

**LAND AND PROPERTY SUB-COMMITTEE
WEDNESDAY 5 FEBRUARY 2020**

| No | Item | Summary of Key Recommendations |
|-----------|--|---|
| 2. | Declarations of Interest | <i>Cllr Quigley - Item 5.2 on agenda Councillor Fielding – Item 6.2 on agenda Councillor Knight-McQuillan - Item 6.2 on agenda</i> |
| 3. | Minutes of the Land and Property Sub-Committee Meeting held 15 th January 2020 | <i>Confirmed</i> |
| 4 | Agenda Item 6.1 Peace IV Shaping Our Place - Bushmills Project | Local Elected representatives to meet with the Bushmills Distillery to encourage them to engage with the Bushmills Community Association directly and the Good Relations Manager requests an extension to the funding deadline. |
| 5 | Agenda Item 5.2 Ref 140/19 – Request for Installation and Operation of Panoramic Wheel, Portstewart | <i>Agree to Valuation; and agree half the fee paid “up front” and the second half paid half way through Licence term. A bond payment of £2k is paid before the</i> |

| | | |
|-----------|---|--|
| | | <i>applicant is permitted on site.</i> |
| | | |
| 6. | Draft Estate/Asset Management Strategy | <i>Defer to Corporate Policy & Resources Committee Meeting</i> |
| | Draft Land and Property Policy | <i>Approve</i> |
| | | |
| 7. | Requests for Use of Council Land | |
| | 7.1 Requests for Use of Council Land | <i>Approve requests listed at Appendix 1 (circulated); Approve requests listed at Appendix 2 (circulated); Note requests listed at Appendix 3 (circulated)</i> |
| | 7.2 Ref 144/19 – Portrush, Ramore Avenue – Contractor’s Compound for Public Realm Scheme | <i>Approve granting of licence</i> |
| | | |
| 8. | Leases/Licenses | |
| | | |
| | 6.2 Foreglen – Village Renewal – Lease | <i>Grant permission</i> |
| | | |
| 7. | Legal Issues | <i>Verbal Update</i> |

**MINUTES OF THE MEETING OF THE
LAND AND PROPERTY SUB-COMMITTEE
HELD IN THE LARGE COMMITTEE ROOM, CIVIC HEADQUARTERS
WEDNESDAY 5 FEBRUARY 2020 AT 7.50 PM**

- Chair** : Councillor Michelle Knight-McQuillan
- Present** : Alderman Fielding, Hillis, McCandless
Councillors A McLean, C McShane, Knight-McQuillan, Quigley, Peacock
- Officers Present** : M Quinn, Director of Corporate Services
P Donaghy, Democratic and Central Services Manager
D McLaughlin, Land and Property Officer
M Wilson, Senior Planning Officer
J Mills, Land and Property Solicitor
- In attendance** : P Harkin, Good Relations Manager
W McCullough, Head of Sport and Well Being

SUBSTITUTIONS

Councillor Peacock substituted for Councillor McGurk.

1. APOLOGIES

Apologies were recorded for Councillor McGurk

2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded for:

Councillor Quigley – Item 5.2: Ref 140/19 – Request for Installation and Operation of Panoramic Wheel, Portrush

Councillor Fielding and Councillor Knight-McQuillan – Item 6.2: Village Renewal – Lease

**3. MINUTES OF THE LAND AND PROPERTY SUB-COMMITTEE
MEETING HELD 15TH JANUARY 2020**

The Minutes of the Land and Property Sub-Committee meeting held 15th January 2020 were confirmed as a correct record.

MOTION TO PROCEED “IN COMMITTEE”

Proposed by Councillor McLean

Seconded by Councillor Peacock

4. The Sub-Committee agreed to change the order of business with item 6.1 on the agenda brought forward:

Peace IV Shaping Our Place – Bushmills Project

The Good Relations Manager presented the confidential report, previously circulated.

The purpose of the report was to consider a request from Bushmills Community Association to determine if Council will consider surrendering the current licence it holds for the Woodvale ‘kick about’ area, Bushmills with The “Old Bushmills” Distillery Company Limited (Bushmills Distillery) and instead enter into a commercial lease with Bushmills Distillery. Council would then seek permission to sub-let the lease to Bushmills Community Association.

As part of the Peace IV funded initiative the Bushmills Community Association would like to set up a community shed for use in developing a community garden area at the Woodvale site in Bushmills.

For the project to be implemented this would mean Council surrendering the current licence it has from the Bushmills Distillery for the Woodvale site. Council would then enter into a commercial lease with Bushmills Distillery in order to proceed with the Peace project. A minimum 10 year lease is required for funding of the project. Council is advised that no alternative site could be identified.

Following a lengthy discussion, including legal advice and input on the proposals and options presented,

It was proposed that the local Elected representatives meet with the Bushmills Distillery to encourage them to engage with the local Bushmills Community Association directly and report back to the next meeting of the Land and Property Sub Committee and

- that the Good Relations Manager requests an extension to the funding deadline for this project.

Proposed by Councillor McCandless

Seconded by Councillor Peacock and

AGREED – to recommend that the Elected representatives meet with the Bushmills Distillery to encourage them to engage with the local Bushmills Community Association directly and report back to the next meeting of the Land and Property Sub Committee and

-that the Good Relations Manager request an extension to the funding deadline for this project.

5 With the agreement of the Sub-Committee item 5.2 on the agenda was brought forward:

Requests for Use of Council Land – 5.2 - Ref 140/19 – Request for the Installation and Operation of Panoramic Wheel, Portstewart.

Confidential report, previously circulated

At the Land and Property Sub-Committee held on 15th January 2020 it was recommended that Council

- “in principle” to grant the request from the Panoramic Wheel Company to use Council land at the Crescent, Portstewart to install and operate a panoramic wheel from 22nd June to 2nd September 2020 (inclusive of set up and take down dates); and
- Officers seek a valuation for the period 22nd June to 2nd September 2020 and a valuation for a 28 day (permitted development) period. The 28 day period would be agreed with the applicant and the Head of Service for Sport and Well Being; and
- The valuation be brought back to the Land and Property Sub-Committee and the date(s) the fee is to be paid on.
- The Sub-Committee also asked that applicant is to be advised planning approval can be applied for at any time without formal approval from Council for the use of the land

A valuation has now been obtained by Council for the 2020 season and was previously circulated.

Members were also provided with a copy of the valuation obtained in August 2019.

The Land and Property Officer provided a further update, regarding the valuation obtained in respect of the current request for the proposed panoramic wheel in Portstewart. The following amendments had been made to the original document previously circulated.

- Page 4, Section One- Executive Summary. Identification of Client and Other Intended Users

- This has been amended to reflect the details of the instructing officer

- Page 14, 9.0 Valuation Commentary/Statement of Valuation Approach

- Last paragraph on the page includes a mention to the Red Sails Festival.

The Sub- Committee was asked to consider the valuation sought by Council for the installation and operation of a panoramic wheel at the Crescent, Portstewart and seek agreement to the valuation for the 2020 season.

It is recommended that the elected members agree to accept the valuation obtained for the event and agree the date(s) on which the fee should be paid by the applicant to Council.

Following discussion, including reference to the 28 days including set-up and dismantling, valuation and payment terms it was

Proposed by Councillor McLean
Seconded by Councillor Fielding and

AGREED to accept the valuation obtained for the event.

Following a further discussion it was

Proposed by Alderman Hill
Seconded by Councillor McShane and

AGREED that the applicant should pay half the fee “up front” and the second half of the fee half way through the Licence period. It was further agreed that a bond payment of £2K be made before the applicant is permitted on site.

6 DRAFT ESTATE/ASSET MANAGEMENT STRATEGY AND DRAFT LAND AND PROPERTY POLICY

Confidential report and appendices, previously circulated.

The Draft Asset Management Strategy ('draft Strategy') and Draft Land and Property Policy ('draft Policy') were previously presented in November 2019 and further considered by Members at a Workshop in January 2020 to provide Members with the information to make recommendation to Council on the documents.

Background

The Terms of Reference of the Sub-Committee include recommending relevant policies and procedures for the Land and Property Department.

Draft Land and Property Policy

This policy is drafted in line with Council's draft Estate/Asset Management Strategy.

The draft Policy aims to make provision for the following:

- Acquisition of Land and Property
- Disposal of Land and Property
- Marketing of Land and Property
- Use of Council Land and Property and Conditions of Hire
- Rental of Council Land and Property
- Valuation Services

An overview of the draft Land and Property Policy was presented to the Elected Members by Council's solicitor

Councillor McShane left the meeting at 9.10pm

Following discussion minor amendments to the draft document were suggested, including

| | |
|-----------|---|
| P15, 4.2 | agree that no car boot sales to be held on Council land |
| P29, 32.1 | Charging for car parking on free Council car parks is not allowed, unless with the express consent of the Council |
| P30, 34 | Firework displays permitted with conditions attached. |

Councillor McShane re-joined the meeting at 9.15pm

It is recommended that the Sub-Committee considers the draft Land and Property Policy and makes recommendation to Council.

Proposed by Councillor Fielding

Seconded by Councillor McLean and

AGREED that the draft Land and Property Policy including the suggested amendments is recommended to Council for approval

Draft Asset/Estate Management Strategy

The Draft Asset/Estate Management Strategy, which was presented to Council in October 2019, November 2019 and at a Workshop in January 2020 recommends that Council establishes a policy for the disposal of assets declared surplus and identifies a definite need for the Council to establish and adopt a 'Charging Policy' for the use of Council assets.

The development of an Asset Management Strategy has also been identified as a Priority 1 finding in the Report To Those Charged With Governance presented to the Audit Committee in September 2019.

Policy development timescale to date

October 2019 – first draft of the Draft Strategy presented. Members deferred consideration.

November 2019 – The draft Strategy and draft Policy were presented for Members' consideration and comments. Members deferred consideration of both documents and requested that a Workshop be held to allow time for them to consider further and requested that external expert advice be sought on the content of the documents.

December 2019 – The documents were re-circulated to Members to allow time for submission of comments prior to the Workshop to be held in January.

January 2020 – Members attended a Workshop where the documents were presented and expert input and advice was provided by a commercial valuer appointed in accordance with Council's Framework for Estate Agency Services and Council's Solicitor. The Workshop was also attended by the author of the draft Strategy document.

The notes of the Workshop were circulated.

The comments made by Members and the independent expert have been incorporated into the draft Policy document for Members' consideration.

No further changes have been made to the draft Strategy document and no further comments received.

It is recommended that the Sub-Committee considers the draft Asset/Estate Management Strategy 2020-25 and makes recommendation to Council.

AGREED – to recommend that the matter is deferred to the next meeting of the Corporate Policy & Resources Committee meeting for consideration

7. REQUESTS FOR USE OF COUNCIL LAND

7.1 Requests to Use Council Land

Confidential report, previously circulated.

There were 5 new requests for the Sub-Committee to consider. The requests were summarised in the table circulated, with further detail provided at Appendix 1, circulated.

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

There were 7 repeat and 2 retrospective events for the Sub Committee to note. The reports were circulated as Appendices 2 and 3.

Issues for Consideration

The following factors should be 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
- 2.7 Health and Safety, Insurance, Risk Assessments and Event Management Plans

It is recommended that the requests listed at Appendix 1 (circulated) are considered and recommendation made.

It is recommended that the requests at Appendix 2 (circulated) are considered and recommendation made and the requests at Appendix 3 are noted

Proposed by Councillor McShane
Seconded by Councillor Mc Lean and

AGREED – to recommend that Council approve the requests listed at Appendix 1 (circulated);

- **to recommend that** Council approve the requests at Appendix 2 (circulated);

- **to recommend that** Council note the requests at Appendix 3 (circulated). and further agreed that

Ref 152/19 – Easement Request at 7 to 8 Harbour Place, Portstewart.

Following discussion of the above, including legal advice on same

Proposed by Councillor McLean
Seconded by Alderman Hillis and

AGREED –that retrospective approval is granted for the request from the applicant to replace an existing storm water drain pipe at 7 to 8 Harbour Place, Portstewart and an easement (peppercorn) will be put in place subject to the applicant reinstating the ground to its original state and obtaining the appropriate consents to discharge.

7.2 Ref 144/19 – Portrush, Ramore Avenue – Contractor’s Compound for Public Realm Scheme

Confidential report, previously circulated.

Permission is being sought for the use of Council land at Ramore Avenue, Portrush for use as a contractor’s compound.

Background

In October 2017 Council appointed a contractor as the Principal Contractor on the Portrush Public Realm Scheme.

Works were completed in July 2019 with the exception of works at Bath Road and Dunluce Ave, which could not be carried out due to ongoing private development.

Completion of the outstanding Public Realm works is scheduled for March/April 2020 but this is dependent on works being completed by 3rd party developers and favourable weather conditions.

To facilitate the works the contractor requires a site within the town to set up a compound.

The contractor has requested use of the site previously used during the scheme at Ramore Ave, Portrush albeit on a much reduced scale.

It is proposed that a Licence similar to the Licence granted to this contractor by Council in July 2018 for works compound is approved to cover this short term arrangement.

Proposals

Proposed site for use - Area of Recreation Grounds, Ramore Avenue (circulated)

It is recommended that the Land & Property Committee recommends to Council the granting of a Licence to the contractor for the siting of contractor's compound at the area identified at the Recreation Grounds, Ramore Avenue (Appendix 1, circulated), for the duration of the works, currently estimated to take place between March – April 2020.

AGREED – to recommend that Council approve the granting of a Licence to the contractor for the siting of contractor's compound at the area identified at the Recreation Grounds, Ramore Avenue (Appendix 1, circulated), for the duration of the works, currently estimated to take place between March–April 2020.

8. LEASES/LICENSES

8.1 Foreglen – Village Renewal – Lease

Councillors Fielding and Knight McQuillan declared an interest in this matter and left the meeting at 9.30pm

Alderman McCandless took the chair at 9.30am

Confidential report, previously circulated.

Rural Development Programme – Village Renewal. Land and Property Transactions

Agreement is sought from Members for a revised land and property transaction attached to the Village Renewal element of the Rural Development Programme.

On 16 April 2019 Council agreed to a 10,000 year lease with Foreglen GAC but after discussions between staff, the Foreglen Group and the GAC, Ulster GAC would like to reduce this to 999 years.

The reduction has been checked with Council solicitors and they have no objections to the reduction.

It is recommended that the Council grants permission to reduce the term of the lease from 10,000 years to 999 years for an area of land from Foreglen GAC to Causeway Coast and Glens Borough Council to facilitate the building of a MUGA, which is funded through the Village Renewal Programme

AGREED – to recommend that Council grants permission to reduce the term of the lease from 10,000 years to 999 years for an area of land from Foreglen GAC to Causeway Coast and Glens Borough Council to facilitate the building of a MUGA, which is funded through the Village Renewal Programme.

Councillors Fielding and Knight-McQuillan rejoined the meeting and Councillor Knight-McQuillan took the chair at 9.35pm

Councillor McShane requested permission to raise some Land and Property issues contained in an email from Councillor McGurk regarding Dungiven Castle site and Magilligan. She was asked to forward the email to the Democratic and Central Services Manager for a response.

9. LEGAL ISSUES

Council's Land and Property Solicitor provided a verbal update to the Sub-Committee on the following issues:

9.1 - Disposal of Former Dungiven Sports Pavilion

Council's solicitor advised that an architect had been appointed to draw up the maps for the proposed sale of the former Dungiven Sports pavilion and he clarified for members the areas of land which Council had previously agreed to dispose of through the D1 Disposal process. He confirmed that the Environmental Park was not included in the areas of land agreed for disposal.

9.2 – Magilligan Ferry Terminal

Council has not yet agreed on exact areas to be sold. It has not yet been put into the D1 disposal process.

9.3 – Former Killyrammer Community Centre

Council's planning application for the site has been approved and the title has been perfected. The D1 form has been submitted to Land & Property Services.

It was proposed by Alderman McCandless, seconded by Councillor Quigley and **AGREED:** that the remainder of the business be conducted out of committee.

There being no further business, the Chair thanked everyone for their attendance and the meeting closed at 9.40pm.

Chair