

**LAND AND PROPERTY SUB-COMMITTEE MEETING
WEDNESDAY 1 NOVEMBER 2023**

No	Item	Summary of Key Recommendations
1.	Apologies	<i>Alderman Knight-McQuillan and Councillor Huggins</i>
2.	Declarations of Interest	<i>None</i>
3.	Minutes of Previous Meeting held on Wednesday 4 th October 2023	<i>Confirmed as a correct record</i>
	<i>'In Committee' (Items 4-8 inclusive)</i>	
4.	Requests for Use of Council Land	
4.1	Requests to Use Council Land	<i>To recommend that the Retrospective Approval is noted (Ref 94/23) and that no reduction in the proposed fee as determined by the Land & Property policy is agreed (Ref 83/23).</i>
4.2	Request to Use Council Land Approved under Delegated Authority Report – October 2023	<i>Noted</i>
4.3	Ref. 82/23 Request for Temporary Access of Council Land, West Strand, Portrush	<i>To recommend that Council refuse the request for the temporary use of West Strand Car Park and West Bay Grass Area, Portrush for a temporary access route for access and egress to transport building materials to the Castle Erin building site for approximately 8-12 weeks commencing January 2024 as detailed at Option 4.1 of the confidential</i>

		report (previously circulated).
5.	Requests to Purchase/Dispose of Council Land/Property	
5.1	Coleraine, Land off Portrush Road Disposal – Progression of Legal Conveyancing	<p><i>To recommend that as a resultant conclusion of the Private Estate Agency Marketing process as prescribed at para 2.5 of the report, Elected Members approve the bid as submitted by the highest bidder, (as detailed within the report) for the sale of land off Portrush Road, Coleraine and that the legal conveyancing and financial transaction processes commence and conclude accordingly and</i></p> <p><i>It was further recommended that if the highest/preferred bidder does not conclude the conveyancing or financial transaction process, that Elected Members give Officers authority to engage with the next bidder/party, to complete the conveyancing and financial process.</i></p>
5.2	Portrush, Dis-used Quigleys Cottage, Ballywillan – Disposal of Council Land Declared Surplus	<i>To recommend that a decision be deferred pending further discussion</i>
5.3	Rasharkin, Water Well & Associated Right of Way – Lands Located off the Mullan Road – Disposal	<i>To recommend that Council grant approval for officers to enter into and complete the legal conveyancing and financial transactions between the neighbouring landowner and Causeway Coast & Glens Borough Council for the asset herein referred to as, 'Water Well & Associated</i>

		<i>Right of Way Lands located off Mullan Road, Rasharkin' for the market value price as detailed within the confidential report</i>
6.	Leases and Licenses	<i>None</i>
7.	Legal Issues	
7.1	Coleraine – Lease to Woodland Trust – Cornfield Project	<i>To recommend that Council refuse the request from The Woodland Trust to surrender part of 99 year lease back to Council and Council resolves health and safety issue around the electricity supply by installing the appropriate infrastructure; Council would then recoup the costs from the Woodland Trust. Council Solicitor to write to the Woodland Trust to advise of Council's decision and the proposal regarding the installation of the electricity infrastructure, the estimated costs of electricity infrastructure provision and giving them 7 days to respond.</i>
8.	Correspondence	<i>None</i>

**MINUTES OF THE MEETING OF THE LAND AND PROPERTY SUB-COMMITTEE
HELD IN THE BANN VIEW COMMITTEE ROOM AND VIA VIDEO-CONFERENCE
ON WEDNESDAY 1 NOVEMBER 2023 AT 7.00PM**

Vice-Chair: Councillor Nicholl (C)

Present: Alderman Fielding (R), Councillors C Archibald (C),
P McCully (C), C McShane (R)

**Non-Committee
Members in**

Attendance: Alderman Stewart (R), Councillor Wallace (R)

Officers Present: A McPeake, Director of Environmental Services (C)
D McLaughlin, Land and Property Officer (C)
J Mills, Land and Property Solicitor (C)
J Drillingcourt, Assistant Land and Property Officer (C)
I Owens, Committee and Member Services Officer (C)
A Lennox, Mobile Operations Officer (R)
C Thompson, ICT Operations Officer (C)

Key:

(R) Remote attendance via MS Teams

The Vice-Chair welcomed all those in attendance and advised that the Chair was unavailable.

1. APOLOGIES

Apologies were recorded for Alderman Knight-McQuillan and Councillor Huggins.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF PREVIOUS MEETING HELD ON 4TH OCTOBER 2023

Summary, previously circulated.

AGREED – to recommend that the Minutes of the Land and Property Sub Committee meeting held Wednesday 4 October 2023 were confirmed as a correct record.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Councillor McCully
Seconded by Alderman Fielding 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, was presented by the Land and Property Officer.

There were 0 new requests for the Sub-Committee to consider.

There were 2 retrospective approvals listed at Appendix 1 (previously circulated) for notation and decision where necessary.

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 is recommended that the requests in Appendix 1 (previously circulated) are for information and decision where necessary.

(i) 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 94/23	A request from Tiny Ark to use Station Square to film a commercial for Tourism NI – featuring a Delorean visiting different areas in Portrush. Filming taking place between 2pm – 6pm on 24 th October 2023.
Ref 83/23	A request from BBC Radio 3 to use various lands at Magilligan, namely the dunes and ferry terminal/pier to broadcast their breakfast show on 22 nd September 2023.

Ref 94/23 – Noted

Ref 83/23 - The Land and Property Officer advised that the applicant had requested a reduction in the fee charged due to it being a radio broadcast rather than a filming production. However, Harbour staff costs in relation to providing access to the ferry terminal/pier had to be recouped.

Following discussion, it was

Proposed by Alderman Fielding
 Seconded by Councillor McCully and

AGREED - to recommend that the Retrospective Approval is noted (Ref 94/23) and that no reduction in the proposed fee as determined by the Land & Property policy is agreed (Ref 83/23).

4.2 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.

There were 2 repeat requests for the Sub-Committee to note. These requests have been approved under The Scheme of Delegation, Section 4.6 and Section 4.10, by the Director of Environmental Services. The requests are summarised in the table below.

Recommendation

It is recommended that the requests approved via the Scheme of Delegation to Senior Officers, are noted by the Sub-Committee.

Requests Approved under the Scheme of Delegation to Senior Officers. Section 4.10 refers – Approval of repeat requests for the use of Council land where the approval has previously been granted by Council.

Reference	Detail of Request
Ref 93/23 #450 Previous Ref 89/22	A request from Special Olympics Ireland to use East Strand Beach, Portrush for their “Cold Water Dip/Polar Plunge” on 3 rd December 2023. This will take place from 10am – 4pm and approximately 50 -100 will be in attendance. £15 Registration fee charged for each entrant, this goes directly to Special Olympics Ireland as part of the fundraising for the Charity. Charity No 20016883 (ROI).
Ref 92/23 Previous Ref 107/22	A request from Faith Mission to use Castle Street Car Park, Ballymoney on 24 February 2024 and 23 rd March 2024. From 8am – 5.30pm for a Christian Outreach Event. The Faith Mission is a charity registered in Scotland No SCO05119, Ireland No CHY6622 and NI 293765 .

Requests Approved under the Scheme of Delegation to Senior Officers. Section 4.6 refers - Consent to lessees’ requests for assignments, sub-lettings, permission to mortgage or charge, changes of use, new buildings, alternations,

signage and other matters requiring the Council's consent under the terms of existing leases.

Detail of Request
A request from NIE for a Wayleave at Greystone Crescent, Dervock. Wayleave Agreement No 841571 adding approximately 215m of HV U/V Cable. Dates & times TBC when approval is granted.
Estates team to facilitate works.
A request from Openreach to carry out works and fit new high-speed broadband into the RNLI Lookout, Castlerock. A duct will be laid from the existing BT manhole to the lookout. Dates & times TBC when approval is granted.
A request from NIE for a Wayleave at Dungiven Castle (grounds only), Dungiven. Wayleave Agreement No 826315, a pole is being upgraded from a single pole to a double structure as part of a rebuild project for Dungiven. Date and times TBC when approval is granted.

The Sub Committee were in agreement to recommend to note the requests approved under Council's Scheme of Delegation.

Sub Committee NOTED the report.

4.3 Ref 82/23 Request for Temporary Access of Council Land, West Strand, Portrush

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

Purpose of Report

The purpose of the report was to consider a Request to Use (RTU) Council land application (Ref No 82/23) from a building contractor for the temporary use of West Strand Car Park and West Bay grassed area, Portrush for access and egress to transport building materials to the Castle Erin building site for approximately 8-12 weeks commencing January 2024.

Background

The company has advised that as part of these enabling works there is a requirement to reduce the level of the site through a bulk excavation operation, generating in excess of 10,000m³ of excavated materials. This material cannot be reused on site and therefore will have to be transported off site by 20 tonne tipper lorries. Following this, imported aggregate will then have to be delivered to the site to form a temporary working platform. This movement of material (into and out of the site) will generate in excess of 3,000nr lorry movements.

In order to mitigate construction traffic movements through Portrush town centre they would like to explore an option of transiting construction materials/ traffic through a temporary southern access from the Castle Erin site onto the existing

West Strand Car Park and West Bay Grass Area, Portrush for onward transport and away from the town centre.

Proposals

The building contractor believes that most intensive bulk material movement operations (into and out of the site) could last for approx. 8-12 weeks.

The applicant has requested the use of the car park from January 2024 until April 2024 as an estimate. They will require access over the grass area and will need to temporarily remove a fence to gain access.

They propose constructing a temporary haul road across the grass in stone which would be fenced off either side and gated off at the end of the grass/temporary road.

The applicant has confirmed that the use of the car park and grassed area will be required from Monday to Friday of each week from 07:30/08:00 hrs to 17:00hrs. However, if the Sub-Committee was agreeable, they would take advantage of permission for 7 days per week to expedite the programme. Access via the height restriction barrier would be required continuously throughout the day during the working hours specified.

Reinstatement of the ground is expected to take a maximum of one week but may be completed sooner.

The L&P team issued the request as part of the Officer Consultation exercise on 31st August 2023. Following Officer Consultation, Officers provided a number of comments and conditions that would need to be considered should the application be approved. These comments and conditions were contained within the confidential report (previously circulated).

A site map indicating the route through West Bay Car Park was previously circulated and shown to Elected Members at the meeting.

The proposed access route via West Bay Car Park and West Bay Grass Area was previously circulated and shown to Elected Members at the meeting.

This application would be subject to any planning requirements identified.

The Land and Property Officer advised that since the Agenda was issued the Planning Department had advised that given the scale of the excavation, Planning permission would be required in respect of this temporary access and spoke of the timescale issues in this regard.

Options

The options were detailed at 4.1 and 4.2 of the confidential report (previously circulated) and are detailed below.

4.1 Refuse the request for the temporary use of West Strand Car Park and West Bay Grass Area, Portrush for a temporary access route for access and egress to transport building materials to the Castle Erin building site for approximately 8-12 weeks commencing January 2024.

4.2 Approve the request for the temporary use of West Strand Car Park and West Bay Grass Area, Portrush for a temporary access route for access and egress to transport building materials to the Castle Erin building site for approximately 8-12 weeks commencing January 2024 subject to the following conditions:

- The car park and grassed area will only be available up to the weekend prior to the Easter weekend – Friday 22nd March 2024.
- Satisfactory reinstatement of the affected lands needs to be completed by Friday 22nd March 2024
- An independent valuation to be carried out by Council's independent valuer.
- The payment of any fee determined by the independent valuation.
- A condition survey report to be carried out with the cost of the report to be borne by the applicant.
- The payment of a bond which will be calculated to cover the cost to resurface the car park spaces should the tarmac be damaged.
- Area to be inspected pre and post works.
- Receipt of Public Liability Insurance, Signed Appendix B, Conditions of Hire and detailed site-specific risk assessment, method statement and traffic management plan prior to commencement of the works.
- Any planning requirements identified.
- A Licence Agreement between Causeway Coast and Glens Borough Council and the applicant will be required if the application is approved.

Recommendation

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

Councillor McCully said that the fact that Planning Permission was required was significant given requirement for reinstatement of the affected lands by Friday 22nd March 2024. He believed this was only Stage 1 of the project and further access may be requested in the future to transport building materials etc onto site. He asked that the building contractor be advised to contact the Planning Department to discuss any Planning requirements in relation to this request in light of the Planning advice received.

The Land and Property Solicitor agreed that requiring Planning Permission could be an issue for the building contractor at this stage.

Discussion ensued regarding the number of lorries and potential for disruption to road users and damage to road/verges as a result of the works.

Alderman Fielding stated this is a free car park and users may conclude that it is not accessible for the duration of works and referred to concessionary traders and how they could be negatively impacted. He expressed his concern over the height control barrier being left open misuse of the car park by campervans etc.

Councillor Nicholl suggested that discussions with the building contractor should have been undertaken at an early stage in the process given the magnitude of this project in order to iron out any potential issues identified by both parties and have conducted a site visit if necessary.

The Director of Environmental Services advised that there was an alternative option for access by the building contractor as stated as Option 1 at para 3.6 of the confidential report.

Proposed by Councillor McCully
Seconded by Alderman Fielding and

AGREED – to recommend that Council refuse the request for the temporary use of West Strand Car Park and West Bay Grass Area, Portrush for a temporary access route for access and egress to transport building materials to the Castle Erin building site for approximately 8-12 weeks commencing January 2024 as detailed at Option 4.1 of the confidential report (previously circulated)

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

5.1 Coleraine, Land off Portrush Road Disposal – Progression of Legal Conveyancing

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

Purpose of Report

The purpose of the report was to request Members consideration and approval, to progress the sale of land off Portrush Road, Coleraine through the legal conveyancing and financial process to the highest tendered bidder.

Members were advised that this was the second round of advertising of the site due to a Tree Preservation Order being applied to the site and that the first round of advertising had been unsuccessful.

The DI process closed on 15th August 2023 with only one expression of interest which was subsequently withdrawn. Following a successful competitive private estate agency tendering process 3 monetary offers were received and detailed at Table 1A within the confidential report (previously circulated).

Recommendation

It is recommended that as a resultant conclusion of the Private Estate Agency Marketing process as prescribed at para 2.5 of the report, Elected Members approve the bid as submitted by the highest bidder, as detailed within the report) for the sale of land off Portrush Road, Coleraine and that the legal conveyancing and financial transaction processes commence and conclude accordingly.

It is further recommended that if the highest/preferred bidder does not conclude the conveyancing or financial transaction process, that Elected Members give Officers authority to engage with the next bidder/party, to complete the conveyancing and financial process.

The Land and Property Solicitor advised Elected Members of the definition of a 'conditional' and a 'unconditional' offer in terms of a land's transaction.

Proposed by Councillor McCully
Seconded by Councillor Archibald and

AGREED - to recommend that as a resultant conclusion of the Private Estate Agency Marketing process as prescribed at para 2.5 of the report, Elected Members approve the bid as submitted by the highest bidder, (as detailed within the report) for the sale of land off Portrush Road, Coleraine and that the legal conveyancing and financial transaction processes commence and conclude accordingly and

It was further AGREED that if the highest/preferred bidder does not conclude the conveyancing or financial transaction process, that Elected Members give Officers authority to engage with the next bidder/party, to complete the conveyancing and financial process.

5.2 Portrush, Dis-used Quigleys Cottage, Ballywillan – Disposal of Council Land Declared Surplus

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

Purpose of Report

The purpose of this report was to request Members consideration and approval, to commence a marketing campaign to seek competitive bids from both the private sector, and the D1 CAU, (Central Advisory Unit), government process for the dis-used 'Quigley's Cottage' located off Magherabuoy Road, Portrush, the cottage has been declared surplus to requirement.

Background

Following the Land & Property Sub-Committee in May 2022, Council ratified the recommendation and it was agreed that *“Council defer disposing of the asset until outcome of the application for the building preservation order and for the building to be listed is known and that Members of the Land and Property Sub Committee to have a site visit.”*

A site visit was held on 15th September 2022 for Elected Members.

Members were advised that the Historic Environment Division (HED) did not grant “Quigley's Cottage” listed building status. An updated valuation of the property was sought and detailed within the report.

Alderman Fielding expressed his disappointment that the building was not granted listed building status and voiced his aspiration that the building could potentially be considered as a community asset transfer. He questioned the valuation and likelihood of this site having potential as a home, given the size and location. He also queried why a local community group hadn't the chance to address the Sub-Committee concerning the asset. The Land and Property Officer advised of the procedure for requests for deputations under Council's Standing Orders which have to be made in writing to the Chief Executive and confirmed that no such request has been received.

At the request of Councillor Archibald the Director of Environmental Services explained the rationale for the building not being listed.

Recommendation

It is recommended that Elected Members grant approval for officers to conduct a property disposal tender process to seek the highest market value for the dis-used 'Quigley's Cottage' located off the Magherabuoy Road,

Portrush, with bids sought from both the public, (D1), and private marketplaces simultaneously.

NOTE:-

Upon completion of the above property marketplace tendered bid campaigns, a report item shall be brought back to the Land and Property Sub-Committee for review and consideration.

Proposed by Alderman Fielding
Seconded by Councillor McCully and

AGREED to recommend that a decision be deferred pending further discussion.

5.3 Rasharkin, Water Well & Associated Right of Way – Lands Located off the Mullan Road – Disposal

Confidential report, previously circulated, was 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 with; **(a)** the legal conveyancing of the Water Well & Associated Right of Way on lands located off Mullan Road, Rasharkin to the neighbouring landowner, and **(b)** the current market financial transaction between the parties.

Background

Following the Land & Property Sub- Committee on 6th September 2023, the recommendation was ratified and “**AGREED** - 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”.*

The property was placed on the market places as detailed within para 2.2 of the confidential report (previously circulated).

After the asset was advertised the neighbouring landowner contacted Council Officers to advise his family had utilised and maintained this asset for over 40 years.

His legal representative has made representation on his behalf detailing their client's legal argument and statement of facts and his offer to buy the asset at the current market value as detailed within the report.

The Land and Property Solicitor advised that the neighbouring landowner had been using and maintaining the well which was on land used by him for which Council had an easement. The Land and Property Solicitor confirmed that the neighbouring landowner could make a Section 53 application for adverse procession dating back to 1973 and to challenge this the cost to Council would be substantially in excess of the actual market value of the asset (which would not demonstrate value for money).

Recommendation

It is recommended that Elected Members grant approval for officers to enter into and complete the legal conveyancing and financial transactions between the neighbouring landowner and Causeway Coast & Glens Borough Council for the asset herein referred to as, 'Water Well & Associated Right of Way Lands located off Mullan Road, Rasharkin' for the market value price as detailed within the confidential report (previously circulated).

Proposed by Councillor Archibald
Seconded by Councillor McCully and

AGREED - to recommend that Council grant approval for officers to enter into and complete the legal conveyancing and financial transactions between the neighbouring landowner and Causeway Coast & Glens Borough Council for the asset herein referred to as, 'Water Well & Associated Right of Way Lands located off Mullan Road, Rasharkin' for the market value price as detailed within the confidential report (previously circulated).

6. LEASES AND LICENCES

There were no matters for consideration.

7. LEGAL ISSUES

7.1 Coleraine – Lease to Woodland Trust – Cornfield Project

Confidential report, previously circulated, was presented by the Land and Property Solicitor who provided commentary on the report.

Purpose of Report

The purpose of this report was to update the Land and Property Sub-Committee on the current position with Council's sublease of land known as "Cornfields", situated off the Bushmills Road, Coleraine, to the Woodland

Trust, dated 18th September 2000, and the Woodland Trust's licence to Focus on Family.

Background

Members were provided with details of previous Council decisions regarding the "Cornfields" site.

At the Land and Property Sub-Committee meeting (L&P SC) held on 7th June 2017 it was:

AGREED –*that Council approves **Option 2** - that the Woodland Trust agree to continue their current support for the site and the Cornfield Project for a period of 5 years, on condition after which they will surrender their lease, returning ownership to Council, to allow this innovative project to continue to develop the site for the benefit of the community and biodiversity. It will be at zero increased cost to the Council during the 5 Year period.*

A request was made in 2018 seeking Council's retrospective consent as Landowner for the grant of this licence, which was granted on 7th March 2018. Council is not a party to the licence agreement which is between The Woodland Trust and Focus on Family.

At the Land and Property Sub-Committee meeting held on 7th March 2018 it was:

AGREED –*that the Land and Property Sub Committee grant Council's consent, in its capacity as the landlord, to the Licence Agreement between The Woodland Trust and Focus on Family Nurturing and Development Centre for a period of 5 years commencing on 19th December 2017.*

Subsequent to the licence from the Woodland Trust, it appears Focus on Family have entered into an agreement with third parties for provision of services at the site, without Council or the Woodland Trust's knowledge or permission. Council has not been provided with details of third parties from the Woodland Trust.

Proposals

On 9th October 2023 Council received correspondence from The Woodland Trust requesting that part of the current 99 Year lease for the Cornfields site from Causeway Coast & Glens Borough Council be surrendered back to Council. It is Council's understanding that the part of

the lease The Woodland Trust wish to surrender is that currently licensed by them to Focus on Family Nurturing and Development Centre.

The Woodland Trust has suggested that Causeway Coast and Glens Borough Council would then enter into a new lease of the land directly with Focus on Family Nurturing and Development Centre.

This new request does not comply with the Council decision of June 2017 when it was agreed that The Woodland Trust would surrender their lease back to Council after a period of 5 years in December 2022.

The Woodland Trust has confirmed that they can no longer operate as a landlord to Focus on Family as the group has diversified their operations and installed electricity, making the site unmanageable for the Woodland Trust.

In addition to this, the electricity connection was installed without landlord consent and has subsequently been found unsafe. Due to health and safety concerns, The Woodland Trust have repeatedly asked Focus on Family to disconnect the electricity supply and temporarily cease operations.

The Woodland Trust are requesting to surrender the area of leased land to Focus on Family, retaining the wider woodland, and that Council consider entering into a lease directly with Focus on Family.

The Woodland Trust has been asked to provide Council with a detailed summary of:

- *all licences granted over the site by the Woodland Trust*
- *details of what structures have been built on the site and utility connections made.*
- *details of all service level agreements granted by licensees.*
- *how the Woodland Trust intend to provide vacant possession of the site on surrender of their lease*

To date none of the above information has been received and the issue of the financial loss incurred by Council through the unauthorised use of Council's electricity has not been addressed.

Options

The following options were presented to the Sub-Committee for consideration.

1. Refuse the request from The Woodland Trust to surrender part of the leased land known as Cornfields, Coleraine back to Council and enter into a new lease directly with Focus on Family Nurturing and Development Centre and that the Woodland Trust resolve the outstanding issues.
2. Approve the request from The Woodland Trust to surrender part of the leased land known as Cornfields, Coleraine back to Council and enter into a lease directly with Focus on Family Nurturing and Development Centre subject to the following conditions:
 - Formalisation of the use of Council's electricity supply by installation of appropriate infrastructure and metering.
 - An independent valuation is carried out on the surrendered land.
 - A further report is brought to the Land and Property Sub-Committee with the Heads of Terms for a new lease with Focus on Family Nurturing and Development Centre
 - DfC approval required for the surrender of the current lease with the Woodland Trust and the granting of a new lease to Focus on Family Nurturing and Development Centre.

Recommendation

It is recommended that the Sub-Committee considers the options detailed at 6.1 and 6.2 of the confidential report (previously circulated) and makes a recommendation to Council.

Discussion ensued regarding current electricity supply, establishing safe and compliant electricity provision for users and future billing options; legal standing, service agreements in place and impact on sub leases and responsibilities of The Woodland Trust.

Members were in agreement that the Woodland Trust was not being asked to do anything Council would not ask another tenant to do and they need to inform Council what other groups are on site and the legal standing of these agreements. The primary concern would be the unsafe electricity connection.

Following further discussion it was:

Proposed by Councillor Archibald
Seconded by Councillor McCully and

AGREED - to recommend that Council refuse the request from The Woodland Trust to surrender part of 99 year lease back to Council and Council resolves health and safety issue around the electricity supply by

installing the appropriate infrastructure; Council would then recoup the costs from the Woodland Trust.

Council Solicitor to write to the Woodland Trust to advise of Council's decision and the proposal regarding the installation of the electricity infrastructure, the estimated costs of electricity infrastructure provision and giving them 7 days to respond.

8. CORRESPONDENCE

There were no items of correspondence.

MOTION TO PROCEED '*IN PUBLIC*'

Proposed by Councillor McCully
Seconded by Councillor Archibald 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 8.40 pm

Chair