church on 16th August 2023 for 2 hours, 1 in attendance.</p>
<p>Ref 74/23</p> <p>For Decision to waive fee</p>	<p>A request from Freemantle media t/a Naked West to film at various lands around the North Coast for “Escape to the Country”.</p> <p>The Mayor and Deputy Mayor met with the film crew and filmed on 16th August 2023, extra filming will take place on Friday 18th at Portrush West Strand, Portrush Harbour areas.</p>

	AGREED – to recommend that no fee is charged as this was a Mayoral appointment.
Ref 77/23	A request from Triplevision to film at the Lammas Fair on 29 th August 2023 from 12pm – 2pm. There will be 6 in attendance. Events and PR are liaising with the presenters for this event
Ref 81/23	A request from Rare TV to film at Magheracross Viewpoint, Portrush. Filming general viewpoints. Filming took place on 25 th August 2023.
Ref 73/23 For Decision on waiving fee	A request from Junk Couture to film on Benone Beach on 18 th August 2023 for “One Young World 2023”. Filming took place between 11am – 1pm and 6 were in attendance. Application received 14 th August 2023 – filming date confirmed once it had taken place – AGREED – to recommend that a fee is charged in line with the Land & Property Policy.

Proposed by Alderman Fielding
Seconded by Councillor Huggins and

AGREED - to recommend that the Retrospective Approvals are noted (reference Ref 65/23 Ref 70/23 Ref 72/23 Ref 77/23 Ref 81/23).

(vi) Retrospective Approvals under 4.6 – Scheme of Delegation

New Requests Approved Under the Scheme of Delegation

The following requests have all been previously approved under Council’s Scheme of Delegation and are for noting by the Sub-Committee.

Detail of Request
A request from Armoy Community Association to carry out alterations under the terms of their lease dated 23 rd May 2023 to the entrance of Lime Park Playing Fields, Drones Road, Armoy

Reference	Detail of Request
Ref 23/23	A request from The Hype Factory for filming on Benone Beach on 19 th July 2023 for approximately 8hrs.
Ref 42/23 For Information Only	A request from Focused Events Ltd to use NW200 Pits/Paddock area on 21 st July 2023 from 7am to 5pm for a Kawasaki Test Drive Day.
Ref 29/23	A request from Balnamore Community Association to use Balnamore Football pitch and grass area for a Village Water Play Day on 1 st July 2023 from 11am – 7pm.
Ref 28/23	A request from Castlerock CSSM for the use of the small non bookable playing field in front of the Peter Thompson Hall, Castlerock on 5 th July 2023 from 1pm to 4.45pm for a Community Funday.

Ref 30/23	A request from Balnamore Community Association to use Balnamore Football pitch and Car Park for an 11 th July Community Funday on 11 th July 2023 from 11am to 7pm.
Ref 33/23	A request from Coleraine bid (Business Improvement District) to use Anderson Park, Coleraine on the 4 th and 5 th August 2023 from 10am to 9pm for a Busking and Music Event. The event itself will not take place on Council land, the spectators will use the grass area in Andersons Park, Coleraine.
Ref 21/23	A request from Purple Productions to film various areas on the North Coast, namely Cushendall Beach#, Dalriada Harbour, Waterfoot Harbour, Cottage Wood & Layd Old Church. Filming to take place on various dates weather dependant 8 th , 9 th , 10 th and 13 th July 2023. No more than 12 hours filming.
Ref 24/23	Request from Ally Jennet from 'Lockdown Ensemble' to use Portstewart Bandstand on 16 th July 2023 from 1pm – 5pm to play live music to raise funds for Kidney Care UK. Charity No – 270288
Ref 35/23	Request from RSPB NI to use Downhill beach on the 27 th July 2023 between 8am and 3pm approximately.
Ref 26/23 For Information Only	Request from Ulster Military Show to use the NW200 Paddocks for its Annual Static Military Event. From 3 rd August to 7 th August Inclusive from 10am – 5pm each day.
Ref 43/23	A request from Windyhall Community Association to use Windyhall Community Centre, Coleraine and external grass areas for an 11 th July Funday from 12pm – 6pm.
Ref 52/23 For Information Only	A request from JKC BMW Coleraine to use NW200 pits, Portrush on 3 rd September 2023 for a Charity Static BMW show. All proceeds in aid of MacMillan Cancer Support from 10am – 3pm. Expecting minimum 100 in attendance.
Ref 50/23	A request from Surestart to use Somerset Forest Area, paths near Coffee at the Dock for a Community outing/ Powder Paint fight on 22 nd August 2023 from 10am – 12pm.
165/22	A request from NIE Networks to carry out urgent maintenance works (parking area suspension required) at an NIE Networks Substation at Long Commons Carpark, Coleraine, on the 28th of February 2023.
Ref 41/23 #427	A request from Openreach to carry out works on behalf of Cushendall Golf Club. Installing broadband into the premises. Taking place at Legg Green, Cushendall.
Ref 55/23 #417 Previous ref 12/22	A request from Quicksand Beach Sprint to use Benone Beach for a Motorcycle sprint (1/8 th of a Mile) on 16 th September to 18 th September. Actual event date is 17 th September and takes place between 9am – 4pm. Repeat Event Approved via Scheme of Delegation – July 2023

Elected Members were advised that Ref No 42/23, Ref No 26/23 and Ref No 52/23 are for information only. Council has been advised of these events in their

capacity as the landowner. The land being used is currently under lease to a third party.

Proposed by Councillor C Archibald
Seconded by Councillor McCully and

AGREED – to recommend to note the requests approved under Council’s Scheme of Delegation.

Proposed by Councillor Huggins
Seconded by Councillor C Archibald and

AGREED – To recommend that, at the request of Councillor Huggins, the Director of Environmental Services agreed to provide all Elected Members with the list of approvals under the Scheme of Delegation on a monthly basis.

5. REQUESTS TO COUNCIL PURCHASE/DISPOSE OF LAND/PROPERTY

5.1 Magilligan Ferry Terminal – Disposal Update

Confidential report previously circulated presented by the Director of Environmental Services.

Purpose of Report

The purpose of this Report Item was to request the Sub-Committee’s recommendation to approve the disposal of Magilligan Ferry Terminal, to Messrs. Londonderry Port & Harbour Commissioners, (LPHC), following conclusion of the D1 Disposal process and to update the Sub-Committee on the successful conclusion of the International Fund for Ireland IFI position on the disposal.

Background

Members were provided with a timeline of previous Council decisions from March 2018 to August 2021 regarding the Asset Disposal Investigation, the Asset Disposal of Magilligan Ferry Terminal, the D1 process and relevant legal advice.

On 5th May 2021 a Report item and supporting Asset Options Appraisal, was brought before the Land and Property Sub-Committee (LPSC), for Members agreement to dispose of the asset through the D1 Disposal process, and to liaise with the original scheme funder, International Fund for Ireland.

On 4th August 2021 Legal advice was presented to the Land and Property Sub-Committee Meeting. Members were advised that one offer to buy the full site, taking on all council liability was received from Londonderry Port and Harbour Authority (LPHA)

Outstanding loan information and possible International Fund for Ireland grant repayment was to be established, before the matter was brought back to LPSC for final decision to sell with details of LPHA offer.”

D1 due-diligence process

Officers engaged with LPHC extensively and given the positive completion of due diligence detailed within the report it was agreed to progress with the legal transfer conveyance.

As part of Council's due diligence an independent valuation was sought and the asset value was detailed with the report.

Financial Implications

Table A of the report provided a summary of associated costs to Council if the asset was not disposed of. A detailed Asset Options Appraisal paper was attached to the report and provided detailed analysis of the spend necessary to maintain the asset on an ongoing basis.

Communication with IFI

Council's Legal Department has been in communication with the IFI Director, with the resultant positive response being received on 2 August 2023. It states that the clawback on the IFI grant has been confirmed as statute barred and is therefore no longer enforceable or relevant to councils' considerations.'

Outstanding Loans

The Chief Finance Officer has confirmed that there were 2 outstanding loans on the facility as detailed within the report and in terms of redemption of the loans, Council policy is to assess each on its own merits. There is no regulatory requirement to repay the loans on sale of any asset. Given the value of the asset and the offer made following conclusion of the D1 process there will be a consideration amount payable to Council (this is required in order to create a contract) there will be no revenue from which to repay the loans and the additional penalty interest that will be incurred upon early redemption. The recommendation would be to let the outstanding loans see out their original terms.

Transfer of Planning Conditions

Planning has confirmed that the Article 40 conditions/document can be transferred to a 3rd party as part of the conditions applying to the legal conveyancing process.

Proposal

Officers would progress and complete the legal transfer via conveyancing of the asset, structures and lands as shown within Appendix A of this document, from Causeway Coast & Glens Borough Council to Londonderry Ports & Harbour Commissioners for the above market value as detailed within the report, (supported by the appraisal evaluation presented in 2019 and by independent valuation previously circulated).

Recommendation

It was recommended that Council accepts the tendered bid submitted by Londonderry Port & Harbour Commissioners, and that legal conveyancing is now commenced and completed, transferring the asset, lands, structures and all associated liabilities to LPHC, from Causeway Coast & Glens Borough Council and;

Seeks approval from the Department for Communities for the sale due to the asset having a negative value and;

That the outstanding loans associated with the asset see out their original terms and on the advice of the Chief Finance Officer are not repaid on completion of the sale.

Proposed by Alderman Fielding
Seconded by Councillor Huggins and

AGREED – to recommend that Council accepts the tendered bid submitted by Londonderry Port & Harbour Commissioners, and that legal conveyancing is now commenced and completed, transferring the asset, lands, structures and all associated liabilities to LPHC, from Causeway Coast & Glens Borough Council and;

Seeks approval from the Department for Communities for the sale due to the asset having a negative value and;

That the outstanding loans associated with the asset see out their original terms and on the advice of the Chief Finance Officer are not repaid on completion of the sale.

6. LEASES AND LICENCES

6.1 Portrush, Lease of Lands at Metropole Park

Confidential report, previously circulated, was presented by the Head of Sport and Wellbeing.

Purpose

The purpose of this report is to update Members on the business case submitted by Causeway Association of Urban Sports for the development of an Integrated Urban Sports & Community Plaza at the Metropole Park; and ask Members to recommend a preferred option concerning the lease of lands at the Metropole Park, Portrush.

Background and Approvals To Date and Outline Business Case for Urban Sports Multi-Sport Pump Track Surf-skate area and Community Plaza, previously circulated.

The OBC considers 5 development options and shortlists 4 options that meet the projects needs and objectives as per the table, previously circulated.

The Outline Business Case identifies Option 4 as the preferred option, to develop the project in full on the lands requested at Metropole Park, Portrush.

In terms of **affordability**, CAUS are seeking to secure a long-term lease of Metropole Park from Council and then to apply to the Department for Levelling Up Housing and Communities, Community Ownership Fund for development costs of up to 80% of total costs. The group have submitted an Expression of Interest to the Community Ownership Fund, and it has been accepted subject to securing a lease for the land at Metropole Park and submission of a successful

funding application. CAUS are also planning of applying to Peace Plus 1.4 'Reimaging Communities' to meet the match funding requirement.

The underlying assumptions for a projected annual surplus are consistent with the agreed Heads of Terms (Section 4, previously circulated).

In terms of **sustainability**, it is the intention of CAUS to work in partnership with Portrush Community Enterprises (PCE) to deliver the project with CAUS bringing its knowledge of the needs of urban sports, together with the extensive track record of PCE in managing and developing community owned facilities. PCE is a Limited Company and categorised as a 'not for profit social enterprise' and is also a registered charity. CAUS as a registered charity and unincorporated Association also plans to identify other individuals with the correct skills and recruit them into the new governance arrangements which are yet to be established. The aim of the two organisations is to work together to develop the appropriate management structure for the project as part of a facilitated process supported by Development Trust NI which will include a governance review and potential merger with PCE. As part of the COF technical funding, CAUS will continue to avail of technical support for the governance of the project through the planning phase of the project.

Draft Heads of Terms (incorporating Legal Advice)

Legal advice was provided by Council Legal Services on the basis of the Outline Business Case received from CAUS, previously circulated.

Project Appraisal and Key Risks

Officers have identified five high level risks as follows which include Risks/Mitigation for Council/CAUSE, details previously circulated:

- Strategic Context
- Financial Forecasts
- Heads of Terms
- Planning Risks
- Governance and Management

The OBC makes a strong 'strategic case' for a skatepark within the Borough. Whilst the OBC has been strengthened in terms of affordability and viability, the key risk is sustainability (both in terms of capital project delivery and operational management). That said, the Community Ownership Fund would assess this as part of any application and provide revenue support to aid project delivery.

Recommendation

Members are requested to consider the preferred development option (Section 3), Draft Heads of Terms (Section 4) and the Project Appraisal (Section 5) and recommend the approval of one of the following options to Council:

- **Option 1:** Proceed with the granting of a lease to CAUS for lands at Metropole Park subject to the agreed Heads of Terms being implemented within the lease agreement.

- **Option 2:** Defer the granting of a lease to CAUS for lands at Metropole Park until the key risks are fully addressed and the OBC updated for re-consideration by Members.
- **Option 3:** Do not proceed with the granting of a lease to CAUS for lands at Metropole Park on the grounds of concerns over viability, affordability and sustainability of the project proposal.

During discussion the Head of Sport and Wellbeing and the SIB Project Officer responded to Members' queries in relation to funding, the leased area and other issues related to the terms of the lease.

The Head of Sport and Wellbeing explained that once a lease is signed and delivered the onus is on the leaseholder to maintain and insure all aspects of the land.

The Sub Committee explored other options including a 'letter of guarantee' or a 'letter of comfort' from Council and a phased approach in the provision of a lease commencing with Skate Park followed by the Pump Track and Plaza.

Alderman Knight-McQuillan advised the Sub-Committee that she had received a request, in her capacity as the Chair of the L&P SC, from CAUS to present to the Sub-Committee. Under Council's Standing Orders all requests for deputations should be submitted to the Chief Executive for consideration and allocation to the most appropriate meeting.

The Land and Property Solicitor advised that Council needed to determine the boundary at this stage and include in any recommendation.

The Director of Environmental Services defined the area to be excluded from the lease and agreed that the map would be updated by GIS.

Proposed by Councillor Archibald
Seconded by Councillor McShane

- To recommend to approve Option 1: Proceed with the granting of a lease to CAUS for lands at Metropole Park subject to the agreed Heads of Terms being implemented within the lease agreement.

Amendment

Proposed by Councillor McCully
Seconded by Alderman Fielding

- To recommend that Council grant a lease and issue a 'letter of comfort' with regards to the proposed lease to CAUS for a period of up to 25 years subject to the draft Heads of Terms for the lease being agreed and subject to DfC approval. It was further recommended that Council retains a land barrier between the Community Plaza and the public highway. A map of the revised lease area is to be prepared and the draft Heads of Terms to be brought back to the L&P SC for approval.

The Chair put the Amendment to the Sub Committee to vote.
6 Members voted For; 0 Members voted Against; 0 Members Abstained.
The Chair declared the Amendment Carried.

- * **The Head of Sport and Wellbeing and J Beggs, SIB Project Officer left the meeting at 9.45 pm.**

7. REQUESTS TO COUNCIL PURCHASE/DISPOSE OF LAND/PROPERTY

7.1 Limavady, Drumaduff Landfill Site – Requisition of Lands

Confidential report previously circulated presented by the Director of Environmental Services.

Purpose of Report

The purpose of the report was to request Members to grant permission for Officers through their legal representation, to make an un-conditional offer to the current owner of lands at Drumaduff Landfill, located off Drumaduff Road, Limavady, and in the event that the current owner does not accept the unconditional offer, then officers can progress with their legal representation, the procedure of acquiring same through 'vesting'.

Background

It is necessary for the Council to legally purchase lands known as, 'Drumaduff Landfill', to allow the Council to implement the site environmental 'closure plan', and thereafter, manage and monitor the said site accordingly.

Proposal

It is proposed to purchase such compulsory lands, by way of an un-conditional offer to the current landowner.

An independent valuation has been obtained and financial provision has been set aside for the closure including the purchase of the site within the current Capital Works programme.

Should the landowner not accept the un-conditional, but qualify the offer, it is proposed that Officers then engage in the process of a 'Vesting Order' to acquire such lands.

Recommendation

It was recommended that Members grant permission for officers to progress and engage with Council's legal representation to make an un-conditional offer to the current landowner for such lands, known as 'Drumaduff landfill'.

It was further recommended, that if they do not accept the qualified un-conditional offer, that officers then have delegated authority to engage the 'Vesting Order' process in order to ensure the Council can carry out its statutory obligations.

Proposed by Alderman Fielding
Seconded by Councillor Huggins and

AGREED – to recommend to grant permission for officers to progress and engage with Council’s legal representation to make an un-conditional offer to the current landowner for such lands, known as ‘Drumaduff landfill’; It is further **agreed** to recommend, that if does not accept the qualified un-conditional offer, that officers then have delegated authority to engage the ‘Vesting Order’ process in order to ensure the Council can carry out its statutory obligations.

7.2 Cushendall, Transfer of Ownership of Layd Church Ruins, Cushendall to the Department for Communities

Confidential report previously circulated presented by the Director of Environmental Services.

Purpose of Report

The Purpose of this Report is to seek member’s approval for the transfer of ownership of the Layd Church ruins, Cushendall to the Department for Communities (DfC) (Historical Environment Division).

Background

Correspondence was received by Council Officers in 2022, from Departmental Solicitors requesting the regularisation of the ownership of Layd Church ruins via transfer to the Department for Communities (Historical Environment Division).

Council obtained ownership of the Layd churchyard under a Vesting Order dated 7th day of August 1874 from the Commissioners of Church Temporalities in Ireland to the Poor Law Guardians. Council are the successors to the Poor Law Guardians. There has been disagreement for some time as to whether the Church and churchyard were vested in council in 1874 or just the churchyard.

Council is the owner of the area shown below, outlined in red. Adjoining carpark, picnic area being in the Ownership of the National Trust, photo previously circulated.

Proposals

The Department therefore wish to resolve the ownership question, via a transfer from Council to the Department for nominal value. The area containing the church ruins are to be transferred but the remainder of the church yard will remain in Council ownership including maintenance and insurance obligations.

Any transfer at less than best value will require Ministerial Approval under Section 96 of the Local Government Act and LG Circular 21/2020 – Guidance to Councils – Disposal of Land at Less Than Best Price.

Members were presented with the following options for consideration:

Option 1

Consent to the transfer of ownership of the Layd Church ruins, Cushendall to the Department for Communities at nominal value, subject to Section 96 approval in accordance with Local Government Circular 21/2020 – Guidance to Councils – Disposal of Land at Less than Best Price.

Option 2

Object to the to the transfer of ownership of the Layd Church ruins, Cushendall to the Department for Communities at nominal value and retain ownership, subject to Department for Communities guardianship.

Recommendation

It was recommended that the Land and Property Sub-Committee consider Options at 4.1 and 4.2 of the report and make a recommendation to Council.

Proposed by Alderman Fielding
Seconded by Councillor Huggins and

AGREED – to recommend Option 1 - Consent to the transfer of ownership of the Layd Church ruins, Cushendall to the Department for Communities at nominal value, subject to Section 96 approval in accordance with Local Government Circular 21/2020 – Guidance to Councils – Disposal of Land at Less than Best Price.

7.3 Ballymoney, Queen Street, Gap Site – Progression of Disposal via Legal Conveyancing

Confidential report previously circulated presented by the Director of Environmental Services.

Purpose of Report

The purpose of this report item is to request Members consideration and approval to progress disposal of land located off Queens Street, Ballymoney via both, D1 public sector, and Private Market place placement and advertising, to obtain best competitive purchasing commercial submissions.

Background

Environmental Services Committee declared the land located off Queens Street, Ballymoney surplus to requirements in December 2021.

No development opportunities exist for this particular site, given the size and constrained location of same. However, the disposal of same reduces both insurance liabilities and maintenance costs associated with such lands.

An independent valuation of the site has been carried out and provided to Members for information.

Proposal

It was proposed that Council's Asset Realisation Department conduct both an open Private sector market advertising campaign, (via our Estate Agent).and a Public sector disposal campaign via the D1 disposal process (managed CAU of LPS – Public bodies, charities etc.), to seek competitive financial bids, based on 100% commercial – highest bidder. Both campaigns would be conducted simultaneously.

Recommendation

It was recommended that approval is granted for officers to conduct a property disposal tender process to seek the highest market value for the said property, with bids sought from both the public, (D1), and private marketplaces simultaneously.

It was further recommended that upon completion of the marketplace tendered bid campaigns, a report item shall be brought back to the L&P SC for review and consideration.

Proposed by Councillor C Archibald
Seconded by Councillor McCully and

AGREED – to recommend that approval is granted for officers to conduct a property disposal tender process to seek the highest market value for the said property, with bids sought from both the public, (D1), and private marketplaces simultaneously:

It was further **agreed** that upon completion of the above property marketplace tendered bid campaigns, a report item shall be brought back to the L&P SC for review and consideration.

7.3.1 Ballymoney, Killyrammer Community Centre – Progression of Disposal – Tender Bid Returns

Confidential report previously circulated presented by the Director of Environmental Services.

Purpose of Report

The purpose of this report is to request Members consideration and approval, to progress the sale of Killyrammer Community Centre, (dis-used), Ballymoney, through the legal conveyancing and financial process to the highest tendered bidder as noted herein.

Background

On the 3rd November 2021, Asset Realisation produced and tabled a report item to the Land & Property Sub-Committee (L&P SC), in which a broad statement of usage history, site classification, development opportunity and the way forward was provided for consideration and approval.

It was approved at the L&P SC meeting on the 3rd November 2021, that the service area of Infrastructure, Capital Works & Energy dispose of the asset via the D1 Disposal process, (managed by CAU, LPS of DoF), and the Private Estate Agency Market Place – such marketplace advertising occurring simultaneously.

The first round was not successful as the bidders who submitted a commercial bid withdrew from legal conveyancing process. Subsequently, it was approved

at the L&P SC dated 7th June 2023, that a second round of disposal advertising occur.

The closure date in respect of the D1 disposal marketing process was 15th August 2023, and as a result of this exercise there were no expressions of interest from any public sector organisations.

Asset Realisation carried out the administration and implementation of a competitive private estate agency tendering process via Council's independent external chartered estate agents, as detailed below; -

- Number of individuals / companies who expressed an interest: - 7no.
- This tender competition was advertised on the following platforms, with a commencement date of 13th June 2023 and an end date of 1st August 2023; -
 -
 - Irish News.
 - Belfast Telegraph
 - Coleraine Chronicle.
 - NRE, (Estate Agent), Website, including Social Media feed.
- 1no. monetary offer was made. This information was contained within table 1A in the report (previously circulated).

An RICS Redbook Valuation was undertaken to establish the value of the asset prior to market placement and was made available to Elected Members.

Proposal

It is proposed that CC&GBC enter, and complete the legal conveyancing process, following completion of same, the monetary transaction value as noted between CC&GBC and the highest bidder.

Recommendation

It was recommended that as a resultant conclusion of the Private Estate Agency Marketing process as described at para 2.5 of the report, Elected Members approve the un-conditional offer as submitted by the highest bidder and that the legal conveyancing and financial transaction processes commence and conclude accordingly.

Proposed by Councillor Huggins
Seconded by Councillor Archibald and

AGREED - to recommend that as a resultant conclusion of the Private Estate Agency Marketing process as described at para 2.5 of the report, Elected Members approve the un-conditional offer as submitted by the highest bidder and that the legal conveyancing and financial transaction processes commence and conclude accordingly.

7.4 Garvagh, Land off Coleraine Road, Gap Site – Progression of Disposal

Confidential report previously circulated presented by the Director of Environmental Services.

Purpose of Report

The purpose of this report item is to request Members consideration and approval to progress disposal via both, D1 public sector, and Private Market place placement and advertising, to obtain best competitive purchasing commercial submissions for land located off the Coleraine Road, Garvagh'.

Background

Environmental Services Committee declared the said asset surplus to requirements in December 2021 and sought an independent valuation of the site. The valuation was contained within the confidential report previously circulated.

The site has an area of 0.25acres and is almost square in nature.

Proposal

That Councils Asset Realisation Department commence both a Private & Public sector disposal advertising campaign, to seek competitive financial bids, based on 100% commercial – highest bidder.

It is proposed, for best practice, that the said portion of land disposal process is carried out in the following key areas, simultaneously: -

- D1 Disposal, (managed CAU of LPS – Public bodies, charities etc.), and;
- Open private sector market, (via our Estate Agent).

The Director of Environmental Services relayed the planning advice received.

Recommendation

It was recommended that Elected Members grant approval for officers to conduct a property disposal tender process to seek the highest market value for the said property, with bids sought from both the public, (D1), and private marketplaces simultaneously.

It was further recommended that upon completion of the above property marketplace tendered bid campaigns, a report item shall be brought back to the L&P SC committee for review and consideration.

Proposed by Councillor Huggins
Seconded by Councillor C Archibald and

AGREED - to recommend approval for officers to conduct a property disposal tender process to seek the highest market value for the said property, with bids sought from both the public, (D1), and private marketplaces simultaneously and

It was further **agreed** to recommend that upon completion of the above property marketplace tendered bid campaigns, a report item shall be brought back to the L&P SC committee for review and consideration.

7.5 Rasharkin, Well and Waterways – Progression of Disposal

Confidential report previously circulated presented by the Director of Environmental Services.

Purpose of Report

The purpose of this report item is to request Members consideration and approval to progress disposal of the Water Well and associated Right of Way located off the Mullan Road, Rasharkin via both, D1 public sector, and Private Market place placement and advertising, to obtain best competitive purchasing commercial submissions.

Background

Environmental Services Committee declared the Water Well located off the Mullan Road, Rasharkin surplus to requirements in December 2021.

The Department for Infrastructure, Capital Works & Energy carried out an appraisal of the said

The site is located within the planning context of “Countryside Policy” and no development opportunities exist to bring added value to the site, prior to disposal.

An independent valuation of the asset of carried out and the valuation was contained within the confidential report (previously circulated).

Proposal

That Council’s Asset Realisation Department conduct both a Private & Public sector disposal advertising campaign, to seek competitive financial bids, based on 100% commercial – highest bidder.

It is proposed, for best practice, that the said portion of land disposal process is carried out in the following key areas, simultaneously: -

- D1 Disposal, (managed CAU of LPS – Public bodies, charities etc.), and;
- Open private sector market, (via our Estate Agent).

Recommendation

It was recommended that Elected Members grant approval for officers to conduct a property disposal tender process to seek the highest market value for the said property, with bids sought from both the public, (D1), and private marketplaces simultaneously.

It was further recommended that upon completion of the above property marketplace tendered bid campaigns, a report item shall be brought back to the L&P SC for review and consideration.

Proposed by Councillor C Archibald
Seconded by Alderman Fielding and

AGREED - to recommend that Officers conduct a property disposal tender process to seek the highest market value for the said property, with bids sought from both the public, (D1), and private marketplaces simultaneously and
It was further **agreed** to recommend that upon completion of the above property marketplace tendered bid campaigns, a report item shall be brought back to the L&P SC for review and consideration.

7.6 Ballymoney, Land at Eastermeade – Progression of Disposal

Confidential report previously circulated presented by the Director of Environmental Services.

Purpose of Report

The purpose of this report item is to request Members consideration and approval to the progression by Officers of disposal via, D1 public sector, and Private Market place placement and advertising of the redundant storage facility at Eastermeade, Ballymoney, to obtain best competitive purchasing commercial submissions.

Background

Environmental Services Committee declared the redundant storage facility at Eastermeade, Ballymoney surplus to requirements in May 2022.

The Department for Infrastructure, Capital Works & Energy carried out an appraisal of the said asset.

An independent valuation of the asset was carried out and the valuation was contained within the confidential report (previously circulated).

Proposal

To progress disposal by Councils Asset Realisation Department via both a Private & Public sector advertising campaign, to seek competitive financial bids, based on 100% commercial – highest bidder.

It is proposed, for best practice, that the said property disposal process is carried out in the following key areas, simultaneously: -

- D1 Disposal, (managed CAU of LPS – Public bodies, charities etc.), and;
- Open private sector market, (via our Estate Agent).

Recommendation

It was recommended that Elected Members grant approval for officers to conduct a property disposal tender process to seek the highest market value for the said property, with bids sought from both the public, (D1), and private marketplaces simultaneously and

It was further recommended that upon completion of the above property marketplace tendered bid campaigns, a report item shall be brought back to the L&P SC for review and consideration.

Proposed by Councillor Huggins
Seconded by Councillor McCully and

AGREED - to recommend that Officers conduct a property disposal tender process to seek the highest market value for the said property, with bids sought from both the public, (D1), and private marketplaces simultaneously;

It was further **agreed** to recommend that upon completion of the above property marketplace tendered bid campaigns, a report item shall be brought back to the L&P SC for review and consideration.

8. LEASES AND LICENCES

8.1 Leases and Licenses – Renewal of Commercial Leases - Quarterly Update

Confidential report previously circulated presented by the Land and Property Officer.

Purpose of Report

The purpose of this report is to provide a quarterly update to the Sub-Committee regarding the progress of the renewal of Council's commercial leases.

Background

In June 2021 the Sub-Committee was advised that the Land and Property section had commenced a review of all outstanding leases renewals and rent reviews.

Updates have been brought to the Land & Property Sub-Committee in September 2021, January, April and October 2022, and January, April and June 2023.

Proposals

Land and Property prioritised 40 commercial leases to be reviewed under the first tranche of reviews/renewals. 29 of these leases have now been reviewed and renewed. Members were updated regarding progress on the remaining 11 leases.

Council has a number of other commercial leases which have a nominal or a peppercorn rent. 30 leases have been identified initially for review with a number of these having a nominal or peppercorn rent.

DfC approval under DfC Local Government Circular 21/2020- Guidance to Councils – Disposal of Land at Less than Best Price will be required before these can be renewed.

The L&P team will continue to add or make amendments to this list as leases are identified.

A further quarterly update will be brought to the Land & Property Sub-Committee in January 2024.

Recommendation

It is recommended that the Sub-Committee notes the quarterly update presented on the renewal/review of commercial leases.

8.2 Dungiven, Main Street Car Park – Renewal of Licence Ulster Bank Ltd

Confidential report, previously circulated presented by the Land and Property Officer.

Purpose of Report

The purpose of this report is to seek Council's agreement to the extension of the existing Licence Agreement to Ulster Bank Limited to use a car park space in the car park at 104-106 Main Street, Dungiven to park a mobile bank unit.

Background

Council granted a Licence Agreement to Ulster Bank Ltd in July 2018 to use a car park space in the car park at 104-106 Main Street, Dungiven to park a mobile bank unit for a period of 1 year. The Licence Agreement permitted Ulster Bank Ltd to use the space every second Wednesday for a block period of 45 minutes between 10.00 am and 12.00 pm for a one year period to park its mobile banking unit which provides banking facilities to customers.

The Licence Agreement was subsequently renewed in 2019 and 2021 for a further 2-year period under the same terms and conditions.

Proposals

Ulster Bank Ltd. have requested the renewal of the Licence Agreement for a further period of 2 years under the same terms and conditions from 24th July 2023 to 23rd July 2025.

Council's independent valuer has confirmed that the current rent is still reflective of market value and therefore, the licence does not require Ministerial Approval under Section 96 of the Local Government Act and LG Circular 21/2020 – Guidance to Councils – Disposal of Land at Less Than Best Price.

Recommendation

It is recommended that Council grant approval to renew the Licence Agreement between Causeway Coast and Glens Borough Council and Ulster Bank Ltd. to permit the use of the car park space at 104-106 Main Street, Dungiven for the purpose of parking its mobile bank unit for a period of 2 years from 24th July 2023 to 23rd July 2025 at the current rent. The approval is subject to the mobile banking unit not being on site for more than 26 occasions in any one calendar year.

Proposed by Alderman Fielding

Seconded by Councillor C Archibald and

AGREED – to recommend that Council grant approval to renew the Licence Agreement between Causeway Coast and Glens Borough Council and Ulster Bank Ltd. to permit the use of the car park space at 104-106 Main Street, Dungiven for the purpose of parking its mobile bank unit for a period of 2 years from 24th July 2023 to 23rd July 2025 at the current rent. The approval is subject to the mobile banking unit not being on site for more than 26 occasions in any one calendar year.

- * **Having declared an interest as a member of the Planning Committee, Councillor C Archibald left the Bann View Committee Room at 10.20 pm for consideration of this item.**

8.3 Ref 08/21/L – Portrush – Request to Lease Land Adjacent to Existing Car Park at Tides Restaurant

Confidential report, previously circulated presented by the Land and Property Officer.

Purpose of Report

The purpose of this report is to consider a request to lease Council land adjacent to the “Tides” restaurant car park for additional car parking under reference number 08/21/L.

Background

In April 2017 a report was brought to the Land and Property Sub-Committee (L&P SC) to consider a request from the lessee to lease an area of Council land adjacent to “Tides” restaurant car park for additional parking (ref 03/15). Council subsequently ratified the recommendation and **“AGREED - that consideration is deferred and Site Visit arranged.”**

In June 2017 a update report was brought to the L&P SC meeting for decision and it was:

“AGREED – that Council do not agree to the lease of Council land adjacent to Tides Restaurant for the provision of additional car parking spaces”.

Proposals

Council has now received a further request from the current lessee to lease lands adjacent to the existing car park for additional car parking spaces (Ref No 08/21/L).

The request is to extend the capacity of the current car park and would add approximately 30 spaces to the carpark

Members were provided with a map showing Council land ownership and the proposed lease of land for 30 car parking spaces

The request to lease the additional land was included in the weekly officer consultation exercise on 24th July 2023 with comments due back on 31st July 2023.

The comments received were relayed to the Sub-Committee including the objections from the Coast & Countryside team. Members were advised of the planning advice that the *“proposal to provide additional car parking requires planning permission and no such permission has been obtained. If an application were to be submitted, there would be a presumption to refuse given that the site is located within Local Landscape Policy Area PTL04 Golf Links and Eastern Coastal Area (as designated by the Northern Area Plan 2016) where the policy states “No further development will be acceptable...”*

Options

Members were asked to consider the following options as presented with in the confidential report (previously circulated

- 1) Refuse the request to lease Council land adjacent to the “Tides” restaurant car park for additional car parking under reference number 08/21/L

- 2) Agree to the request to lease Council land adjacent to the “Tides” restaurant car park for additional car parking under reference number 08/21/L subject to the following:
 - Planning permission is obtained for the additional car parking spaces.
 - The applicant pays for an independent valuation of the additional land required for the car parking spaces.
 - Payment of market value for the land determined by the valuation.
 - Payment of any legal fees, mapping or outlay in relation to the lease of the land.
 - The car parking spaces will be provided free of charge to The Tides Restaurant customers.

If the request is agreed, the Heads of Terms for the lease will be brought to the Land and Property Sub-Committee for consideration and approval.

Recommendation

It was recommended that the Sub-Committee considers the options detailed at 4.1 and 4.2 of the report and makes a recommendation to Council.

Proposed by Alderman Fielding
Seconded by Councillor P McCully and

AGREED – to recommend that Council agree to request to lease Council land adjacent to the “Tides” restaurant car park for additional car parking under reference number 08/21/L subject to the following:

- Planning permission is obtained for the additional car parking spaces
- The applicant pays for an independent valuation of the additional land required for the car parking spaces.
- Payment of market value for the land determined by the valuation
- Payment of any legal fees, mapping or outlay in relation to the lease of the land.
- The car parking spaces will be provided free of charge to The Tides Restaurant customers.

If the request is agreed, the Heads of Terms for the lease will be brought to the Land and Property Sub-Committee for consideration and approval.

* **Councillor C Archibald returned to the Bann View Committee Room at 10.35 pm**

8.4 Benone Bistro – Commercial Lease, Heads of Terms

Confidential report, previously circulated presented by the Land and Property Officer.

Purpose of Report

The purpose of this report is to ask Members of the Land and Property Sub-Committee to agree to the Heads of Terms, for the renewal of the existing catering agreement and the addition of the outside seating area at Benone Bistro, Benone Holiday and Leisure Complex, trading as “Waves Coffee Shop and Bistro”.

Proposals

An independent valuation of the asset of carried out and the valuation was contained within the confidential report (previously circulated).

The agent has agreed the Heads of Terms with the tenant for a new 5-year lease which will include the outdoor seating area.

Recommendation

It is recommended that the Land and Property Sub-Committee agrees to the Heads of Terms as detailed at 3.2 of the report and grants approval to renew the lease with the tenant at Benone Bistro - Waves, commencing on 1st September 2023 for a period of 5years at the agreed rent and further agrees to the addition of the outside seating area to the lease.

Proposed by Councillor Huggins
Seconded by Councillor C Archibald and

AGREED – to recommend Heads of Terms as detailed at section 3.2 within the confidential report and grants approval to renew the lease with the tenant at Benone Bistro - Waves, commencing on 1st September 2023 for a period of 5 years, at the agreed rent and further agrees to the addition of the outside seating area to the lease.

8.5 Ballymoney, Drumaheglis Caravan Park, Café – Commercial Lease, Heads of Terms

Confidential report previously circulated presented by the Land and Property Officer.

Purpose of Report

The purpose of this report is to ask Members of the Land and Property Sub-Committee (L&P SC) to agree to the Heads of Terms presented in this report, for the new commercial lease at Drumaheglis Caravan Park, Slipway Café.

Proposals

An independent valuation of the asset of carried out and the valuation was contained within the confidential report (previously circulated).

The agent has agreed the Heads of Terms with the tenant for a new 5-year lease.

Recommendation

It is recommended that the Land and Property Sub-Committee agrees to the Heads of Terms as detailed at 2.6 of the report, and grants approval to enter into a new Commercial lease with the tenant for the Slipway Café and Unit 1, Drumaheglis Holiday Park and Marina, Ballymoney, commencing on 1st June 2023 for a period of 5 years, at the agreed rent.

Proposed by Councillor Huggins
Seconded by Alderman Fielding and

AGREED - to recommend Heads of Terms as detailed, and grants approval to enter into a new Commercial lease with the tenant for the Slipway Café and Unit 1, Drumaheglis Holiday Park and Marina, Ballymoney, commencing on 1st June 2023 for a period of 5 years, at the agreed rent

9. LEGAL ISSUES

9.1 Council Title and First Registration – Quarterly Update

Report, previously circulated, was presented by the Director of Environmental Services.

Purpose of Report

To provide the Land and Property Sub-Committee with Council Title and First Registration update following the initial report presented to Committee on 5th May 2021, quarterly updates on 1st September, December 2021, January, April, August, December 2022, 31 March 2023 and the up-to-date position as of 31 August 2023 (Appendix 2).

Background

Background – Title and First Registration was circulated within the confidential report.

Recommendation

It was recommended that Council note the Quarterly Progress Report as at 31 August 2023 and associated Appendices.

AGREED – to recommend that Land & Property Sub-Committee note the Quarterly Progress Report as at 31 August 2023 and associated Appendices.

9.2 Addendum – Dungiven, Main Street Off Street Car Park – Claim of Prescriptive Easements

Purpose of Report

The purpose of this report was to update members on claims of prescriptive easements at Main Street Off Street Car Park, Dungiven and legal advice obtained.

Background

Correspondence was received regarding the formalisation of easements for rights of way and water at 104 Main Street Dungiven, via use of Council lands at Main Street Off Street Car Park in 2022 from a developer and their elected representatives. The formalisation of easements was sought for the purposes of

an apartment block being built to the rear of 104 Main Street, Dungiven, formerly a Public House.

Council obtained title and management of this car park in 2015, from the Department for Infrastructure (DfI). Title is currently registered in Folio LY130678 Co Londonderry, outlined in map, previously circulated.

As part of the transfer of title from DFI, Council was not provided with any information regarding easements or rights of way granted over the car park.

A pre action letter were received from the Developer's Solicitor on 21st June 2023 setting out the Developer's claims and requesting formalisation of both Easements.

Legal Views

The Land & Property Solicitor presented his legal view on the claim of prescriptive easements which was supported by a second opinion provided by independent Counsel.

Recommendation

It was recommended that the Land and Property Sub-Committee recommends to Council to agree to accept the Developer's claim for a prescriptive easement of a right of way and to formalise same via a formal grant of easement, Officers to finalise terms and further agrees to dispute any claim for a prescriptive easement for water and defend same in any subsequent litigation.

Proposed by Alderman Fielding
Seconded by Councillor Huggins and

AGREED - to recommend that Council to accept the Developer's claim for a prescriptive easement of a right of way and to formalise same via a formal grant of easement, Officers to finalise terms and further agrees to dispute any claim for a prescriptive easement for water and defend same in any subsequent litigation.

10. CORRESPONDENCE

10.1 Portrush Railway Station Clock – Request that CCGB Purchase Clock

Confidential report, previously circulated, was presented by The Land and Property Officer.

Purpose of Report

The purpose of this report is to consider correspondence received regarding the former Portrush Railway Station Grandfather clock, currently situated in Council Headquarters, Cloonavin.

Background

In June 2016 Council agreed that the 19th Century Longcase Clock from the former Portrush Railway Station, be temporarily located in Council Offices at Cloonavin until a suitable permanent location in Portrush could be found.

Proposal

In July 2023, the Land and Property section was forwarded an email for the attention of the Land and Property Sub-Committee from the owner of the Portrush Railway Station Grandfather clock.

The owner of the clock has offered Council the opportunity to buy the clock prior to it going on the open market for its original purchased cost. There is currently no provision for this purchase in any budget.

Land and Property have consulted with the relevant Council Officers and no one has declared an interest in purchasing the clock.

Recommendation

It was recommended that the Land and Property Sub-Committee recommends to Council to refuse the offer from the owner of the Portrush Railway Clock to purchase the clock, and request that the owner liaises with Council to remove the clock from Council Headquarters at his earliest convenience.

Discussion ensued regarding the history and significance of the clock and budgetary issues.

Proposed by Councillor McCully
Seconded by Alderman Fielding

-to recommend that a decision regarding the clock be deferred pending discussions with Portrush Heritage Group who may wish to acquire it.

Further discussion ensued and the Chair clarified the decision to be taken by Council. It was felt that there was no requirement for Council to consult with a third party on the matter.

Amendment

Proposed by Councillor McShane
Seconded by Councillor Huggins

-to recommend that Council refuse the offer from the owner of the Portrush Railway Clock to purchase the clock, and request that the owner liaises with Council to remove the clock from Council Headquarters at their earliest convenience.

The Chair put the Amendment to the Sub Committee to vote.
4 Members voted For; 2 Members voted Against; 0 Members Abstained.
The Chair declared the Amendment Carried.

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Councillor Huggins
Seconded by Councillor McCully and

AGREED – to recommend that the Land & Property Sub-Committee move ‘*In Public*’.

There being no further business, the Chair thanked everyone for their attendance and the meeting closed at 11.10 pm.

Chair