

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

- Chair** : Councillor Knight-McQuillan
- Present** : Alderman Hillis, Councillors Baird, Fielding, C  
McShane and Quigley
- Officers Present** : M Quinn, Director of Corporate Services  
P Donaghy, Democratic & Central Services  
Manager  
D McLaughlin, Land and Property Officer  
E Hudson, Planning Officer  
J Richardson, Head of Capital Works, Infrastructure  
& Energy  
D J Hunter, Council Solicitor
- Non Sub-Committee  
Members Present** Councillor P McShane

**1. APOLOGIES**

No apologies were recorded.

**2. DECLARATIONS OF INTEREST**

No declarations of interest were recorded.

**MOTION TO PROCEED 'IN COMMITTEE'**

Proposed by Councillor Quigley  
Seconded by Alderman Hillis

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

### **3. COMMERCIAL REALISATION OF COUNCIL PROPERTY**

The Head of Capital Works, Infrastructure and Energy presented two reports, previously circulated, in relation to asset realisation of Council owned land as follows:

#### **3.1 Asset Realisation of Lands at Ashton Park, Mountsandel**

Council is in ownership of lands located at Ashton Park, Mountsandel, Coleraine. The site having an area of 0.22 hectares, is positioned 1.9 miles from Coleraine town centre, and situated within the dense residential settlement of Mountsandel.

In order to establish both the technical and feasibility of realising this asset, Capital Works Department have prepared an architectural scheme design drawing included at Appendix B of the report, previously circulated.

**It is recommended** that Council grants approval to the Capital Works Department to prepare a detailed architectural package, submit a full planning application, and compile a matrix table of options, identifying the best way forward in respect of commercially realising the lands located at Ashton Park, Mountsandel, Coleraine. Following which, Officers will bring a report item back to the Land and Property Sub Committee concluding the exercises as outlined at Points 2A, B & C in the report presented and previously circulated, to allow the Sub Committee to make an informed decision.

\*During discussion of the item Councillors Baird and C McShane joined the meeting at 7.10pm.

Members sought clarification on the planning considerations already explored and it was advised by the Planning Officer and Head of Capital Works, Energy and Infrastructure that initial discussions had taken place and further engagement would take place including considerations under PPS8.

Proposed by Councillor Quigley  
Seconded by Councillor Baird and

**AGREED** – to recommend that Council grants approval to the Capital Works Department to prepare a detailed architectural package, submit a

full planning application, and compile a matrix table of options, identifying the best way forward in respect of commercially realising the lands located at Ashton Park, Mountsandel, Coleraine. Following which, Officers will bring a report item back to the Land and Property Sub Committee concluding the exercises as outlined at Points 2A, B & C in the report presented and previously circulated, to allow the Sub Committee to make an informed decision.

### **3.2 Commercial Lease Realisation of Unit at North Pier, Portrush Harbour**

Council is in ownership of a Commercial Unit situated on Harbour Road, North Pier, Portrush Harbour. The unit has an area of 23sqm, located in a prominent position in the Harbour Area and strategically in the Portrush Area as a whole, where customers/tourists arriving off cruise liners and day trips can avail of ancillary food and refreshments, and enjoy views of West Bay, the South Pier and the Harbour area. The unit is currently unoccupied.

Appendix A of the report, previously circulated, set out a location map and photograph of existing front façade.

- a. In order to identify the potential of the property, Architectural Scheme Design drawings illustrating potential front façade enhancements, including an additional 10sqm of floor space will be prepared in order to identify the potential of the property. This will assist in attracting potential lease bidders, and potentially higher lease revenue.
- b. Submit a Planning Application for consideration taking into account visual and floor space enhancements.
- c. Should Planning Permission be granted, a commercial tender lease exercise will be carried out to obtain best lease return monies, with minimal capital investment and risk to Council.

Such enhancements will have to be carried out by the perspective tenant.

A Harbour revitalisation project proposal will follow in due course.

**It is recommended** that Council grants approval to the Capital Works Department Officers to prepare Architectural Scheme Design drawings illustrating the visual and floor space enhancements, submit a Planning

Application, and if approved, carryout a Commercial Lease Tender exercise.

On conclusion of the exercises under points 2a,b and c, in the report previously circulated, proposals to be brought back to the Land and Property Sub Committee at a later date to allow the Sub Committee to make an informed decision on the commercial realisation of North Pier Unit, Portrush.

Members raised queries regarding the previous rent charged, environmental considerations and impact in terms of use of the facility and signage in the area.

In response officers confirmed that there were limitations on the use of the facility which would relate to the impact on the environment and that the signage issue in the area is under review.

Proposed by Councillor Quigley  
Seconded by Councillor C McShane and

**AGREED** – to recommend that that Council grants approval to the Capital Works Department Officers to prepare Architectural Scheme Design drawings illustrating the visual and floor space enhancements, submit a Planning Application, and if approved, carryout a Commercial Lease Tender exercise.

On conclusion of the exercises under points 2a,b and c, in the report previously circulated, proposals to be brought back to the Land and Property Sub Committee at a later date to allow the Sub Committee to make an informed decision on the commercial realisation of North Pier Unit, Portrush.

\*The Head of Capital Works, Infrastructure and Energy left the meeting following consideration of the item.

#### **4. REQUESTS FOR USE OF COUNCIL LAND**

The Director of Corporate Services presented a report and Appendices 1 – 3, previously circulated, on requests for use of Council land for Sub-Committee's consideration.

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

**It is recommended** that the requests listed at Appendix 1, previously circulated, are considered and recommendation made.

**It is recommended** that the requests at Appendix 2 and 3, previously circulated are noted.

Councillor Baird raised concerns in relation to Event 225/18 The Crescent Portstewart in relation to the impact of the event on nesting birds. The Head of Tourism and Recreation confirmed that the event management plan for the event took account of the issue. Councillor Baird stressed the importance of taking in account environmental impact when considering requests to use Council's land.

Proposed by Councillor C McShane  
Seconded by Councillor Quigley and

In relation to item 226/18 in the schedule of Retrospective approvals noted at Appendix 3, the Director confirmed that the date for access had not been confirmed.

**AGREED** – to recommend that the requests listed in Appendix 1 are approved subject to the considerations raised in relation to Event 225/18.

**AGREED** – to recommend that Council notes the requests at Appendix 2 and 3.

## **5. REQUESTS TO PURCHASE/LEASE COUNCIL LAND**

The Director of Corporate Services presented the report, previously circulated. There were 1 request for the Sub-Committee to consider summarised within the report.

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

- 2.1 Right of way issues
- 2.2 Setting precedent
- 2.3 Impact on Council's strategy
- 2.4 Valuation
- 2.5 Long term impact on Council's asset
- 2.6 Legal implications

### **5.1 Ref 197/16 – 2 Main Street, Portrush**

The Director of Corporate Services presented the report, previously circulated.

In October 2018, the Land and Property Sub-Committee deferred consideration of the matter to allow Members time to consider the valuation presented at the meeting.

In May 2018 the Land and Property Sub Committee had recommended that a report be brought back to the Sub Committee following valuations on leasing the land and disposing of the land to the rear of 2 Main Street, Portrush.

The report initially presented to the Land and Property Sub Committee in May 2018 was also included within the report, circulated. Additional maps and drawings provided since the issue of the May 2018 report were also circulated.

The Director drew Committee's attention to the valuations contained within the documentation for the lease of the land and the sale of the land.

The Director reminded the Sub Committee of the options for consideration:

- a) Dispose of the land
- b) Agree a lease with the property owner

Both options would be subject to completion of contractual and legal considerations, (obtaining a valuation) and Councils' legal and valuation costs being discharged by the lessee.

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

Following discussion which included issues in relation the factors outlined at 2.1-2.6 and Council's Solicitor advice on the possible term of a lease it was:

Proposed by Councillor Fielding  
Seconded by Councillor Knight-McQuillan

**To recommend that** Council agrees a lease for the land to the rear of the property at 2 Main Street, Portrush, subject to completion of contractual and legal considerations, (obtaining a valuation) and Councils' legal and valuation costs being discharged by the lessee.

The Chair put the motion to the vote.

For: 2 Against: 3 Abstentions: 1.

**The Chair declared the motion lost.**

Proposed by Alderman Hillis  
Seconded by Councillor Baird

**To recommend that** Council does not dispose of the land to the rear of the property at 2 Main Street, Portrush.

The Chair put the motion to the vote.

For: 3 Against: 2 Abstentions 1.

**The Chair declared the motion carried.**

## **6. LEASES/LICENCES**

### **6.1 Ref 10/18/P – Armoy Playing Fields – North Antrim Model Aircraft Club – Request for lease of land at the Armoy Playing Fields, Limepark, Armoy**

The Director of Corporate Services presented a report, previously circulated, detailing request received from North Antrim Model Aircraft Club (NAMAC) requesting a lease on the land at Armoy Playing Fields,

Limepark, Armoy. A map was attached to the report showing Council's ownership and the access route required for the proposed site.

The Director advised that the matter had come Council's attention when the previous tenant terminated their lease and vacated the site at the end of July 2018 and Council subsequently secured the site. The club is still on site and would like to remain on site with a formal lease/licence agreed by Council.

The club has indicated the area required to house the following which are currently on site:

- A 35 x 12ft caravan used for their clubhouse and amenities
- A 8 x 6ft tin shed used to store a lawnmower and tools
- A 2ft high single rail fence which separates the car park from the pits area and flight line

The Director confirmed that, as outlined in the report, advice has been sought from the Planning Department which states that as the proposed development is ancillary to the use of land for the flying of model aircraft, planning permission would first have to be granted for the change of use of the land before further ancillary development proposals could be considered.

The club would also like to create a wildflower meadow on site with Council's consent.

**It is recommended** - that Council enter into a Licence Agreement with North Antrim Model Aircraft Club (NAMAC) for a period of 9 months, subject to Planning permission being granted and that a site visit is scheduled and a valuation sought in term of the request.

Proposed by Councillor C McShane  
Seconded by Councillor Baird and

**AGREED** – to recommend that Council enter into a Licence Agreement with North Antrim Model Aircraft Club (NAMAC) for a period of 9 months, subject to Planning permission being granted and that a site visit is scheduled and a valuation sought in term of the request.



It was further **AGREED** that a report on the long term use of the land for the benefit of the local village and community be brought to the appropriate Committee for future consideration.

## **6.2 Ref 11/18/P – Drumaheglis Holiday Park and Marina, Ballymoney, Lease of Café/Shop Unit**

The Head of Tourism and Recreation presented the report, previously circulated regarding the available units at Drumaheglis Holiday Park and Marina, Ballymoney. Referring to the report the Head of Services advised that the café/shop unit at Drumaheglis Holiday Park and Marina has not been occupied for the past 12 months and Council wish to facilitate the service to its customers. The vacancies have been a subject of negative feedback from caravanners and public alike during this period and it is hoped having a business in residence year-round will encourage further occupancy.

Council had previously advertised for a tenant on a number of occasions without success, until the last Tender Process which concluded on 31st August 2018. A suitable tenant has been identified as a result of open competition.

Following legal advice Committee is requested to consider a proposal to agree a lease for a period of 9 months.

The successful bid amount was noted within the report, with electricity, telephone/Internet, and public liability insurance being the tenant's responsibility.

**It is recommended** - that Council accepts the offer as submitted from the bidder as detailed above.

Proposed by Councillor Quigley  
Seconded by Councillor Baird

**AGREED** – to recommend that Council enters in to a lease with the successful bidder for a period of 9 months at the bid amount noted in the report, with electricity, telephone/Internet, and public liability insurance being the tenant's responsibility.

Members commended the Head of Service for securing a tenant for the facility.

\*The Head of Tourism and Recreation left the meeting at 8.05pm.

## **7. CORRESPONDENCE**

### **7.1 13/18/P – Portstewart Library, Portstewart Town Hall – Renewal of Lease**

Committee considered a report, previously circulated, advising that correspondence had been received from Northern Ireland Libraries Authority enclosing a Tenancy Request for Portstewart Library, Town Hall, Portstewart, BT55 7AB

The Tenant's Request for a New Tenancy has been applied for under Article 7 of the Business Tenancies (Northern Ireland) Order 1996 (S.I 1996/725 (N.I 5)) ("The Order").

The request was dated 25<sup>th</sup> September 2018 so the notice has to be served to the tenant on or before 24<sup>th</sup> November 2018. The current lease is due to expire on 31<sup>st</sup> March 2019.

The proposed date of commencement of and duration of the new tenancy is 2<sup>nd</sup> April 2019 for the term of 10 years.

Council's Solicitor provided legal advice in relation to the matter.

Following the legal advice it was **AGREED** to defer the matter to the Corporate Policy and Resources Committee meeting on 20<sup>th</sup> November, so that further legal advice and a condition report be presented to Committee; Council's Head of Capital Works, Infrastructure and Energy to be invited to attend the meeting to present the condition report.

### **7.2 Northern Ireland Water Limited – Notice of Intention to Carry Out Works**

The Director of Corporate Services presented correspondence, previously circulated, received from Northern Ireland Water Ltd (NiW Ltd) giving notice of its intention to carry out works at a number of locations in the Causeway Borough Council area. The areas involved are:

- a) 03/18/NIW – Notice of Intention to Carry Out Survey or Tests – Storm Sewer, Strand Road, Portrush – Ref: WW68/18 – KC484**

NIW Ltd give notice that on or after 5<sup>th</sup> October 2018 it will enter lands owned by Council at Strand Road, Portrush for the purpose of drilling boreholes in connection with the above scheme.

**b) 04/18/NIW – Notice of Intention to Carry Out Survey Work – Flood Alleviation, Dunluce Road, Portrush – Ref: WW 106/17 – KC474**

NIW Ltd give 42 days' notice of its intention to enter the lands at Dunluce Avenue, Portrush to replace a sewer as shown red on map circled.

**c) 05/18/NIW – Notice of Intended Entry – 115-123 Main Street, Dungiven, Storm Sewer Extension – Ref: WW 62/18-1**

NIW Ltd give 21 days' notice of its intention to enter the above property on or after 31<sup>st</sup> October 2018 to carry out the works in connection with the above scheme.

These notices are given under Article 229(3) of and Schedule 4 Part 11 Paragraph 6(2)(b) to the Water and Sewerage Services (Northern Ireland) Order 2006.

Consistent with its duties under that Order, NIW Ltd in carrying out these works, shall cause as little detriment and inconvenience, do as little damage as possible and make good or pay compensation for any damage caused by or in consequence of the execution of the works.

Any queries or concerns regarding items 1.1 to 1.3 to be addressed to the Lands Office, Gelvin Grange, Irish Street, Altnagelvin, Londonderry, BT47 2LD, Tel: 028 7131 0303.

It was **AGREED** to note the correspondence.

## **8. ASSET MANAGEMENT AND ASSOCIATED RESOURCING**

The Director of Corporate presented a report, previously circulated, regarding an Asset Management Strategy and Associated Resourcing to ensure an efficient and effective service.

Referring to the report issued to Members the Director drew attention to the areas of work identified as urgent, including those identified in the recent Report to Those Charged With Governance, presented to

Council's Audit Committee in September 2018. The main areas identified relate to Land and Property Registration, the renewal of leases and the requirement for a Capital Asset Management Strategy.

Committee was invited to consider:

**(i) Land and Property Registration**

Engaging a Land and Property Paralegal or Solicitor – to deal with Compulsory 1<sup>st</sup> Registration as a matter of priority, for an initial period of 2 years, to be reviewed. The additional resource could also assist with other Asset Management issues such as Encroachment cases, ownership disputes, Drafting and renewing of Leases/Licenses/Wayleaves and other Land and Property agreements (new and renewals), and Acquisitions and Disposals

**(ii) Land and Property – Administrative Resources**

Employing a Business Support Assistant for an initial period of 2 years, to be reviewed.

**(iii) Land and Property – Asset Management Strategy**

Acquiring additional support to develop an Asset Management Strategy

**Financial Implications**

Funding for the Land and Property Registration Legal Resource, Administrative Resource and the development of the Asset Management Strategy would be covered by a Provision previously set aside as a result of a recent Land and Property Settlement, where Council Solicitor identified income due to Council following the disposal of piece of land.

**It is recommended** that Council give approval to proceed with

- (i) Engaging a Land and Property Paralegal or Solicitor – to deal with Compulsory 1<sup>st</sup> Registration as a matter of priority, for an initial period of 2 years, to be reviewed. The additional resource could also assist with other Asset Management issues such as Encroachment cases, ownership disputes, Drafting and renewing of Leases/Licenses/Wayleaves and other Land

and Property agreements (new and renewals), and Acquisitions and Disposals

- (ii) Employing a Business Support Assistant for an initial period of 2 years, to be reviewed.
- (iii) Acquiring additional support to develop an Asset Management Strategy

Proposed by Councillor C McShane

Seconded by Alderman Hillis and

**AGREED** – to recommend that Council give approval to proceed with

- (i) Engaging a Land and Property Paralegal or Solicitor – to deal with Compulsory 1<sup>st</sup> Registration as a matter of priority, for an initial period of 2 years, to be reviewed. The additional resource could also assist with other Asset Management issues such as Encroachment cases, ownership disputes, Drafting and renewing of Leases/Licenses/Wayleaves and other Land and Property agreements (new and renewals), and Acquisitions and Disposals
- (ii) Employing a Business Support Assistant for an initial period of 2 years, to be reviewed.
- (iii) Acquiring additional support to develop an Asset Management Strategy .

Members thanked officers from various departments who are involved in the work of Land and Property for their efforts to date and for their work in contributing to the detailed and comprehensive report presented to Members for consideration.

## **9. SCHEDULE OF SUB-COMMITTEE MEETINGS 2019**

The Director of Corporate Services presented a Schedule of proposed Sub-Committee Meetings for 2019.

The day and frequency of the Sub-Committee meetings has been previously agreed by Council.

- Rotation – on the first Wednesday of the month at 7 pm.

## **January 2019 Meeting**

The meeting is scheduled for 2 January 2019. Given that this is immediately following the Christmas / New Year holiday, Members are requested to consider changing the date of the meeting to Wednesday 9 January 2019.

**It is recommended** that the schedule of Sub-Committee meetings, previously circulated is approved, including the change to date for the January 2019 meeting.

Proposed by Alderman Hillis  
Seconded by Councillor Quigley and

**AGREED** - that the schedule of Sub-Committee meetings attached at Appendix A to the report, previously circulated, is approved, including the change to date for the January 2019 meeting.

## **10. CONDOLENCES**

The Chair, on behalf of Committee, extended sympathy to Council's Land and Property Officer and to the family and friends of Mr John Winton, tragically killed in Limavady on Tuesday 6<sup>th</sup> November.

### **MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Councillor Fielding  
Seconded by Alderman Hillis

**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 8.50pm.