

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE
LAND AND PROPERTY SUB-COMMITTEE
HELD IN THE BANN VIEW COMMITTEE ROOM, CIVIC HEADQUARTERS
WEDNESDAY 6 SEPTEMBER 2017 AT 7.00 PM**

- Chair** : Councillor Knight-McQuillan
- Present** : Alderman Hillis, Councillors Baird, Callan,
McCorkell, Nicholl, C McShane, Quigley
- Officers Present** : M Quinn, Director of Corporate Services
E Hudson, Senior Planning Officer
D Hunter, Council Solicitor
A Jeffers, Physical Regeneration Manager
S Duggan, Committee & Member Services Officer

SUBSTITUTIONS

Councillor Nicholl substituted for Councillor McLaughlin; Councillor Callan substituted for Councillor Duddy.

1. APOLOGIES

Nil

2. DECLARATIONS OF INTEREST

Nil

3. PRESENTATION – PORTRUSH PUBLIC REALM WORKS

The Chair welcomed Physical Regeneration Manager, to the meeting and invited him to present to committee.

The Physical Regeneration Manager outlined details of the Portrush Public Realm Scheme and drew Members attention to the next Public Consultation event on Monday 16th October at 7 PM in Portrush Town Hall.

Construction is due to commence in October 2017, with completion of works in January 2019. The Stakeholder Engagement Plan was tabled, a PowerPoint Presentation delivered and a factsheet circulated.

The Physical Regeneration Manager responded to Elected Member queries concerning street lighting, contractor's storage of materials, car parking and public engagement.

- * **Councillors Callan and McCorkell arrived at the meeting at 7.10 PM during consideration of the above matter.**
- * **A Jeffers left the meeting at 7.30 PM.**

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Quigley
Seconded by Councillor Baird and

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

4. REQUESTS FOR USE OF COUNCIL LAND

Confidential report circulated.

There were 9 requests for the Sub-Committee to consider.

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

- Right of way issues
- Setting precedent
- Impact on Council's strategy
- Valuation
- Long term impact on Council's asset
- Legal implications
- Health and Safety, Insurance, Risk Assessments and Event Management Plans

4.1 (Ref 440/17) Use of Council land at Drumaheglis Marina, Car Park, Main Building and Grassed Area for a Dragon Boat Challenge on 9th September 2017

A request has been received from Ballymoney Rotary Club to use Council land at Drumaheglis Marina, Car Park, Main Building and Grassed Area for a Dragon Boat Challenge on 9th September 2017.

It is recommended that Council grants, in principle, approval to the request from Ballymoney Rotary Club to use Council land at Drumaheglis Marina, Car Park, Main Building and Grassed Area for a Dragon Boat Challenge on 9th September 2017.

AGREED: to recommend that Council grants, in principle, approval to the request from Ballymoney Rotary Club to use Council land at Drumaheglis Marina, Car Park, Main Building and Grassed Area for a Dragon Boat Challenge on 9th September 2017.

4.2 (Ref 433/17) Use of Council Land at East Strand for the Ulster Paddlesurf Competition on 16th September, 2017

A request has been received from Ulster Paddlesurf Club to use Council land at East Strand for their Ulster Paddlesurf Competition on 16th September, 2017.

It is recommended that Council grants, in principle, approval to the request from Ulster Paddlesurf Club to use Council land at East Strand for their Ulster Paddlesurf Competition on 16th September, 2017.

AGREED: to recommend that Council grants, in principle, approval to the request from Ulster Paddlesurf Club to use Council land at East Strand for their Ulster Paddlesurf Competition on 16th September, 2017.

4.3 (Ref 450/17) Use of Council Land at Ballyavelin Road, Ardgarvan, Limavady for Gospel Meetings between 1st October 2017 and 30 November 2017

A request has been received from Limavady Gospel Hall to use Council land at Ballyavelin Road, Ardgarvan, Limavady for Gospel Meetings to be held between 1st October 2017 and 30th November 2017.

It is recommended that Council grants, in principle, approval to the request from Limavady Gospel Hall to use Council land at Ballyavelin Road, Ardgarvan, Limavady for Gospel Meetings to be held between 1st October 2017 and 30th November 2017.

The Senior Planning Officer provided information regarding planning implications and Permitted Development (28 days) and advised that planning permission would be required beyond 28 days.

AGREED: to recommend that Council grants, in principle, approval to the request from Limavady Gospel Hall to use Council land at Ballyavelin Road, Ardgarvan, Limavady for Gospel Meetings to be held between 1st October 2017 and 30th November 2017; subject to a 28 day period (Permitted Development).

4.4 (Ref 316/16) Use of Council Land at the Bowl, Portrush as Overflow Car Parking for the Foyle District Motor Cycle Club Beach Races Event on 7th and 8th October 2017

A request has been received from Foyle District Motor Cycle Club Ltd to use Council land at the Bowl, Portrush as overflow car parking for the Foyle District Motor Cycle Club Beach Races event on 7th and 8th October 2017.

It is recommended that Council grants, in principle, approval to the request from the Foyle and District Motor Cycle Club to use Council land at the Bowl, Portrush for overflow parking for the Beach Races event on 7th and 8th October 2017.

AGREED: to recommend that Council grants, in principle, approval to the request from the Foyle and District Motor Cycle Club to use Council land at the Bowl, Portrush for overflow parking for the Beach Races event on 7th and 8th October 2017.

4.5 (Ref 438/17) Use of Council Land at Benone Beach for the Irish Power Kite and Sand Yacht Association Events on 14th-15th October 2017, 2nd-3rd December 2017 and 17th-18th March 2018

A request has been received from Irish Power Kite & Sandyacht Association (IPKSA) to use Council land at Benone Beach for the Irish Power Kite and Sand Yacht Association Events on 14th-15th October 2017, 2nd-3rd December 2017 and 17th-18th March 2018.

It is recommended that Council grants, in principle, approval to the request from the Irish Power Kite & Sandyacht Association (IPKSA) to use Council land at Benone Beach for the Irish Power Kite and Sand Yacht Association Events on 14th-15th October 2017, 2nd-3rd December 2017 and 17th-18th March 2018.

AGREED: to recommended that Council grants, in principle, approval to the request from the Irish Power Kite & Sandyacht Association (IPKSA) to use Council land at Benone Beach for the Irish Power Kite and Sand Yacht Association Events on 14th-15th October 2017, 2nd-3rd December 2017 and 17th-18th March 2018.

4.6 (Ref 136/16) Use of Council Land to Install a Gravity Station in the Causeway Coast and Glens Borough Council Area.

A request has been received from the Department of Finance, Land and Property Services Ordnance Survey Land Registry Directorate to install a Gravity Station in the Causeway Coast and Glens Borough Council Area.

Two possible sites within the Causeway Coast and Glens Borough Council area have been identified:

1. Coastguard site, Portrush
2. Lansdowne Car Park, Portrush (bedrock site)

Two site options have been submitted showing approximate site locations. Site 1 is the preferred option and the Department of Finance, Land and Property Services Ordnance Survey Land Registry Directorate would like to install a cubic metre of concrete which would be flushed within 10m of the site. A small brass marker would be sunk flush into the concrete, likely marked "OSNI gravity point" or similar.

It is recommended that Council grants, in principle, approval to the request from Land and Property Services Ordnance Survey land Registry Directorate to use Council land in the Causeway Coast and Glens Borough Area to install a Gravity Station.

AGREED: to recommend that Council grants, in principle, approval to the request from Land and Property Services Ordnance Survey land Registry Directorate to use Council land in the Causeway Coast and Glens Borough Area to install a Gravity Station.

4.7 (Ref 457/17) Use of Council Land to Lay a Gas Main Passing the Front of the Commercial Properties in Castlecroft

A request has been received from Firmus Energy to use Council land at Castlecroft, Ballymoney to lay a gas main passing the front of the commercial properties in Castlecroft.

It is recommended that Council grants, in principle, approval to the request from Firmus Energy to use Council land at Castlecroft, Ballymoney to lay a gas main passing the front of the commercial properties in Castlecroft.

AGREED: to recommend that Council grants, in principle, approval to the request from Firmus Energy to use Council land at Castlecroft, Ballymoney to lay a gas main passing the front of the commercial properties in Castlecroft.

4.8 (Ref 02/15) Use of Council Land Adjacent to Dungiven Castle by Irish Language School, Gaelcholáiste Dhoire, for Temporary Right of Access to Facilitate the Installation of Buildings and Associated Site Works.

Committee was reminded that Council had previously approved a lease for land adjacent to Dungiven Castle to Gaelcholáiste Dhoire, Irish Language School for a 5 year period from September 2016.

A request has been received asking for a temporary right of access with or without vehicles plant and machinery over Council's land, adjoining the land leased to the School, to install the proposed buildings (as defined in the Lease) and associated site works and to remove the buildings at the end or sooner determination of the term. The area was illustrated.

Approval of the request will be subject to Council being in receipt of a satisfactory valuation report.

It is recommended that the request from Gaelcholáiste Dhoire for a temporary right of access over Council's land adjoining the land leased to install the buildings as defined in the lease and associated site works and to remove the buildings at the end or sooner determination of the term is approved in principle, subject to receipt of a satisfactory valuation report.

AGREED: to recommend that the request from Gaelcholáiste Dhoire for a temporary right of access over Council's land adjoining the land leased to install the buildings as defined in the lease and associated site works and to remove the buildings at the end or sooner determination of the term is approved in principle, subject to receipt of a satisfactory valuation report.

4.9 (Ref 03/15) Tides Restaurant, Portrush

Council has received a request from the owners of Tides Restaurant to lease approximately 25 car parking spaces at the Council owned car park at Ballyreagh Golf Course to accommodate customers of Tides Restaurant.

Sub-Committee was asked to consider the information presented, and make recommendation in principle to the CP&R Committee.

Proposed by Councillor C McShane
Seconded by Councillor Baird and

AGREED: to recommend that Council does not facilitate the request to lease spaces in Council's car park at Ballyreagh Road, and committee noted that the facility is a Public Car Park.

FOR INFORMATION REPORT ITEMS

- 4.10** (Ref 454/17) Request from Spark44 (Jaguar Land Rover Magazines) to shoot a drive through story for a photography feature in the November issue of the Jaguar Customer magazine on date between 17th-21st July 2017.
- 4.11** (Ref 452/17) Request from Causeway Rural & Urban Network to use Council land at Castlerock Beach for filming a public information film on 24th July 2017.
- 4.12** (Ref 444/17) Request to use Council land by Waddell Media to film at Rathlin Island for Getaway programme on 2nd and 3rd August 2017.
- 4.13** (Ref 437/17) Request from the BBC to use Council land at Portrush Harbour to film the series Coast Lives with Barra Best on 5th and 6th August 2017.
- 4.14** (Ref 442/17) Request from BBC Breakfast to film at Ballintoy Harbour on 15th August 2017.
- 4.15** (Ref 441/17) Request from 253 medical Regiment Army Reserves to use Council land at Station Square, Portrush for a recruitment stand on Saturday 19th August 2017.
- 4.16** (Ref 447/17) Request from the Irish Long Distance Swimming Association to use Council land at Portrush Harbour for the Island Dhu Swim 2017 on 19th August 2017.
- 4.17** (Ref 423/17) Request from the Patient and Client Council to use Council land at the Promenade, Portstewart to set up an information stall on 23rd August 2017.

- 4.18** (Ref 448/17) Request from Foxtrot Papa to use Council Land at Whiterocks Beach and Castlerock Beach to film corporate video for Jaguar Land Rover on 23rd and 24th August 2017.
- 4.19** (Ref 449/17) Request to use Council land at Harbour Hill, Portstewart for the All Ireland Whale Watch event on Saturday 26th August 2017.
- 4.20** (Ref 436/17) Request from Mother Goose Playgroup to use Council land at Sheskburn Car Park, Ballycastle for a car boot sale on Sunday 27th August 2017.
- 4.21** (Ref 458/17) Request from Loosehorse to use Council Land at Portrush to film a feature documentary at Air Waves Portrush on 2nd September 2017.
- 4.22** (Ref 446/17) Request from Translink to use Council land at Station Square, Portrush to hand out promotional material during the Airwaves event on 2nd to 3rd September 2017.
- 4.23** (Ref 453/17) Request from Waddell Media to use Council land at Runkerry/Bushfoot Strand and Portballintrae to carry out interviews for a TV documentary on Sunday 3rd September 2017.
- 4.24** (Ref 421/17) Request to add 12th September at the White Rocks, Portrush to the existing approval for filming by "The House of Tomorrow" at Ballintoy Harbour on 13th September 2017.
- 4.25** (Ref 456/17) Request from Ballymoney Rugby Club to use Council land at the car park to the rear of the Joey Dunlop Leisure Centre, Ballymoney for "Party on the Pitch on \Friday 18th August 2017

AGREED - to recommend that Council note the Information report Items 4.10 to Item 4.25 inclusive.

5. REQUESTS TO PURCHASE COUNCIL LAND

Confidential report circulated.

There were 2 requests for the Sub-Committee to consider. The requests were summarised in the report.

Further information including maps and photographs were made available at the meeting.

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

- Right of way issues
- Setting precedent

- Impact on Council's strategy
- Valuation
- Long term impact on Council's asset
- Legal implications

5.1 (Ref 269/16) Land at King's Lane Football Pitches, Ballykelly

A request has been received on behalf of North West Life Long Learning to purchase or long term lease land at the King's Lane football pitches, Ballykelly.

At the Land and Property Sub-Committee meeting held 7 June 2017 it was agreed to recommend that a decision be deferred pending additional information received from the applicant.

No further updates have been received to date by the applicant.

A site visit was arranged for Monday 4th September 2017.

Sub-Committee was asked to consider the information presented, and make recommendation in principle to the CP&R Committee.

Since issuing the report, the Director of Corporate Services further suggested that consideration be deferred until the applicant had exhausted their first preference site option. Committee was also reminded that Council's Pitches Audit was yet to be presented to members, before due consideration could be given.

AGREED: to recommend that Council consideration be deferred until the applicant had exhausted their first preference site option.

5.2 (Ref 198/16) Land at 1 Ballyavelin Road, Limavady

A request has been received from a member of the public to purchase or lease a piece of land at Ballyavelin Road, Limavady

At the Land and Property Sub-Committee meeting held 7 June 2017 it was agreed to recommend that a decision be deferred pending a site visit and additional information.

A site visit was held on Monday 4th September 2017.

Sub-Committee was asked to consider the information presented, and make recommendation in principle to the Corporate Policy & Resources Committee.

A number of issues were discussed in relation to the request, including Council's ownership of the area of land, issues surrounding title, Council's ongoing maintenance on the area of land, and Planning restrictions in terms of Policy OS1, Protection of Open Space.

AGREED: to recommend that Council does not grant the request to purchase or lease a piece of land at Ballyavelin Road, Limavady.

6. LEASES/LICENSES

Confidential report circulated.

6.1 Ballycastle Ferry Terminal Building – Lease renewal and amendments

Council's lease with 'Caraderm' now trading as 'Sea Haven Therapy' in respect of the Ferry Terminal Building in Ballycastle is due for renewal. In terms of use, the existing lease was for the manufacture, wholesale distribution and storage of seaweed based products. The tenant has requested a change of use to establish a seaweed bathing centre and additional outside storage space has also been requested. A planning application has been submitted. In order to reflect the current use the following amendments would be required to the terms of the lease:

1. Change of use from manufacture of seaweed products to seaweed bath/spa.
2. Inclusion of Payment of oil by the tenant to provide heating and hot water to the premises.
3. Inclusion of additional outside storage space to the existing leased area.

It is recommended that approval is granted to renew the existing lease to include the amendments noted, subject to finalisation of the rent review and valuation obtained.

Council's Planning Officer advised that since issuing the report, planning permission had been granted.

AGREED: to recommend that approval is granted to renew the existing lease to include the amendments noted, subject to finalisation of the rent review and valuation obtained.

Northern Ireland Electricity Leases

6.2 Gracehill Road, Clontyfinnan, Stranocum – NIE Lease for new Substation Kiosk

Northern Ireland Electricity (NIE) proposes to alter the existing high voltage and low voltage overhead lines at Clontyfinnan. The proposal involves recovering both high voltage and low voltage overhead lines crossing the playground/playing field and the adjacent houses. The alterations would further propose to construct a new kiosk substation on the boundary of the playing field. Construction of a new kiosk substation would involve laying both high and low voltage cables. A valuation has been received.

It is recommended that approval is granted for a 999 year lease for the proposed substation site that covers the repositioning of existing pole 2/56H, two stay wires to pole 2/56H and both high and low voltage underground cables associated with the proposed substation.

AGREED: to recommend that approval is granted for a 999 year lease for the proposed substation site that covers the repositioning of existing pole 2/56H, two stay wires to pole 2/56H and both high and low voltage underground cables associated with the proposed substation; subject to NIE carrying out satisfactory consultation with residents.

The Director advised confirmation would be sought as to the exact tenure of the '999' year lease request, as some documentation received referred to '99' years.

6.3 The Harbour, Portrush – Renewal of Lease and replacement of existing Substation with Right of Way and Underground Cable Easement

NIE proposes to replace the existing substation at The Harbour Portrush and renew the existing lease along with a Right of Way and Underground Cable Easement.

It is recommended that approval is granted for the lease renewal for a period of 999 years and replacement of existing substation, subject to receipt of valuation.

AGREED: to recommend that approval is granted for the lease renewal for a period of 999 years and replacement of existing substation, subject to receipt of valuation.

6.4 Quarry Hill, Portstewart – Substation Replacement Quarry Hill Portstewart and Wayleave Agreement No 695755

NIE propose to re-site the existing substation at Quarry Hill with a new kiosk substation on a lease area of approximately 4.5mx4.5m for a period of 999 years. A potential location has been identified within Council's car park adjacent to the entrance of Quarry Hill, Portstewart as shown in Figure 1. The Wayleave No 695755 is associated with an alteration to the existing 11kV overhead line crossing Council land. A further wayleave will be required for a number of underground cables from the proposed substation in the carpark when cable routes have been confirmed.

It is recommended that approval is granted for a new NIE kiosk substation within Council's car park adjacent to the entrance of Quarry Hill, Portstewart on a lease area of approximately 4.5mx4.5m for a period of 999 years, subject to receipt of valuation and for Wayleave No 695755 and the further wayleave for a number of underground cables from the proposed substation in the carpark.

AGREED: to recommend that approval is granted for a new NIE kiosk substation within Council's car park adjacent to the entrance of Quarry Hill, Portstewart on a lease area of approximately 4.5mx4.5m for a period of 999 years, subject to receipt of valuation and for Wayleave No 695755 and the further wayleave for a number of underground cables from the proposed substation in the carpark.

7. LEGAL ISSUES

7.1 Ballycastle Youth Links Ltd

The Director of Corporate Services referred to correspondence received by the Chief Executive in connection with Ballycastle Youth Links Ltd. Ballycastle Community Development Group have requested that Council applies for a court order to restore Ballycastle Youth Links Ltd.

The Director of Corporate Services provided sub-committee with a summary verbal outline of the background to the request.

Following discussion, during which members expressed support for the retention of a Community Asset, it was

AGREED: to recommend that Council instruct Legacy Solicitors to obtain an Opinion on how best to proceed and contact Crown Estate with an update in the interim.

The matter to be brought back to sub-committee on receipt of legal opinion.

8. CORRESPONDENCE

Confidential report circulated.

8.1 Housing Executive Regional Services Land and Regeneration – Land at St Columba’s Walk, Greysteel (dated 28 June 2017)

Correspondence has been received from the Housing Executive regarding ownership of land at St Columba’s Walk, Greysteel.

NIHE wishes to regularise title to reflect that the plot of land outlined forms part of adjacent Council’s lands near St Columba’s Walk, Greysteel.

The Sub-Committee is requested to consider the correspondence and make recommendation on Council’s position regarding the plot of land.

AGREED: to recommend that Council agree to the request to regularise title accordingly.

8.2 Housing Executive Regional Services Land and Regeneration – Playground at Church Road, Armoy (Ballycastle) (dated 4 July 2017)

Correspondence has been received from the Housing Executive in relation to the Playground at Church Road, Armoy (Ballycastle).

A copy of the original Conveyance as well as a map showing the playground outlined in blue and the extra ground beyond the original demise shaded in red is included in the correspondence.

The Sub-Committee is requested to consider the correspondence and make recommendation on the request for NIHE to transfer the extra land to Council to complete title for the playground.

AGREED: to recommend that Council consent to the transfer of the extra land to complete title for the playground.

8.3 Gaelcholáiste Dhoire – Former Dungiven Sports Pavilion (dated 21st July 2017)

Correspondence has been received from Gaelcholáiste Dhoire regarding temporary use of the former Dungiven Sports Pavilion (previously circulated) for the incoming year for urgent accommodation needed as a result of a delay in their new classroom block being built.

Members were made aware that Council has approved the asset for disposal and a report is to be brought before the Sub-Committee with the

results of the D1 Public Sector Clearing House procedure once it has been completed.

The Sub-Committee was requested to consider the correspondence.

The Director of Corporate Services provided members with an update in terms of the issues to be resolved in terms of identifying the exact area for disposal, including current leases with adjacent property and users. Members were advised that confirmation of the exact area to be disposed of may take several months. In terms of current usage of the sports pavilion members were advised that a local sports club continue to use the facility.

Council's Solicitor advised that a temporary license for 6 months would not impact on Council's decision to dispose.

AGREED: to recommend that Council grant the request for the temporary use of the former sports pavilion; subject to a 6-month period.

8.4 Department for Infrastructure – Disposal of Land beside 378 Foreglen Road, Dungiven, BT47 4PL (dated 25 August 2017)

Correspondence has been received from the Department of Infrastructure regarding the disposal of land beside 378 Foreglen Road, Dungiven.

The correspondence, together with a map showing the land which is being considered for disposal was circulated. Council departments were consulted regarding the land in question and this information was made available at the meeting.

The Sub-Committee was asked to consider the correspondence and make recommendation on Council's interest in the disposal.

AGREED - to recommend that Council does not have any objection to the disposal.

8.5 McAdam Design – Request to Access Council land between 52 and 60 Ballyreagh Road, Portrush

The Director of Corporate Services advised of a further late request that had not been placed on the Agenda for the evening.

Correspondence had been received from McAdam Design requesting access to Council land between 52 and 60 Ballyreagh Road, Portrush to carry out a survey and feasibility study.

AGREED - to recommend that Council grant the request from McAdam Design to access Council land between 52 and 60 Ballyreagh Road, Portrush to carry out a survey and feasibility study.

MOTION TO PROCEED 'IN PUBLIC

Proposed by Councillor C McShane
Seconded by Councillor Nicholl and

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

There being no further business the Chair thanked everyone for their attendance and the meeting concluded at 9.20 PM.