

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

- Chair** : Councillor Knight-McQuillan
- Present** : Alderman Hillis.
Councillors Baird, Duddy, McLaughlin and Quigley
- Officers Present** : P Donaghy, Democratic & Central Services
Manager
R Baker, Director of Leisure & Development
S Mathers, Development Management &
Enforcement Manager
J Richardson, Head of Capital Works &
Infrastructure
D Hunter, Council Solicitor
E Keenan, Council Solicitor
D McLaughlin, Land & Property Officer
E McCaul, Committee & Member Services Officer
- Non Sub-Committee:
Members Present** : Councillor P McShane

1. APOLOGIES

Councillor McCorkell

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Quigley

Seconded by Councillor McLaughlin and

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

AGREED – to change the order of business and discuss Addendum Reports at this point in the meeting.

3. LEASE OF LAND - FORMER MILL BUILDINGS, CLOUGHMILLS – APPROVAL OF HEADS OF TERMS OF LEASE

The Director of Leisure & Development advised that in 1989 the site of Cloughmills Old Mill Buildings was purchased by Ballymoney Borough Council with a view to considering how it could be developed for community and economic use. Cloughmills Community Action Team (CCAT) has operated from the site since October 2011 and has established a permaculture facility and utilises some of the buildings for a community office, community fridge and men's shed. Plans are in place for renovation of an additional building on site to extend the range of community activities. A legacy agreement that was in place between Ballymoney Borough Council and CCAT was not formalised.

A formal lease arrangement is required between Causeway Coast and Glens Borough Council as landlord and CCAT as tenant.

A Heads of Terms document was circulated and approval was requested to proceed with the lease to CCAT as set out in the Heads of Terms. Under the terms of the lease CCAT will be permitted to use the premises for community purposes as a camping barn, meeting rooms, workshop, stores and garden and for such further purposes as might be agreed by Council.

It is recommended that approval is granted to proceed with the lease to Cloughmills Community Action Team as set out in the Heads of Terms.

Proposed by Councillor Baird
Seconded by Councillor Quigley and

AGREED – to recommend that approval is granted to proceed with the lease to Cloughmills Community Action Team as set out in the Heads of Terms.

* The Director of Leisure & Development left the meeting at 7:07 pm.

4. ASSET DISPOSAL INVESTIGATION

The Head of Capital Works & Infrastructure outlined that the Magilligan Ferry Terminal and slipway was constructed in 2001, facilitating ferry linkages between Greencastle and Magilligan Point.

Background information was circulated on leases with various ferry operators.

Since construction in 2001/2002 the facility at Magilligan as had minimal planned maintenance which has now presented council with impending capital spend requirements to protect the future operation of the facility.

The main areas of deterioration which need attention are:

- Sheet Piled Walls – Areas have been identified with holes, and where steel thickness is reduced to 2/3mm
- Cathodic protection – The existing structure has no protection system to slow down the effects of accelerated low water corrosion and therefore sacrificial cathodic protection is required.
- Rock armour and Scour Protection – The existing Rock armour protection has moved and requires repair and scour pits are evident at the tubular piles supporting the bridge deck.

If council are to remain in ownership of the harbour / slipway it is recommended that an initial spend of £218,500 is required to address the above issues – this should be programmed for implementation within 3 – 5 years to ensure deterioration is not magnified.

If Council are to retain ownership and allocate costs outlined, this will cover the structure to the end of the design life which is 2052, however to increase the design life beyond 2052, a further investment of £1.25m is estimated to be required.

Council have received an expression of interest from Londonderry Port & Harbour Authority (LPHA) to investigate the possibility to acquire this asset from Council and have asked to commence a process without prejudice due diligence at this stage.

This could represent an opportunity to Council to remove the liability of this asset and is worthy of investigation.

Consultation with Council internal stakeholder departments is essential to produce a collaborative conclusions report regarding advantages and disadvantages of disposal.

It is recommended that Members give permission to enter into initial discussions with the LPHA to establish more information and to provide all necessary information to the LPHA. A report will be brought to Members for consideration when the facts have been established.

Proposed by Councillor Duddy
Seconded by Councillor Baird and

AGREED – to recommend to Council that permission is granted to enter into initial discussions with the LPHA to establish more information and to provide all necessary information to the LPHA. A report will be brought to Members for consideration when the facts have been established.

5. REQUESTS FOR USE OF COUNCIL LAND

The Democratic & Central Services Manager presented a confidential report previously circulated on requests for use of Council land and referred to Power-point presentation 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

5.1 (Ref 59/18 #46) – Use of Council Land at The Herring Pond, Kinora for Portstewart Duck Dive on 17 March 2018

A request has been received from the Portstewart Duck Dive Committee to use Council land at The Herring Pond, Kinora, Portstewart for the Annual Portstewart Duck Dive on 17 March 2018.

Detail of the request was circulated and matters for consideration outlined.

AGREED – to recommend that Council grants, in principle, approval to the request from The Portstewart Duck Dive Committee to use Council land at the Herring Pond, Kinora, Portstewart for the Annual Portstewart Duck Dive on 17 March 2018.

5.2 (Ref 25/18) Access to Council Land at Sheskburn Recreation Centre Car Park, Ballycastle for a fundraising car boot sale on 2 April 2018

A request has been received from Mother Goose Playgroup to use Council land at Sheskburn Recreation Centre Car Park, Ballycastle for a fundraising car boot sale on 2 April 2018.

Detail of the request was circulated.

It is recommended that Council grants, in principle, approval to the request from Mother Goose Playgroup to use Council land at Sheskburn Recreation Centre Car Park, Ballycastle for a fundraising car boot sale on 2 April 2018.

5.3 (Ref 23/18) Use of Council Land at West Bay Car Park, Portrush for a Motor Cycle Event on 15 April 2018

A request has been received from BBB Motorcycle Club to use Council land at West Bay Car Park, Portrush, for a Motor Cycle Event on 14 April 2018.

Detail of the request was circulated.

It is recommended that Council grants, in principle, approval to the request from the BBB Motorcycle Club to use Council land at West Bay Car Park, Portrush for a Motor Cycle Event on 14 April 2018.

AGREED – to recommend that Council grants, in principle, approval to the request from BBB Motorcycle Club to use Council land at West Bay Car Park, Portrush for a Motor Cycle Event on 14 April 2018.

5.4 (Ref 36/18) Use of Council Land at Whiterocks Beach to Dunluce Castle for a Hospice Charity Walk on 21 April 2018

A request has been received from the Northern Ireland Hospice to use Council land at Whiterocks Beach to Dunluce Castle to carry out a Hospice Charity Walk on 21 April 2018

Detail of the request was circulated.

It is recommended that Council grants, in principle, approval to the request from The Northern Ireland Hospice to use Council land at Whiterocks Beach to Dunluce Castle to carry out a Hospice Charity Walk on 21 April 2018.

AGREED – to recommend that Council grants, in principle, approval to the request from The Northern Ireland Hospice to use Council land at Whiterocks Beach to Dunluce Castle to carry out a Hospice Charity Walk on 21 April 2018.

5.5 (Ref 24/18) Use of Council Land for a siting of a Panoramic viewing wheel at one of the following sites at West Strand Portrush, The Crescent Portstewart, Kerr Street Green Portrush, East Strand Car Park Portrush on 29 June to 2 September 2018

A request has been received from an amusement company to use Council land at one of the following sites at West Strand Portrush, The Crescent Portstewart, Kerr Green Portrush, East Strand Car Park Portrush on 29 June to 2 September 2018.

Detail of the request was circulated.

Council's Solicitor has advised that a licence will be required if this request is approved on the basis that this is a commercial venture requiring planning permission based on the 28 day rule. If the wheel is in position for more than 28 days, this does not benefit from permitted development rights. Therefore the proposal requires planning permission.

This event will be advertised by Council as it is classed as a 'Commercial Activity'.

It is recommended that Council grants, in principle, approval for the event to take place on Council land at one of the following sites:

- West Strand Portrush
- The Crescent Portstewart
- Kerr Street Green Portrush and
- East Strand Car Park Portrush

For the siting of a Panoramic viewing wheel for a period to be agreed during the dates of 29 June to 2 September 2018. This will be subject to the completion of a tender exercise, planning permission if required and the drawing up of a licence agreement.

The Sub-Committee discussed impact on local amusements, noise issues, visual amenity and need for planning permission on 28 day rule.

Proposed by Councillor Duddy
Seconded by Alderman Hillis and

AGREED – to recommend that Council **REFUSES** to grant approval for the event to take place on Council land on the sites identified.

5.6 (Ref 39/18) Use of Council Land at East Strand Car Park and Magheracross Car Park for the Portrush 5 mile Road Race on 24 August 2018

A request has been received from the organisers of the Portrush 5 mile Road Race to use Council land at East Strand Car Park and Magheracross Car Park for the Portrush 5 mile Road Race on 24 August 2018.

Detail of the request was circulated.

It is recommended that Council grants, in principle, approval to the request to use Council land at East Strand Car Park and the Magheracross Car Park for the Portrush 5 mile Road Race on 24 August 2018.

AGREED – to recommend that Council grants, in principle, approval to the request to use Council land at East Strand Car Park and the Magheracross Car Park for the Portrush 5 mile Road Race on 24 August 2018.

5.7 (Ref 40/18) Use of Council Land for the Annual Heavy Horse and Vintage Car Show Sheskburn House and Car Park, Ballycastle on 25 August 2018

A request has been received from the Annual Heavy Horse Show Committee to use Council land at Sheskburn House and Car Park, Ballycastle for the Annual Heavy Horse and Vintage Car Show on 26 August 2018.

Details of the request was circulated.

It has been noted that this is an annual repeat event. The event is expected to run from 8.30 am to 5 pm. It is anticipated that the event will draw in excess of 600 people to the area.

It is recommended that Council grants, in principle, approval to the request from the Heavy Horse Show Committee to use Council land at Sheskburn House and Car Park, Ballycastle for the Annual Heavy Horse and Vintage Car Show on 25 August 2018.

AGREED – to recommend that Council grants, in principle, approval to the request from the Heavy Horse Show Committee to use Council land at Sheskburn House and Car Park, Ballycastle for the Annual Heavy Horse and Vintage Car Show on 25 August 2018.

5.8 (Ref 35/18 #41) Use of Council Land at West Bay Car Park, Portrush for the Static Show and Cavalcade on 26 August 2018

A request has been received from the Causeway Coast Mini Club to use Council land at West Bay Car Park, Portrush for the Static Show and Cavalcade on 26 August 2018.

Detail of the request was circulated.

It is recommended that Council grants, in principle, approval to the request from the Causeway Coast Mini Club to use Council land at West Bay Car Park, Portrush for the Static Show and Cavalcade on 26 August 2018.

AGREED - to recommend that Council grants, in principle, approval to the request from the Causeway Coast Mini Club to use Council land at West Bay Car Park, Portrush for the Static Show and Cavalcade on 26 August 2018.

5.9 (Ref 53/18) Use of Land at The Diamond, Coleraine for the Siting of a Memorial Monument

A request has been received from The Ulster Defence Regiment Association, Coleraine Branch to use land at The Diamond, Coleraine for the Siting of a Memorial Monument

Detail of the request was circulated.

It is recommended that Council considers the application from the Ulster Defence Regiment Association, Coleraine Branch to use land at the Diamond, Coleraine for the Siting of a Memorial Monument and registers the land and Town Hall Building at The Diamond, Coleraine as shown in the map presented.

The Sub-Committee was advised of issues in relation to Council's title at the location.

Proposed by Councillor Duddy
Seconded by Alderman Hillis and

AGREED – to recommend that Council regularises its title at the location and approves the request, in principle, and advises the applicant in relation to the regularisation of title.

6. REVIEW OF REQUESTS TO USE COUNCIL LAND FROM 2017 TO 2018

The Land and Property Sub-Committee received a report to review requests to use Council Land to allow the Sub-Committee to consider and make recommendations on the delegation of authority to the Senior Management Team to approve routine requests to use Council land.

The report also requested that the Sub-Committee consider the timing and frequency of Land and Property meetings.

A review paper was circulated which included options for the process in the future.

Following consideration of the options contained in the review papers and the frequency of meetings provided for in the Terms of Reference, it is recommended that the Land and Property Sub-Committee

Recommends Option 2 delegation of authority to the Senior Management Team for the approval of routine requests to use Council land, including the provisions noted in the review;

Recommends amendment of the Sub-Committee's Terms of Reference in relation to the frequency of meetings to quarterly – March, June, September, December (on the first Wednesday of the month) and as required

In the discussion that followed, Members were keen to retain oversight of requests to use Council land and retention of the current process. The Sub-Committee recognised that some requests are annual and/or repetitive in nature and may not require the same level of scrutiny by the Sub-Committee. Members agreed that requests for use of Council land e.g. filming, commercial use or where planning approval is a consideration would still require the scrutiny and recommendation of the Sub-Committee. The Sub-Committee agreed that requests where approval had been granted in a previous year and where the request was similar in nature did not need to be listed for approval. The Sub-Committee agreed these routine repetitive requests would continue to be scheduled and presented to the Sub-Committee for information.

During the discussion Council's Solicitor advised that Council's Digital Services Manager had carried out an initial assessment of encroachment on Council land in one area of the Borough. Members agreed that this information would be presented to it at its next meeting and requested that the Digital Services Manager be invited to the next meeting. Members agreed that identifying encroachment on Council's land and developing a policy to deal with it was a priority for the Sub-Committee.

During discussion Members voiced their concerns at the lack of adequate resourcing for Council's Land and Property function given the nature, extent and value of the workload being carried and the need for Council to progress its first registration in the Land Registry to protect Council's assets.

Proposed by Councillor Duddy
Seconded by Councillor Quigley and

AGREED – to recommend that a review of the resources allocated to the Land and Property function in Council be carried out and reported to Sub-Committee;
and
recommend the delegation of authority to the Senior Management Team for the approval of routine requests where approval had been granted in a previous year and where the request was similar in nature to that previously granted and for these requests to be reported to the Sub-Committee for information and
to retain the current frequency of meetings.

7. REQUEST TO PURCHASE COUNCIL LAND

The Land and Property Sub-Committee received a confidential report to consider 2 requests to purchase Council land. 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

7.1 Ref 001/18P – Request to Purchase Land Dungiven

A request has been received to purchase a small portion of ground to the rear of properties in Dungiven.

The report detailed the applicant wished to purchase the land to extend his front rear and side garden and create a vegetable patch; erect a new garage, build an extension and create a drive/access way.

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

Proposed by Councillor Baird

Seconded by Councillor Duddy and

AGREED – that decision on the request be deferred for a site visit.

7.2 Ref 93/16 – Benone Tourist Complex – Land for NI Water Proposed Upgrade of Vacuum Sewerage System Network

Northern Ireland Water (NI Water) has identified that the existing vacuum sewerage system at Benone is not fit for purpose. During the tourist season and periods of high rainfall, it is overwhelmed, which results in the vacuum being lost particularly at the extremities of the system.

NI Water has decided the best option is to replace the entire Benone vacuum sewerage system with conventional gravity sewerage and Waste Water Pumping Stations (WwPSs).

As part of the upgrade NI Water propose to relocate a pumping station between the Administrative Block and Touring Caravan Site of the Benone Tourist Complex. It has requested the purchase of an area of Council owned land in the Benone Tourist Complex site which is required for the relocation of this waste water pumping station. A valuation has been received from Land and Property Services who have assessed the value of this piece of land to be £500 (five hundred pounds) in full and final settlement as compensation.

Council Officers have held meetings with NI Water and the consultants to discuss the impact and benefits of the proposed Benone Vacuum System Network upgrade and agree that the upgrade scheme will benefit the efficiency of the sewerage disposal at Benone in years to come. In order to avoid any detrimental impact on the aesthetics for the Public Realm at Benone, Officers have recommended that the following condition be included as part of the approval of the request to purchase this piece of Council land:

“That the design and project management consultants seek agreement with NI Water to design a fully landscaped and a naturalised shrouding of the Waste Water Pumping Station to allow it to be virtually hidden within the natural vegetative screening that already exists at Benone Complex. The detail of the design should be agreed with the Tourism and Recreation Head of Service. It is essential that any design applied has a very low visual impact on the public facility at Benone”.

Recommendation –that the Sub Committee recommend approval “in principle”, to the request from Land and Property Services acting on behalf of Northern Ireland Water to purchase an area of Council owned land in Benone Tourist Complex site and to accept the valuation from Land and Property Services of £500 in full and final settlement as compensation. As part of the approval to purchase this piece of land, it was recommended to include the following condition:

“That the design and project management consultants seek agreement with NI Water to design a fully landscaped and a naturalised shrouding of the Waste Water Pumping Station to allow it to be virtually hidden within the natural vegetative screening that already exists at Benone Complex. The detail of the design should be agreed with the Tourism and

Recreation Head of Service. It is essential that any design applied has a very low visual impact on the public facility at Benone”.

Proposed by Councillor Duddy
Seconded by Councillor Quigley and

AGREED - – to recommend approval “in principle”, to the request from Land and Property Services acting on behalf of Northern Ireland Water to purchase an area of Council owned land in Benone Tourist Complex site and to accept the valuation from Land and Property Services of £500 in full and final settlement as compensation. As part of the approval to purchase this piece of land, it was recommended to include the following condition:

“That the design and project management consultants seek agreement with NI Water to design a fully landscaped and a naturalised shrouding of the Waste Water Pumping Station to allow it to be virtually hidden within the natural vegetative screening that already exists at Benone Complex. The detail of the design should be agreed with the Tourism and Recreation Head of Service. It is essential that any design applied has a very low visual impact on the public facility at Benone”.

8. LEASES/LICENSES

8.1 Coleraine, Cornfield Site – Approval of Licence Agreement

On 18 September 2000 the former Coleraine Borough Council granted a Lease of land off the Bushmills Road, Coleraine for 99 years to The Woodland Trust known as the Cornfield site.

At its meeting on 27 June 2017 Council agreed 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.

The Woodland Trust has indicated that it wishes to enter into a Licence Agreement for a term of 5 years with the Focus on Family Nurturing and Development Centre in respect of the lands/part of the lands as per the terms of a Licence Agreement and they seek Council’s consent, in its capacity as its Landlord to do so.

A map circulated identifies the land, outlined in red, leased to the Woodland Trust under the terms of the lease dated 18 September 2000.

It is recommended – 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 19 December 2017.

Proposed by Councillor Quigley
Seconded by Alderman Hillis and

AGREED – to recommend 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 19 December 2017.

AGREED – to change the order of business and discuss the next item Legal Issues at the end of the meeting.

9. CORRESPONDENCE

9.1 Housing Executive, Regional Services, Land and Regeneration Correspondence

Correspondence has been received from the Housing Executive advising of a number of issues concerning the land boundaries at various locations within the Causeway Coast and Glens Borough Council area. The areas involved are:

- Playground at Burnfoot, Dungiven
- Land at Roe View Park Limavady
- Play area at Dungiven Road, Limavady
- Play area at Josephine Avenue, Limavady
- Play area at the Largy, Limavady
- Land adjacent to the Crescent, Coleraine

The sub committee is asked to grant Council Officers the authority to proceed to liaise with the Housing Executive to regularise these issues as appropriate.

It is recommended - that Council grants authority to Council Officers to proceed to regularise the land boundaries with the Housing Executive as appropriate.

AGREED - to recommend that Council grants authority to Council Officers to proceed to regularise the land boundaries with the Housing Executive as appropriate.

9.2 Land and Property Services - D1 Disposal of Land at Kilwee Gardens, Rockend, Corkey, BT44 9LS

Correspondence has been received from the Land and Property Services regarding the disposal of land at Kilwee Gardens, Corky. The land has been declared surplus by the owning Department and disposal procedures have been initiated. A map identifying the land declared surplus was circulated.

Council departments will be consulted regarding any interest in acquiring the land in question and this information will be available at the meeting. Land and Property Services require a response from Council by 21 March 2018 if it is interested in acquiring the land.

It is recommended - that the Sub-Committee consider the correspondence and make recommendation on Council's interest in acquiring the land.

Proposed by Councillor Duddy
Seconded by Councillor McLaughlin and

AGREED – to confirm Council's ownership of the playground adjacent to the land identified for disposal at Kilwee Gardens, Rockend, Corkey and request extra time from Land and Property Services to respond to the correspondence.

* Councillors Baird and McLaughlin left the meeting at 8:25 pm.

10. LEGAL ISSUES

10.1 NORTH WEST HOTEL DEVELOPMENT, LANDS AT BALLYREAGH ROAD, PORTSTEWART REQUEST FOR FURTHER EASEMENT AND ACCESS REQUEST FROM NIE

Following the meetings of the Land and Property Sub-Committee, Corporate Policy and Resources Committee and Council's meeting in February the matters had been deferred to the Sub-Committee pending receipt of clarification on outstanding matters.

Council's Solicitor advised the Sub-Committee that the clarification had been received and provided the Sub-Committee with advice in relation to the requests.

Following discussion it was:

Proposed by Councillor Duddy
Seconded by Councillor Quigley

AGREED – to recommend that Council proceeds to obtain two valuations and bring back to the Sub-Committee for further discussion.

- * Councillor Baird re-joined the meeting at 8:50 pm.
- * Councillor McShane P left the meeting at 8:50 pm.

10.2 Lands at West Bay, Portrush

Council's Solicitor advised the Sub-Committee of an outstanding issue relating to the transfer of land by the legacy Coleraine Borough Council which had not been effected.

She advised the Sub-Committee of a current planning application in relation to the land in question.

Following the advice provided it was:

Proposed by Councillor Duddy
Seconded by Councillor Baird and

AGREED – to recommend that the terms of settlement relating to the transfer of land be effected.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Quigley
Seconded by Councillor Duddy 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 9:13 pm.