

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE
LAND AND PROPERTY SUB-COMMITTEE
HELD IN THE LARGE COMMITTEE ROOM, CIVIC HEADQUARTERS
WEDNESDAY 4 OCTOBER 2017 AT 7.00 PM**

- Chair** : Councillor Quigley
- Present** : Councillor: Baird, Duddy, McCandless, McCorkell,
McLaughlin and C McShane
- Officers Present** : M Quinn, Director of Corporate Services
S Mathers, Principal Planning Officer/Development
Management Manager
D Hunter, Council Solicitor
E Keenan, Assistant Solicitor
D Allen, Committee & Member Services Officer
- In Attendance** : Alderman Cole

SUBSTITUTIONS

Alderman Cole replaced Councillor Knight-McQuillan for the transaction of business for the evening.

1. APOLOGIES

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

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

AGREED – to Change the Order of Business – Item 8.3 to be taken before Item 3.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Baird

Seconded by Councillor C McShane and

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

8. CORRESPONDENCE

Confidential report circulated.

8.3 Glens Vintage Club Ltd (dated 8 September 2017)

Correspondence has been received from Glens Vintage Club Ltd in relation to the request to locate the vintage 'Fordson Tractor', Cushendall.

This request was first taken to the Land and Property Sub-Committee meeting on 7 June 2017, where a recommendation was deferred so that further information could be requested from the Club relating to alternative site, insurance and maintenance.

The request was listed for consideration at the Sub-Committee Meeting on 2 August 2017. No information had been received at this time. The Committee recommended that Council not grant approval to the request which was ratified by Council at its August 2017 meeting.

Councillor C McShane spoke on behalf on Glens Vintage Club and requested that Council reconsider their decision.

Councillor Duddy reminded Members that the recommendation not to grant approval to the request had already been ratified by Council and therefore no further discussion should take place as it was now out of Council's process. He further clarified that Standing Orders state *'When any such motion or amendment has been disposed of, it shall not be open to any Members to proposal a similar motion within a further period of six months'*. However, Members would be able to bring the item to Council again as a rescinding motion as detailed in Standing Order 23.1 and 15.1.

* Councillor C McShane left the meeting at 7.28pm.

3. REQUESTS FOR USE OF COUNCIL LAND

The Director of Corporate Services presented the confidential report.

Eight requests to use Council land were received for the Sub-Committee to consider.

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

- (i) Right of way issues
- (ii) Setting precedent
- (iii) Impact on Council's strategy
- (iv) Valuation
- (v) Long term impact on Council's asset
- (vi) Legal implications
- (vii) Health and Safety, Insurance, Risk Assessments and Event Management Plans

3.1 (461/17) - Use of Council Land at Church Street Car Park to Access Site 16 Main Street, Ballymoney In Order to Carry Out Building Work

A request has been received from Hunter Associates, Ballymoney, to use Council land at Church Street Car Park, Ballymoney in order to gain access to the rear of premises at 16 Main Street Portrush to carry out building works.

Hunter Associates have proposed 2 options for Council's consideration:

Option 1: close the footpath for the duration of the works

Option 2: close the footpath only when material is being delivered and removed.

Option 1

It is recommended that Council grants, in principle, approval to the request from Hunter Associates to use Council Land at Church Street Carpark to gain access to the rear of premises located at 16 Main Street, Ballymoney and close the footpath for the duration of the works.

The approval is subject to the signing of the proposed licence/agreement, permit access on a temporary capacity to

facilitate the renovation work to take place at the rear of 16 Main Street, Ballymoney; and subject to Planning Policy considerations and retention of Bond.

Or

Option 2

It is recommended that Council grants, in principle, approval to the request from Hunter Associates to use Council Land at Church Street Carpark to gain access to the rear of premises located at 16 Main Street, Ballymoney and close the footpath only when material is being delivered and removed.

The approval is subject to the signing of the proposed licence/agreement, permit access on a temporary capacity to facilitate the renovation work to take place at the rear of 16 Main Street, Ballymoney; and subject to Planning Policy considerations and retention of Bond.

Discussion took place in relation to the structure of the roller shutter door that the applicant proposes to erect in place of the wall to be demolished, and further clarification was requested in terms of permanency of the door opening. The Senior Planner Officer advised that demolition consent was required.

AGREED – to recommend that Council defers until further clarification requested from the applicant as to the permanency of the roller shutter to be erected. This information to be received by Council within 4 weeks of the request.

3.2 (479/17) - Use of Council Land at East Strand, Portrush to Hold a Sponsored Walk

A request has been received from Action MS on behalf of Hazlett Primary School to use Council land at East Strand, Portrush and White Rocks to hold a sponsored walk on Friday 6th October 2017.

It is recommended that Council grants, in principle, approval to the request from Action MS, on behalf of Hazlett Primary School, to use Council land at East Strand, Portrush and White Rocks to hold a sponsored walk on Friday 6th October 2017.

Correspondence to be sent to charities/community groups clarifying the process of requests to use Council land.

AGREED - that Council grants, in principle, approval to the request from Action MS, on behalf of Hazlett Primary School, to use Council land at East Strand, Portrush and White Rocks to hold a sponsored walk on Friday 6th October 2017.

3.3 (471/17) - Use of Council Land at all Council Beaches to Hold the World Surf Kayak Championships from 18th October 2017 – 30th October 2017

A request has been received from The Canoe Association of Northern Ireland to use Council land at all Council beaches to hold the World Surf Kayak Championships from 18th October 2017 until 30th October 2017.

The request was to use all Council beaches, however, their first choice would be East Stand, Portrush dependent on surf conditions.

It is recommended that Council grants, in principle, approval to the request from The Canoe Association of Northern Ireland to use Council land at all Council beaches to hold the World Surf Kayak Championships from 18th October 2017 until 30th October 2017.

AGREED - that Council grants, in principle, approval to the request from The Canoe Association of Northern Ireland to use Council land at all Council beaches to hold the World Surf Kayak Championships from 18th October 2017 until 30th October 2017.

3.4 (469/17) - Use of Council Land at Megaw Park, Ballymoney for a Fun Day and Football Match on 21st October 2017

A request has been received from Helping Hands, Royal Belfast Hospital for Sick Children to hold a fun day and football match on Council land at Megaw Park, Ballymoney on Saturday 21st October 2017.

It is recommended that Council grants, in principal, approval to the request from Helping Hands, Royal Belfast Hospital for Sick Children to hold a fun day and football match on Council land at Megaw Park, Ballymoney on Saturday 21st October 2017.

AGREED - that Council grants, in principle, approval to the request from Helping Hands, Royal Belfast Hospital for Sick

Children to hold a fun day and football match on Council land at Megaw Park, Ballymoney on Saturday 21st October 2017.

3.5 (464/17) - Use of Council Land at East Strand Beach, Portrush for Red Bull against the Tide Event on Friday 3rd November 2017

A request has been received from Red Bull to use Council land at East Strand Beach, Portrush to host an event called Red Bull against the Tide which consists of a beach Golf Event against the tide on Friday 3rd November 2017.

It is recommended that Council grants, in principle, approval to the request from Red Bull to use Council land at East Strand Beach, Portrush to host an event called Red Bull against the Tide which consists of a beach Golf Event against the tide on Friday 3rd November 2017.

The Director of Corporate Services informed Members that Council had received information from residents claiming ownership of part of the land in question. Council to confirm land ownership and boundaries and compare Title Deeds received, with Council Ownership.

Discussion took place regarding planning implications including the Environmental Impact Assessment, Special Area Conservation and Biodiversity implications. The Principal Planning Officer referred to the 1995 Habitat Regulations, and that these limited the ability for Permitted Development, therefore more information was needed and Shared Environment Services needed to be consulted. Method statements from the organisers should also be obtained.

AGREED - to recommend that Council defers until further information sought and received from Red Bull and the land ownership area is clarified.

3.6 (472/17) - Use of Council Land at Whiterocks Beach and East Strand, Portrush to Hold a Sponsored Walk on Saturday 24th March 2018

A request has been received from Girl Guiding to use Council land at Whiterocks Beach and East Strand, Portrush to hold a sponsored walk on Saturday 24th March 2018.

It is recommended that Council grants, in principle, approval to the request from Girl Guiding to use Council land at Whiterocks Beach and East Strand, Portrush to hold a sponsored walk on Saturday 24th March 2018.

AGREED - to recommend that Council grants, in principle, approval to the request from Girl Guiding to use Council land at Whiterocks Beach and East Strand, Portrush to hold a sponsored walk on Saturday 24th March 2018.

3.7 (473/17) - Use of Council Land at the Amphitheatre, Portrush on Saturday 4th August 2018

A request has been received from the Vow Accordion Band to use Council land at the Amphitheatre, Portrush on Saturday 4th August 2018.

It is recommended that Council grants, in principle, approval to the request from Vow Accordion Band to use Council land at the Amphitheatre, Portrush on Saturday 4th August 2018.

AGREED - to recommend that Council grants, in principle, approval to the request from Vow Accordion Band to use Council land at the Amphitheatre, Portrush on Saturday 4th August 2018.

3.8 (465/17) - Use of Council Land Rugby Avenue, Coleraine for Twelfth July Demonstration on 12th July 2021

A request has been received from Coleraine District L.O.L. to use Council land at Rugby Avenue Playing Fields, Coleraine for a Twelfth July Demonstration on Monday 12th July 2021.

It is recommended that Council grants, in principle, approval to the request from Coleraine District L.O.L. to use Council land at Rugby Avenue Playing Fields, Coleraine for a Twelfth July Demonstration on Monday 12th July 2021.

AGREED - to recommend that Council grants, in principle, approval to the request from Coleraine District L.O.L. to use Council land at Rugby Avenue Playing Fields, Coleraine for a Twelfth July Demonstration on Monday 12th July 2021.

FOR INFORMATION REPORT ITEMS

- 3.9 (Ref 460/17)** - Request to use Council Land at Green Area-Seafront Ballycastle for display static mini cars between 2.30pm and 5.30pm on 10th September 2017.
- 3.10 (Ref 463/17)** - Request to use Council Land at Riverside Park, Ballymoney for Fuse FM Ballymoney Music Event from 7pm to 10.15pm on 21st September 2017.
- 3.11 (Ref 475/17)** - Request from the Big Telly Theatre Company to use Council Land at the Crescent (the Witches Hat) to hold a Teddy Bears' Picnic on 24th September 2017.
- 3.12 (Ref 466/17)** - Request from Loreto College, Coleraine to use Council land at East Strand, Portrush for a sponsored beach walk on Wednesday 27th September 2017.

AGREED - to recommend that Council note the information report items 3.9 to Item 3.12 inclusive.

4. REQUESTS TO PURCHASE COUNCIL LAND

There were no requests to purchase Council land.

5. LEASES/LICENCES

There were no requests for leases/licences.

6. LEGAL ISSUES

6.1 Case 1 Ref 38/15

Council's tenant occupying a property in Ballycastle has rent arrears totalling £12,100 accrued as a result of non-payment since December 2016. The lease is due to expire on 30th November 2017.

It is recommended that Council authorises Council's Solicitors to take legal action to recover the debt and/or issue proceedings to determine the lease.

A survey on building to be carried out as to its future viability.

AGREED – to recommend that Council authorises Council’s Solicitors to take legal action to recover the debt and/or issue proceedings to determine the lease.

6.2 Costs Associated with Land and Property Matters, Portballintrae.

At its meeting in August 2017 the Sub-Committee requested information on the total cost of legal fees expended in relation to all Portballintrae issues since April 2015 and any other costs incurred.

It is recommended that the Sub-committee is asked to consider the information presented, and make recommendation to the Corporate Policy and Resources Committee.

Council’s Solicitor provided a verbal update on the costs of legal fees and other costs incurred in relation to Portballintrae. Legal fees estimated to be £20K-£25K for the current case.

AGREED – to recommend that Council look to obtain more information on costs of legal fees expended during previous financial years, from Coleraine Borough Council.

7. ALLEGED PUBLIC RIGHT OF WAY INVESTIGATION REPORT, BATH ROAD TO BLUE POOL AREA, PORTRUSH

A report was presented and circulated to Elected Member for information at Council’s Corporate Policy and Resources Committee on 21st March 2107 and similarly to the Sub-Committee on 5th April 2017. This report provided an update on legal opinion received in relation to Public Right of Way Assertion at Bath Street, Portrush. Members of the Sub-Committee visited the site in April 2017.

Having considered the evidence submitted to Coleraine Borough Council in 2006/07 and to Causeway Coast and Glens Borough Council in 2016-2017 the following options are detailed for consideration by the Land and Property Sub-Committee.

Option 1 - Assert

Assert a public right of way on foot through the Bath Road site connecting to the Blue Pool based on the evidence submitted as part of the investigation.

Option 2 (a) - Assert and Divert

Assert a public right of way on foot through the Bath Road site connecting to the Blue Pool based on the evidence submitted as part of the investigation. Council subsequently makes a Public Path Diversion Order under Article 15 of the Access to the Countryside (NI) Order 1983 to divert the line of the public right of way around the boundary of the site to connect to the Blue Pool via the existing footpath leading from Bath Road to Bath Terrace. This diverted route would not be substantially inconvenient for the public to use to access the Blue Pool.

Option 2 (b) - Assert and Extinguish

Assert a public right of way on foot through the Bath Road site connecting to the Blue Pool based on the evidence submitted as part of the investigation. Council subsequently makes a Public Path Extinguishment Order under Article 14 of the Access to the Countryside (NI) Order 1983 to extinguish the public right of way through the Bath Road site as it is no longer needed for public use as an alternative route exists around the boundary of the site to connect to the Blue Pool via the existing footpath leading from Bath Road to Bath Terrace. This alternative route would not be substantially inconvenient for the public to use to access the Blue Pool.

Option 3 - Do Not Assert

Do not assert a public right of way on foot through the Bath Road site connecting to the Blue Pool as no additional, substantive evidence supporting the existence of a public right of way on foot has been produced as part of the 2016/2017 investigation.

Council's Solicitor informed Members that the Public Consultation had not yet been completed as user evidence statements from the public, claiming Bath Road to Blue Pool area, Portrush is a Public Right of Way, had not yet been sent to landowners to respond.

AGREED - to recommend that Council defers a decision until the Public Consultation has been completed. Landowners to respond to user evidence within three weeks of receipt of statements.

8. CORRESPONDENCE

Confidential report circulated.

8.1 McConnell Chartered Surveyors and Property Consultants (dated 15 August 2017)

Correspondence has been received from McConnell Chartered Surveyors in relation to The Crown Estate Commissioners and Council Regulating Lease of Foreshore in the Borough of Coleraine.

McConnell Charters Surveyors and Property Consultants propose that the rent should be increased as at the review date to £2,500 per annum.

It is recommended that Council approves the proposed increase of rent as at the review date to £2,500 per annum.

AGREED - to recommend that Council approves the proposed increase of rent as at the review date to £2,500 per annum.

8.2 Housing Executive, Land Registration (dated 28 August 2017)

Correspondence has been received from the Housing Executive in relation to the sewage works at Shamrock Place, Ballymoney.

According to records the land outlined red on Map 2 (previously circulated) was included as part of this transfer and is still showing as in Housing Executive ownership. However it has been fenced off and is currently being used as a sewage works.

Council is asked to check its records and advise whether the Council transferred this area prior to the date the Housing Executive inherited its title to these lands and if so, to provide copy title to allow records to be amended.

AGREED - to recommend that Council checks its records and advise whether the Council transferred this area prior to the date the Housing Executive inherited its title to these lands and if so, to provide copy title to allow records to be amended.

9. FOR INFORMATION - TIDES RESTAURANT

Following the September Sub-committee Meeting, where it had been requested that clarification regarding the number of car parking spaces needed in terms of planning requirements be provided for information, the Director of Corporate Services reminded Members that the information had been previously presented at the June meeting.

Councillor Duddy expressed concern that this item had been raised as a decision had been taken by Council in June, and the matter was not listed for consideration. He stated that the sub-committee needed to adhere to Council's Standing Orders.

* Councillor Duddy left the meeting at 8.13pm.

The Principal Planning Officer re-informed Members of the Item from the June 2017 Land and Property report.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Baird
Seconded by Alderman Cole and

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

There being no further business the Chair thanked everyone for their attendance and the meeting concluded at **8.18pm**.