



**LAND AND PROPERTY SUB-COMMITTEE
WEDNESDAY 2 SEPTEMBER 2020**

No	Item	Summary of Key Recommendations
4.	Asset Disposal Investigation – Magilligan	<i>Grant permission to dispose of folio LY124662; surrender or assign Crown Estate lease relating to folio LY93600L; Note disposal relating to folio LY124662 via Disposal Surplus Public Sector Property NI (D1) process to satisfy disposal legal requirements; that Council write to the ferry operator to inform and advise a renewed licence will not be issued</i>
5.	Requests for use of Council land	<i>Approve the requests listed at Appendix 1 including additional requests no's 36/20 and 46/20, Appendix 2 Ref No 42/20 subject to a valuation being sought and Appendix 4 Ref No 140/19 is subject to</i>

		Planning Permission and same conditions of approval as agreed by Council for the original dates (circulated); that the requests at Appendix 3 (circulated) are noted
	5.1 Ref 41/20 – Use of Market Yard, Coleraine	Approve “in principle” subject to a detailed programme of events being submitted for consideration and a decision on a fee/cost recovery considered.
6.	Leases/licenses	
	6.1 Armoy, Ballyknock Play Park, Wayleave Agreement No 813995 supersedes 813683	Approve
	6.2 Portstewart Town Hall, Libraries NI Lease Update	Note
7.	Legal issues	
	7.1 First Registration of Council Land Update	Noted
	Gaelcholáiste Dhoire – Request Temporary Use of the Multi-Use Games Area (MUGA) at the Former Dungiven Sports Pavilion Site.	Refuse
8.	Correspondence	
	8.1 NI Water – Notice of Intended Entry – Quay Road, Ballycastle – Installation of a sewer manhole	Note
	8.2 DAERA – River Roe and Tributaries – Site Monitoring	Note
	8.3 Limepark Playing Fields, Armoy – Request to Lease Land Update	Note

**MINUTES OF THE MEETING OF THE
LAND AND PROPERTY SUB-COMMITTEE MEETING
HELD VIA VIDEO-CONFERENCE ON
WEDNESDAY 2 SEPTEMBER 2020 AT 7.00 PM**

- Chair** : Councillor Knight-McQuillan (R)
- Present** : Alderman Baird (R), Fielding (R), Hillis (R)
Councillors Beattie (R), McGurk (R), McLean (R)
- Officers Present** : M Quinn, Director of Corporate Services (R)
D McLaughlin, Land and Property Officer (R)
J Mills, Land and Property Solicitor (R)
M Wilson, Senior Planning Officer (R)
- In attendance** : J Richardson, Head of Capital Works, Energy and
Infrastructure (R)

Key

(R) = Remotely in attendance

1. APOLOGIES

Apologies were recorded for Councillor C McShane

2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded for Councillor Knight-McQuillan for Item 5 – Late Request to Use Council Land ref No 46/20

Councillor Knight-McQuillan did not participate in the meeting during consideration of this Item.

The Chair invited proposals from the floor to chair this item.

Proposed by Councillor McLean
Seconded by Alderman Baird and

AGREED – that Alderman Hillis would chair the meeting during discussion of this item

**3. MINUTES OF LAND AND PROPERTY SUB-COMMITTEE MEETING
HELD WEDNESDAY 4 MARCH 2020**

The Minutes of the Land and Property Sub Committee meeting held Wednesday 4 March 2020 were confirmed as a correct record.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor McGurk
Seconded by Alderman Baird and

AGREED – that Sub-Committee move 'In Committee'.

4. ASSET DISPOSAL INVESTIGATION – MAGILLIGAN

Confidential report, previously circulated, presented by the Director of Corporate Services.

In October 2019 Council agreed to the disposal of the Magilligan ferry terminal facility and slipway and the Sub-Committee is now asked to confirm and agree, the exact area to be disposed of.

Previous reports were submitted to both the Environmental Services Committee on 3rd September 2019 and to the Land and Property Sub-Committee on 6th November 2019, seeking permission to dispose of the Magilligan ferry facility and slipway. The Sub-Committee was advised that Council had declared the asset surplus on 1st October 2019 and officers would commence disposal proceedings via LPS 'Disposal of Public Sector Property in NI (D1) process. Council agreed to note the content of the information report presented. The decisions was subsequently ratified by Council.

A detailed map has been produced to allow the Sub-Committee to agree the exact area/s to be disposed of. The Land and Property Services Land Registry map for Folio LY124662 at Appendix A (circulated) detailed the lands that consists of two folios. The folio (LY124662) shown in red is owned by Council and can be disposed of via the D1 process. However, the green area shown is folio LY93600L is owned by the Crown Estates and is leased by Council. Note – in folio LY124662 (red) the area includes the septic tanks and grease trap to ensure these responsibilities are also removed.

The freehold Folio LY93600L (green) is owned by the Crown Estate and leasehold is owned by Council. The leasehold can possibly be disposed of by one of the **two** following arrangements (A&B) (subject to Crown Estate agreement)

The two options are:

- A To surrender the leasehold folio (LY93600L) to the Crown and the D1 bidder would then approach the Crown for a lease specific to their intended use of the terminal.
- B Assign the leasehold folio (LY93600L) to the D1 bidder who would then seek Crown approval for amendment of the covenants in the lease for their intended use of the terminal.

Note: The transfer of both folios will not have any bearing on the Article 40 planning agreement which rests with Council. Note - the Planning Service would have to consent to the transfer of the planning agreement to the new owner to ensure the effects of the development in 2001 are monitored and to ensure any detrimental effects caused to sand levels (both seaward and landward) are addressed (sea and land sand levels adjusted where necessary).

The ferry company is currently operating from the site under an expired Council licence and the site will be vacated when this seasonal operation finishes in October 2020. As a site is normally sold with vacant possession, it will be necessary to write to the ferry operator to inform them of the disposal and that a renewed licence will not be issued (subject to the decision below).

It is recommended that Council grant permission to dispose of folio LY124662 (area in red – appendix A) (circulated) and surrender or assign the Crown Estate lease relating to folio LY93600L.

Note: the disposal relating to folio LY124662 would be via the Disposal of Surplus Public Sector Property NI (D1) process to satisfy disposal legal requirements.

It is further recommended that Council write to the ferry operator to inform them of the proposed disposal of the ferry terminal facility and slipway and to advise them that a renewed licence will not be issued.

Proposed by Alderman Hillis
Seconded by Councillor McLean and

AGREED – to recommend that Council grant permission to dispose of folio LY124662 (area in red – appendix A) (circulated) and surrender or assign the Crown Estate lease relating to folio LY93600L; and

Further **AGREED** - to recommend that Council write to the ferry operator to inform them of the proposed disposal of the ferry terminal facility and slipway and to advise them that a renewed licence will not be issued.

Note: the disposal relating to folio LY124662 would be via the Disposal of Surplus Public Sector Property NI (D1) process to satisfy disposal legal requirements.

5. REQUESTS FOR USE OF 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).

With the agreement of the Sub-Committee the Chair agreed to consider 2 new late requests to use Council land under Appendix 1:

- 1) Ref No 36/20 – Garvagh Park Run – weekly 5k Park Run
- 2) Ref No 46/20 – Garvagh Vintage Rally - 5th September 2020

Alderman Hillis assumed the Chair at 19:53pm to consider request no 46/20 – Garvagh Vintage Rally on 5th September 2020.

Alderman Hillis handed back the role of Chair to Councillor Knight-McQuillan at 19:55pm

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

There is 1 repeat and 3 rescheduled events for the Sub-Committee to consider. The reports were attached at Appendices 2 and 4 (circulated).

There were 23 retrospective events for the Sub-Committee to note. The report was attached at Appendix 3 (circulated).

Issues for Consideration

The following factors were 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 Appendices 1, 2 and 4 are considered and recommendation made.

It is recommended that the requests at Appendix 3 (circulated) are noted.

Proposed by Alderman Hillis
Seconded by Alderman Fielding and

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

Request Ref no 30/20 – Agreement to the flexibility on the dates requested due to the requirement to quarantine following entry to the UK from France.

2 additional late requests are recommended for approval:

- 1) Ref No 36/20 – Garvagh Park Run – weekly 5k Park run
- 2) Ref No 46/20 – Garvagh Vintage Rally - 5th September 2020

And

AGREED - to recommend that Council approves Appendix 2 - Request No 42/20 – Use of Council land along Benone Strand and the Car Park at Benone Tourist Complex for the 11th Annual Causeway Coast Marathon from 25th to 27th September 2020 subject to a valuation being sought for the event in accordance with the Land and Property Policy. The applicant will be responsible for the cost of the valuation and the fee determined by the valuation.

And

AGREED - to recommend that Council notes the requests at Appendix 3 (circulated)

And

AGREED - to recommend that Council notes the amended dates for the requests at Appendix 4 (circulated) subject to the following:

Request No 140/19 – Panoramic Wheel, Portstewart - To install a panoramic wheel at the Crescent, Portstewart for the summer season 2021. Dates to be confirmed and subject to Planning permission being

granted. This request will have to come before the Planning Committee as it is on Council ground. The same conditions of approval as agreed by Council for the original dates for the summer season 2020 will apply to this request.

Councillor McGurk and Alderman Baird took no part in the discussion of this request as they both are members of the Planning Committee.

5.1 Ref 41/20 – Use of Market Yard, Coleraine for a 6 Month Period for Community/Town Based Events

A supplementary report (previously circulated) regarding a request to use Council land at the Market Yard, Coleraine by Coleraine Business Improvement (BID) team Ref No 41/20 (included under Appendix 1 of the report) was discussed. The applicant has requested the use of the market yard for an initial period of 6 months for a number of community/town based events. Following a discussion it was agreed that a more detailed programme of proposed events was required to determine if the current planning permission Council has on this site covers the potential use for this event. The detailed programme of events will be brought back to the October meeting of the Land & Property Sub-Committee or to the Corporate Policy & Resources Committee in September for consideration and decision on any fee/cost recovery to be taken.

The Sub-Committee was also advised that at the Rates meeting in February 2020 Council had agreed to lease the market yard and a prospectus will be available for release in September 2020. Expressions of interest will be sought on the open market and assessment of the expressions of interest should take place in November 2020 and will enable the market yard to be available for a full term lease by 1st January 2021. The Head of Capital Works, Energy and Infrastructure confirmed that, in the interim, he was happy to agree to a six month licence to Coleraine BID and when the expressions of interest are sought the full term lease could commence on 1st April 2021 for the successful applicant.

Following a discussion on application ref no 41/20 it was

Proposed by Alderman Hills
Seconded by Alderman Fielding and

AGREED – to recommend that request no 41/20 for the use of the Market Yard, Coleraine by Coleraine Business Improvement (BID) team for a 6 month licence agreement up to 30th March 2021 be agreed “in principle” subject to a more detailed programme of events being submitted for

consideration and a decision on a fee/cost recovery considered by Council.

6. LEASES/LICENSES

Confidential report, previously circulated, presented by The Director of Corporate Services.

6.1 Armoy, Ballyknock Play Park, Wayleave Agreement No 813995 supersedes 813683

Approval was sought from the Sub- Committee for Northern Ireland Electricity (NIE) Networks Ltd Wayleave Agreement No 813995 (previously submitted as 813683) for work on Council land at Ballyknock Play Park, Armoy.

Council owns the land at Ballyknock Play Park, Armoy under Land Folio 32831. A map showing the area of Council ownership was previously circulated as Appendix A.

NIE has advised Council that it intends to carry out alterations to an 11kv overhead line and equipment at Ballyknock Play Park, Armoy.

The proposed works are required to comply with current government legislation. The Electricity Safety, Quality and Continuity Regulations (ESQR) 2002 mandates that high risk areas such as caravan parks, play parks and playing fields require overhead cables to be undergrounded. As part of their ongoing programme, NIE plan to carry out an Alteration to the Network in the area by recovering/removing two existing 11,000 volts transformers within the grounds.

NIE Networks Ltd plan propose to carry out the works as follows:

- All work will be carried out at a suitable time and agreed in advance with all parties involved.
- Total duration of works – 2 weeks
- Electricity shutdown required for one day, maximum time 8am to 6pm
- All excavation and reinstatement will be carried out to a high standard by appointed contractors and the land left back as found and reseeded (where required)

NIE Networks Ltd has submitted Wayleave Agreement No 813995 (which superseded Wayleave Agreement No 813683 previously submitted) for approval and signature to cover the proposed works.

It is recommended that Council approves Northern Ireland Electricity Networks Ltd Wayleave Agreement No 813995 (previously submitted as Wayleave Agreement No 813683) subject to:

- All work to be carried out at a suitable time and agreed in advance with all parties involved.
- Total duration of works – 2 weeks
- Electricity shutdown required for one day, maximum time 8am to 6pm
- All excavation and reinstatement will be carried out to a high standard by appointed contractors and the land left back as found and reseeded (where required).
- The site will inspected before and after the agreed works by a member of Council's Estates Department to ensure reinstatement is to the previous standard.

Proposed by Councillor McLean
Seconded by Alderman Baird and

AGREED – to recommend that Council approves Northern Ireland Electricity Networks Ltd Wayleave Agreement No 813995 (previously submitted as Wayleave Agreement No 813683) subject to:

- All work to be carried out at a suitable time and agreed in advance with all parties involved;
- Total duration of works – 2 weeks;
- Electricity shutdown required for one day, maximum time 8am to 6pm;
- All excavation and reinstatement will be carried out to a high standard by appointed contractors and the land left back as found and reseeded (where required);
- The site will inspected before and after the agreed works by a member of Council's Estates Department to ensure reinstatement is to the previous standard.

6.2 Portstewart Town Hall, Libraries NI Lease Update

The Sub-Committee was briefed on the current situation regarding the Libraries NI lease for Portstewart Town Hall.

Council took the decision in November 2019 to close the ground floor of Portstewart Town Hall based on the findings of a structural report which identified structural safety concerns. This decision necessitated the immediate closure of Portstewart Library. Libraries NI intend to remove

their stock and equipment from the Town Hall and Council staff will facilitate this when required. Libraries NI have advised Council that they are currently looking at other premises in Portstewart and if this proves successful they may be in a position to re-commence a Library service in Portstewart.

The Sub-Committee was reminded that a Land and Property Workshop was held on 5th February 2020 in relation to Portstewart Town Hall and reported through the Sub-Committee to Council.

The Sub-Committee noted the update.

7. LEGAL ISSUES

Confidential report, previously circulated, presented by Council's Land and Property solicitor.

7.1 First Registration of Council Land

Council's Land and Property solicitor updated the Sub-Committee on the progress to date of the First Registration of Council land.

The Sub-Committee noted the update.

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

- Land at Castle Erin, Portrush
- Killyrammer – D1 process update
- Dungiven Sports Pavilion – D1 process update
- Portrush, Council Yard (to the rear of the Yacht Club)
- Land and Property Policy – Charging for Commercial Events

Council's Solicitor raised 2 additional items of correspondence received in relation to the Dungiven Site:

- 1) Request from Gaelcholáiste Dhoire for the Temporary Use of the Former Multi Use Games Area (MUGA) at the Former Dungiven Sports Pavilion Site.

A discussion took place regarding the request and took into account that the site has just been placed into the D1 disposal process which requires vacant possession of the site. Council has just removed a

club from the site and so must ensure a consistency of approach when dealing with requests to use this site.

Following further debate of the matter it was

Proposed by Councillor McLean

Seconded by Alderman Hillis

To recommend that Council does not permit Gaelcholáiste Dhoire temporary use of the former Multi Use Games Area (MUGA) at the former Dungiven Sports Pavilion Site.

The Chair put the motion to the vote,

5 Members voted for, 2 members voted against.

The Chair declared the motion carried.

2) Form P2A – Notice of Application for Planning Permission/Listed Building Consent

Council has received a copy of Form P2A advising that Planning Permission is being sought by Gaelcholáiste Dhoire for a proposed double mobile classroom on lands to the rear of Dungiven Castle, 145 Main Street, Dungiven. Council's Solicitor advised that the siting of the proposed double mobile classroom is within their existing lease site and they should make but a formal request to the Land and Property section for permission to use same in accordance with the terms of the lease should they decide to proceed.

8. CORRESPONDENCE

Confidential report, previously circulated.

8.1 Ref 01/20/NIW – Northern Ireland Water Ltd – Notice of Intended Entry – Quay Road, Ballycastle – Installation of a sewer manhole.

Correspondence has been received from Northern Ireland Water Ltd (NIW Ltd) giving notice of its intention to carry out works on Council Land at Quay Road Ballycastle to install a sewer manhole in connection with the above scheme.

The Notice of Intention is served under the Water and Sewerage Services (Northern Ireland) Order 2006(the 2006 Order). NIW Ltd is required under the 2006 Order to give 42 days' notice of the works and its intention to enter

onto Council's property to carry out the work from the date of the correspondence. Notice has been given that 42 days from 24th July 2020 NI Water shall enter the land and install a sewer manhole shown coloured red on map 1 at Appendix A (circulated) and the proposed location map 2 at Appendix B (circulated).

It is recommended that the Sub Committee note the correspondence from Northern Ireland Water to carry out works on Council land at Quay Road, Ballycastle.

AGREED – to recommend that Council note the correspondence from Northern Ireland Water to carry out works on Council land at Quay Road, Ballycastle.

8.2 Ref 40/20 – Department of Agriculture, Environment and Rural Affairs – River Roe and Tributaries – Site Monitoring

Correspondence has been received from the Department of Agriculture, Environment and Rural Affairs (DAERA) giving notice of its intention to carry out site monitoring on Council land at the River Roe and its tributaries.

The River Roe and its tributaries are part of a Special Area of Conservation (SAC) and in 2017 the Northern Ireland Environment Agency (NIEA) embarked on a 4 year work programme which will see the development of a series of Conservation Management Plans for Northern Ireland's Special Areas of Conservation.

The site monitoring is scheduled to take place during August to October 2020 and require Council's cooperation in permitting access to the surveyors to facilitate data collection on Council land.

The Coast and Countryside Manager is the lead contact for this request and will facilitate access to RPS staff and other scientists employed by RPS to Council land at the River Roe and its tributaries.

It is recommended that the Sub Committee note the correspondence received the Department of Agriculture, Environment and Rural Affairs (DAERA) giving notice of its intention to carry out site monitoring on Council land at the River Roe and its tributaries.

AGREED – to recommend that Council note the correspondence received the Department of Agriculture, Environment and Rural Affairs (DAERA) giving notice of its intention to carry out site monitoring on Council land at the River Roe and its tributaries.

8.3 Limepark Playing Fields, Armoy – Request to Lease Land Update

In November 2018 the Sub-Committee considered a request from North Antrim Model Aircraft Club (NAMAC) requesting a lease on the land at Armoy Playing Fields, Limepark, Armoy. Council agreed to 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.

Correspondence was received from the club on 17th July 2020 to advise Council that due to the costs of obtaining the Planning permission and unknown rental costs the club has lost the interest and support of club members and have had no option but to fold the club.

NAMAC have withdrawn their request to enter into a Licence Agreement with Council.

The Sub-Committee is asked to note the correspondence received.

AGREED – to recommend that Council note the correspondence.

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Alderman Baird
Seconded by Councillor McGurk and

AGREED – to recommend that Council move ‘*In Public*’.

Councillor Knight-McQuillan thanked the Land and Property section and the various teams involved for all their hard work in processing the requests to use Council land under very difficult circumstances.

There being no further business, the Chair thanked everyone for their attendance and the meeting closed at 9.21pm

Chair