

**LAND AND PROPERTY SUB-COMMITTEE
WEDNESDAY 6 NOVEMBER 2019**

No	Item	Summary of key Recommendations
1.	Apologies	<i>Councillor McLean</i>
2.	Declarations of Interest	<i>Councillor Fielding</i>
	'IN COMMITTEE'	
3.	Asset Disposal Magilligan Ferry Terminal	<i>Note update report</i>
4.	Draft Estate/Asset Management Strategy for Causeway Coast And Glens Borough Council 2020-2025	<i>Defer</i>
5.	Draft Land and Property Policy	<i>Defer</i>
6.	Requests For Use Of Council Land	
6.1	Appendix 1 (118/19) Portstewart Community Association, The Crescent Portstewart	<i>Refuse and bring report to Corporate Policy and Resources Committee</i>
6.2	Repeat Requests	<i>Approve</i>
	Retrospective Requests	<i>Approve and note</i>
7.	Leases and Licences	
7.1	Easement Request – Mountsandel Road, Coleraine	<i>Grant approval</i>
7.2	Juniper Hill Caravan Site Portrush – NIE Networks Request To Site 2 New Sub Station Kiosks	<i>Grant approval</i>
7.3	Ballycastle Towpath	<i>Note update report</i>

8.	Legal Issues	
8.1	First Registration	<i>For information</i>
8.2	Encroachments	<i>For information</i>
8.3	Ashton Park Mountsandel	<i>Approve transfer</i>
8.4	Dungiven Sports Pavilion	<i>Place full site excluding amenity area and environment park into D1</i>
8.5	Castle Erin	<i>Seek further legal opinion, obtain valuation and planning history search</i>
9.	Correspondence	
9.1	Ref: 03/19/NIW – Northern Ireland Water - Notice of Intended Entry, The Crescent Portstewart, CSO Ref: WW 94/19 – K1596	<i>Grant approval</i>
10.	Schedule of Sub-Committee Meetings 2020	<i>Approval schedule as per Appendix A; hold meeting on 15th January 2020; no meeting in December 2019</i>

**MINUTES OF THE MEETING OF THE
LAND AND PROPERTY SUB-COMMITTEE
HELD IN THE BANN VIEW COMMITTEE ROOM, CIVIC HEADQUARTERS
WEDNESDAY 6 NOVEMBER 2019 AT 7:00 PM**

- Chair** : Councillor Michelle Knight-McQuillan
- Present** : Alderman Duddy, Fielding, Hillis, McCandless
Councillor Quigley, McGurk
- Officers Present** : M Quinn, Director of Corporate Services
D McLaughlin, Land and Property Officer
C McKeary, Senior Planning Officer
J Mills, Council Solicitor
- In attendance** : Councillor P McShane

1. APOLOGIES

Apologies were recorded for Councillor McLean.

The Chair advised that Alderman Duddy was substituting for Councillor McLean for the duration of the meeting.

2. DECLARATIONS OF INTEREST

Alderman Fielding declared an interest in Item 6 and left the meeting when the item was being discussed.

MOTION TO PROCEED 'IN-COMMITTEE'

It was proposed by Councillor Quigley, seconded by Alderman McCandless and **AGREED**: to move into committee.

3. ASSET DISPOSAL MAGILLIGAN FERRY TERMINAL

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

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.

The Sub-Committee was also provided with advice from Council's Solicitor and which would be circulated to all Members following the meeting.

It was **AGREED**: to note the content of the information report presented.

4. ESTATE/ASSET MANAGEMENT STRATEGY FOR CAUSEWAY COAST AND GLENS BOROUGH COUNCIL 2020-2025

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

Following discussion and a number of queries and issues raised by Members, it was proposed by Councillor Quigley, seconded by Councillor Fielding and **AGREED**: to recommend that consideration of the draft Estate/Asset Management Strategy is deferred until a Members' Workshop is held where Members will have the opportunity to have the strategy document further explained by the author and other experts in the field and raise queries and comments in relation to its content.

5. DRAFT LAND AND PROPERTY POLICY

The Director of Corporate Services presented the report and associated documents, previously issued. She advised that the document was currently in consultation phase and invited comments from Members.

Following discussion and a number of queries and issues raised by Members it was proposed by Councillor Quigley, seconded by Councillor Fielding and **AGREED**: to recommend that consideration of the draft Land and Property Policy is deferred until a Members' Workshop is held where Members will have the opportunity to have the policy document further explained by the author and other experts in the field and raise queries and comments in relation to its content.

*Alderman Fielding left the meeting at this point in proceedings.

6. REQUESTS FOR USE OF COUNCIL LAND

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

6.1 There was 1 new request for the Sub-Committee to consider. The request was summarised in the table with further detail provided at Appendix 1 (previously circulated).

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

The following factors were taken into account when considering the 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.

Reference	Date	Location	Detail
118/19	Set up 24th to 25th of June 2020. Operating from 26th of June to 30th of August 2020. Takedown from the 31st of August to the 2nd of September 2020.	The Crescent, Portstewart	A request from Portstewart Community Association to use Council land at The Crescent, Portstewart, for the use of G Force Amusement's Panoramic Wheel for the Red Sails Festival 2020 Fundraiser from the 24 th of June to the 2 nd of September 2020.

It is recommended that the request from Portstewart Community Association is refused.

Following discussion it was proposed by Alderman Duddy, seconded by Councillor McGurk and **AGREED:** to recommend that Council:

- a) Refuse the request and;
- b) A report be brought back to the Corporate Policy and Resources Committee in November regarding plans for the Crescent Area from the Head of Sport and Wellbeing.

The Director of Corporate Services to liaise with the Head of Sport and Wellbeing in relation to the recommendation for a report to be brought to the Corporate Policy and Resources Committee in November.

- 6.2** There were 3 repeat and 3 retrospective events for the Sub Committee to note. The reports were attached at Appendices 2 and 3 (previously circulated).

It is recommended that the requests at Appendix 2 are approved and those at Appendix 3 are noted and granted retrospective approval.

It was AGREED: to recommend that the requests at Appendix 2 are approved and those at Appendix 3 are noted and granted retrospective approval.

*Alderman Fielding rejoined the meeting at this point in proceedings.

7. LEASES/LICENCES

The Land and Property Officer presented the reports, previously circulated.

7.1 EASEMENT REQUEST – MOUNTSANDEL ROAD, COLERAINE

The report sought approval from the Sub-Committee to a request to grant an easement over Council land to lay and maintain a discharge pipe from a septic tank at a property on Mountsandel Road, Coleraine to the public storm sewer.

Further details of the request were provided in the report.

The options for Council are:

- 7.1.1 Refuse the request;
- 7.1.2 Grant the easement subject to: payment of Council's legal fees for drawing up the easement, payment of the cost of the valuation of the easement and the cost of the easement, confirmation of NI Water's consent to the connection of the discharge pipe from the applicant's septic tank to the public storm sewer and the lands to be reinstated to the same standard following the installation of the pipe and any subsequent maintenance.

It was recommended that the Sub-Committee consider the information presented in the report and make recommendation on the options detailed at 7.1.1 and 7.1.2 above.

It was proposed by Alderman Duddy, seconded by Alderman Fielding and **AGREED:** to recommend that Council grants the easement subject to: payment

of Council's legal fees for drawing up the easement, payment of the cost of the valuation of the easement and the cost of the easement, confirmation of NI Water's consent to the connection of the discharge pipe from the applicant's septic tank to the public storm sewer and the lands to be reinstated to the same standard following the installation of the pipe and any subsequent maintenance.

7.2 JUNIPER HILL CARAVAN SITE PORTRUSH – NIE NETWORKS REQUEST TO SITE 2 NEW SUB STATION KIOSKS

The report sought approval 'in principle' from the Sub-Committee to the request from NIE Networks Ltd to establish 2 new sub-station kiosks on Council land at Juniper Hill Caravan Site, Ballyreagh Road, Portrush.

Further details of the request were provided in the report.

It was recommended that: approval is granted in principle to a lease (including a right of way) for each of the proposed sub-station kiosks identified on the map at Appendix A as Juniper Hill and Ballyreagh G and that approval is granted in principle of any associated Wayleave Agreements required to install the underground cabling (Juniper Hill Reference 818135,818136 & 818137).

Any approval granted will be subject to:

Planning regulations as stated at 3.7 in the report;

Payment of a fee (subject to an agreement) for the lease;

Confirmation of the exact location of the 2 sub-station kiosks sites by Council Officers and NIE Networks;

Agreement to a programme of work.

It was **AGREED:** to recommend that approval is granted in principle to a lease (including a right of way) for each of the proposed sub-station kiosks identified on the map at Appendix A as Juniper Hill and Ballyreagh G and that approval is granted in principle of any associated Wayleave Agreements required to install the underground cabling (Juniper Hill reference 818135,818136 & 818137).

Any approval granted will be subject to:

Planning regulations as stated at 3.7 in the report;

Payment of a fee (subject to an agreement) for the lease;

Confirmation of the exact location of the 2 sub-station kiosks sites by Council Officers and NIE Networks;

Agreement to a programme of work.

It was further agreed that Council's Estates Department take photographs of each site prior to and following the works to ensure that reinstatement is to the previous standard.

7.3 BALLYCASTLE TOWPATH

Members were advised that Council had previously received a report on the matter in June 2019. This report had provided information on a request from a developer to realign an element of Ann Street Carpark, Ballycastle to facilitate a Planning Application for housing at the Old Station Yard.

On 31 July 2019 at a site meeting Members were appraised of the proposals and the options to unlock further development of land at the Tow River Path walkway.

In August 2019 the Head of Tourism & Recreation gave a verbal update on the Ballycastle Towpath. It was recommended and agreed that Officers explore the proposals and consider the options to unlock the potential future development of land at the Tow River path, Ballycastle.

Officers have now been informed that the current owner/developer has sold the site to the rear of Ann Street car park onto another potential developer. The developers have already accepted an offer and have completed the sale (for a portion of land that connects with the site off Fairhill Street). The Developers have stated that the potential new buyer has been fully updated on conversations with Council held in the past and Council will be kept updated on future plans.

Council Officials will update the Land and Property Sub-Committee on any relevant information or updates regarding the site.

It is recommended that the content of the report is noted.

It was **AGREED**: to recommend that the content of the report is noted.

*Alderman Fielding and McCandless left the meeting at 7.45pm.

8. LEGAL ISSUES

Council's Solicitor provided the Sub-Committee with an update on the following matters and further details were made available in the Legal Advice summary issued to Members following the meeting.

8.1 First Registration

The Solicitor provided Members information on the current first Registration matters being dealt with. He advised that priority matters were those being

dealt with currently in terms of disposals. He outlined the complexities involved in registering parcels of land previously unregistered.

8.2 Encroachments

Members were advised of a number of encroachments/adverse possession claims which had been successfully dealt with.

8.3 Ashton Park, Mountsandel

Advice as given in the legal report issued prior to the meeting was provided and Council's Solicitor responded to queries on the report.

It is recommended that Council formally transfers the land shaded yellow in FolioLY13734 to the applicants for a nominal sum to formalise Council title.

Following discussion it was proposed by Alderman Duddy, seconded by Councillor Quigley and **AGREED:** to recommend that Council formally transfers the land shaded yellow in Folio LY13734 to the applicants for a nominal sum to formalise Council title.

8.4 Dungiven Sports Pavilion

Council's Solicitor provided an update on the progress to date and referred to previous reports and the site visit held in October. He outlined details of the D1 process for marketing and disposal of the land to the Sub-Committee. Members were invited to make proposal on the details of the lands to be advertised under D1.

Following discussion it was proposed by Councillor McGurk, seconded by Councillor Quigley and **AGREED:** to recommend that the full site excluding the amenity area and environment park be placed into D1.

8.5 Castle Erin

Members were provided with an update and asked to consider further instructions to Council's solicitor dealing with the matter which were outlined.

It was proposed by Alderman Duddy, seconded by Councillor Quigley and **AGREED:** to recommend that an updated opinion is sought from Senior Counsel; a second valuation on the land is obtained and a planning history search is obtained and brought back to the next meeting of the Sub-Committee.

9. Correspondence

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

9.1 REF: 03/19/NIW – NORTHERN IRELAND WATER - NOTICE OF INTENDED ENTRY THE CRESCENT PORTSTEWART, CSO REF: WW 94/19 – K1596

Correspondence has been received from Northern Ireland Water Ltd (NIW Ltd) giving notice of its intention to carry out works at The Crescent, Portstewart CSO.

The Notice of Intention is served under the Water and Sewerage Services (Northern Ireland) Order 2006. NIW Ltd is required under the 2006 Order to give 3 months' notice of the works and its intention to enter onto Council's property to carry out the work in connection with the above scheme. Notice has been given that on or after 24th of January 2020 NI Water shall enter the land and lay the pipes in, under, on or over the lands identified on Map 1.

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.

It is recommended that approval is granted to Northern Ireland Water to carry out works at the Crescent, Portstewart.

It was AGREED: to recommend that approval is granted to Northern Ireland Water to carry out works at the Crescent, Portstewart.

10. SCHEDULE OF SUB-COMMITTEE MEETINGS

The Director of Corporate Services presented the report, previously circulated which provided details of the Schedule of proposed Sub-Committee Meetings for 2020.

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 2020 Meeting

The meeting is scheduled for 1 January 2020 which is a Public Holiday immediately following the Christmas break. It is recommended that no Land & Property Sub-Committee meeting is held in January 2020.

The Director advised Members that since distribution of the report to Members Officers were now recommending that a meeting of the Sub-Committee be held on Wednesday 15th January 2020 at 7pm.

December 2019 Meeting

Council previously agreed that no Land and Property Sub-Committee meeting would be scheduled for the month of December 2019. Due to Council's schedule of meetings it is not possible to reschedule a meeting in December 2019.

Schedule of Meetings 2020

The draft schedule of Land and Property Sub-Committee meetings 2020 was attached at Appendix A, previously circulated

It is recommended the schedule of Sub-Committee meetings for 2020 attached as Appendix A is approved and that a meeting is held on Wednesday 15th January 2020 and it is noted that no meeting of the Sub-Committee will be held in December 2019.

It was **AGREED**: to recommend that the schedule of Sub-Committee meetings for 2020 attached as Appendix A is approved and that a meeting is held on Wednesday 15th January 2020 and it is noted that no meeting of the Sub-Committee will be held in December 2019.

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

There being no further business the Chair declared the meeting closed at 8.30pm

