

**MINUTES OF THE MEETING OF THE
LAND AND PROPERTY SUB-COMMITTEE
HELD IN THE BANN VIEW COMMITTEE ROOM, CIVIC HEADQUARTERS
WEDNESDAY 5 JUNE 2019 AT 7:00 PM**

- Chair** : Councillor Knight-McQuillan
- Present** : Alderman Hillis, McCandless, Fielding
Councillors McLean, Knight-McQuillan,
Quigley, C McShane
- Non Committee Member** : Councillor A Lavery
- Officers Present** : M Quinn, Director of Corporate Services
P Donaghy, Democratic & Central Services
Manager
J Richardson, Head of Capital Works &
Infrastructure
P Thompson, Head of Tourism & Recreation
W McCullough, Head of Sport & Wellbeing
L Scullion, Community Development Manager
E Hudson, Planning Officer
D McLaughlin, Land and Property Officer
T McKenna, Committee & Member Services Officer

With Members' agreement the Director of Corporate Services assumed the Chair for items 1-4.

1.0 APOLOGIES

None

2.0 DECLARATIONS OF INTEREST

Nil

3.0 MINUTES OF PREVIOUS MEETING

3.1 Minutes of previous LP SC held on 6th March 2019

These were agreed at the Council meeting held on 6th March 2019

3.2 Previous Minutes, item 5.1 - Development at Causeway Street, Portrush, Request for Access to East Strand Car Park

The Director of Corporate Services advised that a further valuation had been requested, but this was not yet available. The valuation and associated report will be presented to the Land and Property Sub-Committee when it is received.

4.0 TERMS OF REFERENCE

Members' attention was drawn to Page 3 of the Terms of Reference. This meeting was originally agreed to start at 6pm, but by agreement was changed to 7pm at the Council Meeting held on Tuesday 25 April 2017.

AGREED – continue with 7pm start time.

5.0 Election of Chair & Deputy Chair

The Director of Corporate Services sought nominations for the position of Chair and Deputy Chair of the Land and Property Sub Committee.

It was proposed by Councillor McLean and seconded by Alderman Fielding and:

AGREED that Councillor Knight-McQuillan be nominated to the position of Chair.

It was proposed by Councillor Quigley and seconded by Councillor McShane and:

AGREED that Alderman McCandless be nominated to the position of Deputy Chair

Councillor Knight-McQuillan and Alderman McCandless accepted the nominations.

Councillor Knight-McQuillan assumed the Chair for the remainder of the business of the meeting.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor McLean

Seconded by Councillor Quigley

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

6.0 ASSET REALISATION – LAND SITE AT COLERAINE

The Head of Capital Works & Infrastructure, presented a report (previously circulated) to the Committee regarding Council owned land at Laurel Hill, Coleraine. Laurel Hill has been in Council possession since 1979 and is currently zoned for housing in the Northern Area Plan. No detailed investigation has taken place to establish what is possible given the site constraints. Further investigation and consultee engagement will now be required to assess the possibilities of developing this site.

It is recommended – that Council grant approval to officers to carry out the necessary engagements with statutory consultees and adjacent landowners and report back to the Sub Committee the outcome of these engagements and possible options for development and/or disposal.

Proposed by Councillor Quigley

Seconded by Alderman McCandless

AGREED – to recommend that Council grant approval to officers to carry out the necessary engagements with statutory consultees and adjacent landowners and report back to the Sub Committee the outcome of these engagements and possible options for development and / or disposal.

7.0 BALLYCASTLE TOWPATH

The Head of Tourism & Recreation presented a report (previously circulated) to the Committee regarding a request made from a developer to realign an element of Ann Street Carpark, Ballycastle to facilitate a Planning Application for housing at the old Station Yard. Council has been asked that consideration be given to the removal of an area of landscaping at the entrance into Ann Street Car-park. DfI Roads has advised on the requirement to realign the road and pathway on Station Road to facilitate entrance and egress to the proposed new development. As Council owns

the land on which the carpark stands, the Developer needs cooperation from Council which will allow the removal of an existing public realm planter at Ann Street car-park and the altering of the existing footpath in Council ownership.

Council Officers are of an opinion that this offers an opportunity for negotiation to transfer lands circa to this location from the Developer to Council, and that this would unlock the potential to complete the Tow River Path from the Seafront, along the river bank to Ballycastle Forest.

It is recommended – to give consideration for this request to realign an element of Ann Street Car-park, Ballycastle to facilitate this Planning Application and consider options to unlock further development of land at the Tow River Path walkway. A site meeting with Elected Members and Officers is recommended at the earliest opportunity.

Proposed by Councillor McShane
Seconded by Councillor Quigley and

AGREED – to recommend to give consideration for this request to realign an element of Ann Street Car-park, Ballycastle to facilitate this Planning Application and consider options to unlock further development of land at the Tow River Path walkway.

It is further agreed that a site meeting with Elected Members and Officers is arranged at the earliest opportunity.

8.0 PROPOSED LEASE OF LAND AND FORMER MILL BUILDINGS, CLOUGHMILLS

Council's Community Development Manager, presented to the Committee regarding the site of Cloughmills Old Mill Buildings, where Cloughmills Community Action Team (CCAT) has operated from since October 2011. Council Officers have been endeavouring to formalise a lease between Causeway Coast and Glens Borough Council as landlord and CCAT as tenant to allow CCAT to secure grant funding to develop the property. A rental valuation of the property has been carried out and circulated. Given the community use of the premises and the consequent community benefit that would accrue, it would be appropriate, if Council should so decide, to charge CCAT a peppercorn rent for the property.

Council Officers request delegated authority to liaise with the solicitor to finalise the lease in accordance with the Heads of Terms previously agreed by Council in March 2018.

It is recommended - that the Land and Property Sub Committee grant delegated authority to Council Officers to liaise with the solicitor to finalise the lease with Cloughmills Community Action Team (CCAT) in accordance with the Heads of Terms previously agreed by Council in March 2018 and to agree to a peppercorn rental charge.

Proposed by Councillor McLean
Seconded by Alderman Fielding

AGREED – to recommend that the Land and Property Sub Committee grant delegated authority to Council Officers to liaise with the solicitor to finalise the lease with Cloughmills Community Action Team (CCAT) in accordance with the Heads of Terms previously agreed by Council in March 2018 and to agree to a peppercorn rental charge.

9.0 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

281/18 – Riverside Park, Dervock – Permanent Placement of Artefacts

A request from Dervock and District Community association to use Council land at Riverside Park, Dervock for the permanent placement of artefacts from McAllister's Mill, Dervock.

Following consultation with Council officers, it was advised that Planning permission may be required and Health and Safety issues which were identified need to be addressed before approval could be granted.

It was recommended that Sub-Committee consider the request.

It was **AGREED**: to recommend that a decision would be deferred until further detail of the individual artefacts is provided and the Health and Safety issues raised by Officers and Elected members were addressed.

09/19 Crescent, Portstewart - Panoramic Viewing Wheel¹

A request from The Panoramic Wheel Company to install, operate and manage a 38m Panoramic Viewing Wheel on Council land at the Crescent, Portstewart from the 24th of June to 4th of September 2019

This request was previously approved by Council in April 2019 subject to the necessary planning permission and any other statutory permissions being granted if required, and any issues identified as a result of Officer Consultation being addressed. The original dates approved were 24th July to 4th September 2019 to include set up and take down and would require Planning permission. However, following consultation with Council Officers and a site meeting with the applicant the applicant agreed revised dates and had submitted an amendment to the original dates extending the period from 24th June to 4th September 2019. The Head of Planning has advised that the Planning application would not come before the Planning Committee until August 2019.

In light of this information the applicant has now agreed to amend the dates to 26th June 2019 vacating the site before 24th July 2019. The application now falls within the 28 day permitted development under Part 5 of the Planning (General Permitted Development) Order (Northern Ireland) 2015. The 28 day limit must include set up and take down time.

The Planning Officer advised that checks have identified this area as a site of Archaeological potential and any approval granted is subject to the applicant contacting the Historic Environment Division prior to any work being carried out.

The Director of Corporate Services confirmed a commercial fee and a bond payment will be applied based on similar installations previously located on Council land and is currently under negotiation.

It was recommended that the Sub-Committee approve the revised dates of 26th June vacating the site by 24th July to comply with 28 day permitted development.

¹ (this reference number was recorded as 19/19 on 'Requests for Use of Council Land report', when presented at the committee meeting).

Proposed by Councillor McLean
Seconded by Alderman Fielding and

AGREED: to recommend that the revised dates are approved - 26th June vacating the site by 24th July to comply with 28 day permitted development.

Abstained – Alderman McCandless, Hillis, Councillors Quigley, and McShane.

25/19 – East Strand Beach – Boot Camp from July to August 2019.

Request from LM Fitness to use Council land at East Strand Beach, Portrush for a boot camp every Saturday morning from 8am to 9am from 6th of July to 31st of August 2019.

It was **AGREED:** to recommend approval of the request subject to the organiser carrying out a safety check of the site before and after the event.

30/19 – Whiterocks Beach, Portrush – Creation of Sand Sculptures

Request from Tourism Ireland Ltd to use Council land at Whiterocks Beach, Portrush to create sand sculptures of the icons of Northern Ireland on the 14th and 15th of July 2019.

It was **AGREED:** to recommend approval of the request.

37/19 – Drumceatt Square, Limavady – Street Collection

Request from the Allen School of Irish Dance to use Council land at Drumceatt Square, Limavady to hold a street collection from 18th to 21st of July 2019

It was **AGREED:** to recommend approval of the request.

246/18 – East Strand Car Park Portrush – Music Event Revised Dates and Extension to Site Area

The Council approved, in January 2019, the request from the organisers to use its land at East Strand Car Park for a music event 9th to 11th August 2019.

Subsequently, the organisers have submitted a further request to extend the site area to include the grass area adjacent to the beach and fence

along the Promenade railing and for revised dates from 6th to 13th August 2019. These dates are required to include set up & take down time.

Members were provided with details of the 3 music events taking place over the 3 day period from 9th to 11th August 2019. As a result of consultation with council officers concerns were raised about the request for the extension to the site area to include the grassed area adjacent to the fence and the beach along the promenade railing.

It was recommended that the Sub-Committee consider the request for the extension to the site and the revised dates for the use of the site.

Proposed by Councillor McShane
Seconded by Councillor Quigley and:

AGREED: to recommend approval of the revised dates of 6th to 13th August 2019 including set up and take down time for the 3 music events.

It was further **AGREED:** to recommend refusal of the request for an extension to the site area to include the grassed area adjacent to the fence and the beach along the promenade railing.

238/18 – Riada Car Park and Playing Fields - Ballymoney Royal Black District Chapter No 5 Demonstration

Request from Ballymoney Royal Black District Chapter No 5 to use Council land at the Riada Car Park and playing fields, Ballymoney for a demonstration on the 31st of August 2019.

It was recommended that the Sub-Committee consider the request.

Proposed by Councillor McLean
Seconded by Alderman Fielding and

AGREED: to recommend that the application is approved, subject to the production of a site specific event plan, a risk assessment, and a guarantee that grounds are protected and following a meeting with Council Officers on site prior to the event.

28/19 – The Mall Car Park Coleraine – investigation works

As DfI own the land and Council operate and maintain it, the Sub-Committee was advised that this item was withdrawn from the report.

Ballycastle, Marina Car Park

With the agreement of the Sub-Committee Councillor McShane made a request on behalf of the Action Cancer Big Bus to use Ballycastle Marina car park on 10th August 2019.

The Director of Corporate Services advised that the organisation should submit an application through the normal process which can then be taken retrospectively to the August Land & Property Sub Committee meeting.

10.0 LEASES/LICENCES

10.1 Ref 03/18/NIE – Ballymoney, Drumaheglis Marina and Caravan Park – Proposed New NIE Networks Substation Kiosk and Ref No 01/19/NIE Wayleave Agreement No 695204

Northern Ireland Electricity (NIE) proposes to install a new kiosk substation to replace the pole mounted transformer and 11kv overhead lines at Drumaheglis Marina and Caravan Park, Ballymoney.

A draft lease for a period of 99 years at a yearly peppercorn rent (if demanded) has been submitted by NIE Networks to Council for consideration. NIE Networks has been asked to obtain a valuation for this lease. Wayleave Agreement No 695204 has been submitted for 3 lengths of LV underground cable to be laid from the proposed kiosk sub-station in order to pick up the existing service cables in the park. NIE will be responsible for all reasonable Council legal costs in this matter.

It is recommended - that Council grant approval for the following subject to the receipt of a valuation and all reasonable Council legal costs in this matter being discharged by NIE Networks:

- a) a 99 year lease for the proposed kiosk sub-station site required to replace the pole mounted transformer and 11 kv overhead lines at Drumaheglis Marina and Caravan Park, Ballymoney
- b) The NIE Networks 4.0m wide minimum Right of Way for access from the public road
- c) The NIE Networks Easement Area
- d) Wayleave Agreement No 695204 for the laying of 3 lengths of LV underground cable from the proposed kiosk sub-station in order to pick

up the existing service cables in the park

It was **AGREED** – to recommend that Council grant approval for the following subject to the receipt of a valuation and all reasonable Council legal costs in this matter being discharged by NIE Networks:

- a) a 99 year lease for the proposed kiosk sub-station site required to replace the pole mounted transformer and 11 kv overhead lines at Drumaheglis Marina and Caravan Park, Ballymoney
- b) The NIE Networks 4.0m wide minimum Right of Way for access from the public road
- c) The NIE Networks Easement Area
- d) Wayleave Agreement No 695204 for the laying of 3 lengths of LV underground cable from the proposed kiosk sub-station in order to pick up the existing service cables in the park.

10.2 Ref 04/19/P – The National Trust and Causeway Coast and Glens Borough Council - Glenmona Gate Lodge, Cushendun – Rent Increase

In January 2000 The National Trust for Places of Historic Interest or Natural Beauty (National Trust) granted a lease to Moyle District Council for Glenmona Gate Lodge, Cushendun

Council has been advised by The National Trust Regional Office that it proposes to increase the annual rent effective from 1st July 2019. The rent has remained unchanged since April 1999 and the increase is based on comparable property rents in Cushendun.

It is recommended - It is recommended that Council consider the request from The National Trust and grant approval to accept the increase in rent for the Glenmona Gate Lodge at Cushendun Caravan Park, Cushendun effective from 1st July 2019.

It was **AGREED** – to recommend that Council consider the request from The National Trust and grant approval to accept the increase in rent for the Glenmona Gate Lodge at Cushendun Caravan Park, Cushendun effective from 1st July 2019.

10.3 Ref 58/18 – Dungiven, Main Street Car Park, Ulster Bank Mobile Unit – Renewal of Licence Agreement

Council granted a Licence Agreement to Ulster Bank Ltd in July 2019 to use a car park space in the car park at 104-106 Main Street, Dungiven to park a mobile bank unit. The Licence permitted Ulster Bank Ltd to use

the space every second Wednesday for a block period of 45 minutes between 10.00am and 12.00 pm for a one year period to park its mobile banking unit which provides banking facilities to customers. The Licence is due to expire on 23rd July 2019 and Ulster Bank Ltd have requested the renewal of the Licence Agreement for a 2 year period from 24th July 2019.

It is recommended - that Council grant approval to renew the Licence Agreement between Causeway Coast and Glens Borough Council and Ulster Bank Ltd. to permit the use of the car park space at 104-106 Main Street, Dungiven for the purpose of parking its mobile bank unit for a period of 2 years from 24th July 2019. The approval is subject to the mobile banking unit not being on site for more than 26 occasions in any one calendar year.

It was **AGREED** – to recommend that Council grant approval to renew the Licence Agreement between Causeway Coast and Glens Borough Council and Ulster Bank Ltd. to permit the use of the car park space at 104-106 Main Street, Dungiven for the purpose of parking its mobile bank unit for a period of 2 years from 24th July 2019. The approval is subject to the mobile banking unit not being on site for more than 26 occasions in any one calendar year.

10.4 Ref 07/18/P – Coleraine Yacht Club – Permission to Sublet Premises

At its meeting in March 2019 the Sub Committee deferred a decision on the request from the Trustees of Coleraine Yacht Club to sub-let the lease of their premises to a third party for further written legal opinion to be sought and brought back to the Sub-Committee for consideration.

Further written legal opinion has been sought and was previously circulated to Members.

It is recommended - that Council grants approval “in principle” to the request from the Trustees of Coleraine Yacht Club to sublet the premises for use as a café/restaurant subject to planning permission being granted.

During discussion Members raised a number of issues in relation to the matter and expressed concern regarding Council’s position.

It was **AGREED** – to recommend that Council grants approval “in principle” to the request from the Trustees of Coleraine Yacht Club to

sublet the premises for use as a café/restaurant subject to planning permission being granted.

10.5 Ref 19/19 – Coleraine Marina Building, Cloonavin, Coleraine – Request from Community Rescue Services to Use the Building

The Community Rescue Service (CRS) has requested the use of the former accommodation building at the Marina, Coleraine to store essential rescue equipment in a place in order to respond quickly to reports of persons entering the water. They have requested continued access to the pontoons and slipway as well as use of the small garage on the site.

The Harbour and Marinas team are currently developing a Harbours and Marinas Strategy which will assess the provision within this service area. The outcome of the Harbours and Marinas Strategy would highlight the level of investment required to bring the building up to an acceptable standard.

It is recommended - that Council do not grant approval to the request from the Community Rescue Service to use the former accommodation building at the Marina, Coleraine.

It was **AGREED** – to recommend that that Council do not grant approval to the request from the Community Rescue Service to use the former accommodation building at the Marina, Coleraine and that the marina building remains in the control of Council.

10.6 Ref 01/19/E – Coleraine, Railway Road Car Park – Easement to Facilitate Construction Work to 30-32 Lodge Road, Coleraine.

A request has been received from a local Architectural Practice requesting an easement at Railway Road Car Park to facilitate construction work to premises at 30-32 Lodge Road, Coleraine.

As part of the essential maintenance and refurbishment of 30-32 Lodge Road there will be restrictions to the current access/egress from the car parks at the rear of the terrace. In order to mitigate the inconvenience a one-way system that exits onto the railway Road Car Park has been proposed. This will involve the temporary suspension of a number of parking bays but should reduce congestion at the junction with Lodge Road which would otherwise have to be used as a two-way access/egress point.

It is recommended that Council agree to the request from the Architectural Practice for an easement from the Railway Road Car Park to facilitate construction work at 30-32 Lodge Road, Coleraine subject to

Council's legal costs being discharged by the applicant including a bond payment for the period of the construction works and a compensation payment for the loss of revenue from the suspended car parking bays is agreed.

It is further recommended that the Council's single point of contact is with the Architectural Practice requesting the easement and not with the Contractor.

It was **AGREED**: to recommend that Council agree to the request from the Architectural Practice for an easement from the Railway Road Car Park to facilitate construction work at 30-32 Lodge Road, Coleraine subject to Council's legal costs being discharged by the applicant including a bond payment for the period of the construction works and a compensation payment for the loss of revenue from the suspended car parking bays is agreed.

It was further **AGREED**: to recommend that approval is subject to:

- a) the Council's single point of contact being with the Architectural Practice requesting the easement and not with the Contractor.
- b) Applicant must submit evidence to Council of a consultation having taken place with Coleraine Grammar School, businesses and the residents of Lodge Road, Coleraine.

Councillor Quigley abstained.

10.7 Café & Vending Provision at Joey Dunlop Leisure Centre, Ballymoney

Causeway Coast and Glens Borough Council completed a formal tender process in January 2019. Following assessment of the bids by the Procurement Panel, a successful bidder was identified. The duration of the lease will be initially 3 years, with an option of extension of a further 3 periods of 12 months thereafter. The proposed start date for the lease will be September 1st 2019.

It is recommended – that Council grants a 3 year lease with an option to renew (should both parties be in agreement) for a further 3 periods of 12 months for the Café at the Joey Dunlop Leisure Centre, Ballymoney and accepts the offer from the bidder. It is further recommended to accept the offer for the Vending at Joey Dunlop Leisure (with suitable clause included in the lease for review after 12 months).

Proposed by Councillor McLean
Seconded by Alderman Hillis

AGREED – to recommend that Council grants a 3 year lease with an option to renew (should both parties be in agreement) for a further 3 periods of 12 months for the Café at the Joey Dunlop Leisure Centre, Ballymoney and accepts the offer from the bidder. It is further recommended to accept the offer for the Vending at Joey Dunlop Leisure (with suitable clause included in the lease for review after 12 months).

11. Correspondence

11.1 Ref 435/17 - Gaelcholáiste Dhoire, Dungiven – Board of Governor’s Request to Purchase the Former Dungiven Sports Pavilion.

The Sub-Committee was advised that correspondence has been received, previously circulated, from the Board of Governors asking Council to formally consider the disposal of the former Dungiven Sports Pavilion to the school trust.

The Director of Corporate Services advised the Sub-Committee of the current progress in this matter following Council’s decision to dispose of the asset.

AGREED – to recommend that the correspondence is noted.

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Councillor C McShane
Seconded by Councillor Quigley

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

There being no further business the Chair declared the meeting closed.

The meeting concluded at 9.50pm