



**LAND AND PROPERTY SUB-COMMITTEE MEETING
WEDNESDAY 7 JUNE 2023**

No	Item	Summary of Key Recommendations
1.	Apologies	<i>Nil</i>
2.	Declarations of Interest	<i>Nil</i>
3.	Nomination of Chair and Vice-Chair	<i>Alderman Knight-McQuillan be nominated as Chair Councillor Nicholl be nominated as Vice Chair</i>
4.	Minutes of Previous Meeting held on 6 th April 2023	<i>Confirmed as a correct record</i>
5.	Land and Property Governance	<i>Note the contents of the report and the documents provided in terms of the work of the Sub-Committee and the policies and procedures the Sub-Committee must take into account when considering land and property matters.</i>
	'In Committee' (Items 6-10 inclusive)	
6.	Requests for Use of Council Land	
6.1	Requests to Use Council Land	
	(i) Reference 06/23	<i>Approve in principle, subject to additional information being brought to the Corporate Policy and Resources Committee meeting for further consideration.</i>
	(ii) Reference - 09/2	<i>Approve</i>
	(iii) Reference 13/23, previous ref: 18/22	<i>Approve</i>
	(iv) Reference - 14/23	<i>Approve, that the fee is waived in line with the Land and Property</i>

		delegated authority to Officers.
	(v) Reference - 140/22	Approve, that a fee is charged, 10% of the revenue.
	(vi) Reference - 115/22	Approve
	(vii) Retrospective Approvals	Note
6.2	Portstewart Harbour -CRS Request to Connect to Council's Electricity Supply Ref 160/22	Grant approval to the request (Ref No 160/22) to connect the CCTV camera pole at Portstewart Harbour to Council's electricity supply subject the following conditions as set out in the report
7.	Requests to Purchase/Dispose of Council Land/Property	
7.1	Third Party Requests to Purchase Council Land – Summary	Note the information provided in relation to the third-party requests to purchase Council land and agrees the approach outlined in the report to progress each request.
7.2	Killyrammer Dis-Used Community Centre – Progression of Disposal via Legal Conveyancing	Approve officers to conduct a property disposal tender process to seek the highest market value for the said property, with bids sought from both the public, (D1), and private marketplaces simultaneously; Upon completion of the above property marketplace tender bid campaign, a report item shall be brought back to this committee for review and consideration.
7.3	Coleraine – Land Located off Portrush Road – Disposal of Asset	Approve officers to conduct a property disposal tender process to seek the highest market value for the said property, with bids sought from both the public, (D1), and private

		<p>marketplaces simultaneously; Upon completion of the above property marketplace tender bid campaign, a report item shall be brought back to this committee for review and consideration.</p>
7.4	Acquisition of Land and Churchtown Road, Garvagh	<p>Approve Officers be given authority, through Councils independent commercial agent, to negotiate the purchase price of Land at Churchtown Road, Garvagh up to a maximum value as detailed within the report.. Following purchase, the lands will be placed under the Tourism and Recreation remit</p>
8.	Leases and Licences	
8.1	Leases and Licences – Renewal of Commercial Leases - Quarterly Update	<p>Notes the quarterly update presented on the renewal/review of commercial leases.</p>
8.2	Portballintrae - Extension to Existing Leases (Ref 01/23/P and 02/23/P)	<p>Agree to the request to extend the term of the existing lease by a further 999 years for land at Bayhead Road, Portballintrae subject to an independent valuation being carried out. The final Heads of Terms will be brought back to the Land & Property Sub-Committee at a future date and</p> <p>Agree to the request to extend the term of the existing lease by a further 999 years for land at Seaport Avenue, Portballintrae subject to an independent valuation</p>

		<i>being carried out. The final Heads of Terms will be brought back to the Land & Property Sub-Committee at a future date.</i>
8.3	Portballintrae – Easement Request (Ref 01/23/MS)	<i>Agree to the request (Ref 01/23/MS) and grant an Easement for the installation of a gas pipeline to be laid in Council land adjacent to Seaport Lodge, Seaport Avenue, Portballintrae subject to an independent valuation being carried out and further agrees that the applicant will be responsible for the cost of the valuation and any fee determined by the valuation.</i>
8.4	Limavady, Roe Valley Arts and Cultural Centre – Easement Request and Purchase of Lands Ref 04/22/E	<i>Refuse the request from the applicant (ref No 04/22/E) for an easement over Council land and purchase of Council land at the Roe Valley Arts and Cultural Centre, Limavady for a proposed development at the former Alexander Arms Hotel Site, 32 & 34 Main Street, Limavady.</i>
8.5	Portrush, Metropole Park, – Proposed Lease of Land	<i>Note the project appraisal (section 4.0) and legal advice (section 5.0) and it is further recommended that: A report with a recommendation regarding the granting of a lease to CAUS for lands at Metropole Park will be brought back to the Land & Property Sub-Committee after draft Heads of Terms have been agreed and the OBC has been updated to address the outstanding matters above.</i>

8.6	Bayview Café, Ballycastle – Update of Market Lease Tender	<p>Approve the highest bids for both properties, to include due diligence and legal requirements;</p> <ul style="list-style-type: none"> - In the event the highest bidder of no. 25 Bayview Road Ballycastle (Bidder A1) does not accept, do not accept the 2nd bidder (B1). - In the event the highest bidder of no. 26 Bayview Road Ballycastle (Bidder C1) does not accept, do move down the highest bids to 2nd place (D1) and 3rd place (E1).
9.	Correspondence	<i>Nil</i>
10.	Legal Issues	<i>Nil</i>

**MINUTES OF THE MEETING OF THE
LAND AND PROPERTY SUB-COMMITTEE MEETING
HELD IN THE BANN VIEW COMMITTEE ROOM AND VIA VIDEO-CONFERENCE
ON
WEDNESDAY 7 JUNE 2023 AT 7.00PM**

Chair: Director, Environmental Services (Items 1-3 inclusive)
Alderman Knight-McQuillan (Items 3-9 inclusive)

Present: Alderman Fielding, Councillors C Archibald, D Huggins,
P McCully(R), C McShane (R), D Nicholl (R)

**Non Sub
Committee Member
In Attendance:** Alderman Y Boyle (R), Alderman R Stewart (R)

Officers Present: A McPeake, Director of Environmental Services
W McCullough, Head of Sport and Wellbeing (R)
P Thompson, Head of Tourism and Recreation
J Mills, Land and Property Solicitor
D McLaughlin, Land and Property Officer
J Drillingcourt, Assistant Land and Property Officer
S Duggan, Civic Support and Committee and Member
Services Officer

Public: 2no. (R)

Key:
(R) Remote attendance via MS Teams

The Director of Environmental Services undertook a roll call of sub-committee Members in attendance.

1. APOLOGIES

There were no apologies recorded.

2. DECLARATIONS OF INTEREST

There were no declarations of interest recorded.

3. NOMINATION OF CHAIR AND VICE-CHAIR

Proposed by Alderman Fielding
Seconded by Councillor Huggins and

AGREED - to recommend to Corporate Policy and Resource Committee that Alderman Knight-McQuillan be nominated as Chair.

- * **Alderman Knight-McQuillan arrived in the meeting room, having previously joined remotely.**

Alderman Knight-McQuillan assumed the Chair.

Proposed by Councillor C McShane
Seconded by Councillor C Archibald and

AGREED- to recommend to Corporate Policy and Resources Committee that Councillor Nicholl be nominated as Vice Chair.

- * **Head of Sport and Wellbeing joined the meeting remotely at 7.05PM.**

4. MINUTES OF PREVIOUS MEETING HELD ON 6TH APRIL 2023

Summary, previously circulated.

AGREED – that the Minutes of the Land and Property Sub Committee meeting held Wednesday 6 April 2023 were confirmed as a correct record.

5. LAND AND PROPERTY GOVERNANCE

Report, previously circulated presented by the Director of Environmental Services.

Purpose of Report

The purpose of the report is to provide new and returning Sub-Committee Members with important documents and information relating to the governance of Land and Property matters.

Background

On 7th July 2022 the Local Government Auditor published a report summarising the findings of an extraordinary audit of Causeway Coast and Glens Borough Council (website link circulated). It details the findings and recommendations emanating from the audit of land disposals and easements since the Council was formed in April 2015. At the Special Council Meeting held on 26th July 2022 the Council resolved “that Council accepts the findings contained within the extraordinary audit. That this Council immediately moves to implement all eight recommendations contained within the Extraordinary Audit. That the Ministerial letter of the 7th July 2022 be responded to confirming all the above and an action plan be completed by the 8th August 2022 that shows how the Auditor’s recommendations will be fully implemented by 30 December 2022.”

The Council has completed implementation of the recommendations (2 and 5) contained within the NIAO report which related to Land and Property. At its meeting on the 27th March 2023 Council unanimously agreed the content and recommendations of the independent report into land and property resolving “that Council accept the Findings in these reports in full. Furthermore, that an implementation oversight panel is established (similar to what was taken forward with the Planning Review) to oversee the resolution of the issues

outlined in these reports; to produce and progress an Action Plan and the implementation of these associated recommendations; the membership of 6 Elected Members by d'Hondt and a representative from the Department for Communities who have ultimate oversight authority to make sure there is change throughout this organisation and that it is overseen and engaged with.”

The independent report (website link circulated) and work will commence in line with the recommendations contained within the independent report. The Land and Property Sub-Committee will lead on the recommendations with oversight in accordance with the Council’s decision, noted above.

Key documents

The following documents are referenced in the independent report and Members should familiarise themselves with the content. In relation to Council’s land and property policy and estates strategy these will be reviewed by Council as part of the work to implement the recommendations of the independent review.

Officers will provide advice based on the content of these policies and guidance and where Council is statutorily required to comply with certain obligations.

- Council’s Land and Property Policy (circulated, adopted by Council February 2022)
- Council’s Estates Strategy (circulated, adopted by Council February 2020)
- NIAO A Strategic Approach to the Use of Public Sector Assets - A Good Practice (circulated)
- Department for Communities - Guidance for District Councils Disposal of Land at Less Than Best Price (circulated)

Recommendation

It is recommended that the Sub-Committee notes the contents of the report and the documents provided in terms of the work of the Sub-Committee and the policies and procedures the Sub-Committee must take into account when considering land and property matters.

The Director of Environmental Services clarified Elected Members would receive training on the documents, which are crucially important for this Sub-Committee.

The Director of Environmental Services advised the Land and Property Sub Committee Terms of Reference would be taken to the next meeting.

The Chair stressed the importance of the Land and Property Policy and its understanding, for new sub-committee members.

Proposed by Councillor Huggins
Seconded by Alderman Fielding and

AGREED – to recommend that the contents of the report and the documents provided in terms of the work of the Sub-Committee and the policies and

procedures the Sub-Committee must take into account when considering land and property matters are noted.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Councillor C Archibald
Seconded by Alderman Fielding and

AGREED – to recommend that Corporate Policy and Resources Committee move ‘*In Committee*’.

* **Members of the public were ejected from the meeting at 7.14PM.**

6. Requests for Use of Council Land

6.1 Requests to Use Council Land

Confidential report, previously circulated presented by the Land and Property Officer, maps were illustrated via PowerPoint throughout the sub-committee meeting, as appropriate.

There were 5 new requests and 1 repeat request for the Sub-Committee to consider. The requests are summarised in the table below with further detail provided at Appendix 1.

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

Issues for Consideration

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

- (i) Right of way issues
- (ii) Setting precedent
- (iii) Impact on Council’s strategy
- (iv) Valuation
- (v) Long term impact on Council’s asset
- (vi) Legal implications
- (vii) Health and Safety, Insurance, Risk Assessments and Event Management Plans

Recommendation

It is recommended that the requests listed at Appendix 1 are considered and recommendations made, and requests at Appendix 2 noted.

(i) Reference 06/23

Date - tbc

Location – Venue within the Coleraine area.

Detail A request from Bereaved by Suicide Service to use a Council room to provide therapeutic support one day per week within the Coleraine area for constituents within the borough.

Officer Recommendation - For Decision

Proposed by Alderman Fielding
Seconded by Councillor C McShane and

AGREED – to recommend that the request from Bereaved by Suicide Service to use a Council room to provide therapeutic support one day per week within the Coleraine area for constituents within the borough is approved, in principle; subject to additional information being brought to the Corporate Policy and Resources Committee meeting for further consideration.

(ii) Reference - 09/23

Date - During June 2023. Use for approximately 2 days.

Location - Laurel Hill, Coleraine

Detail - A request from Radius Housing Association to access Council land at Laurel Hill, Coleraine, to carry out site investigation works for approximately 2 days during the month of June 2023.

Officer Recommendation - For Decision

Proposed by Councillor Huggins
Seconded by Alderman Fielding and

AGREED – to recommend that the request from Radius Housing Association to access Council land at Laurel Hill, Coleraine, to carry out site investigation works for approximately 2 days during the month of June 2023 is approved.

(iii) Reference 13/23, previous ref: 18/22

Date - From 3pm on 9th June to 6pm on 10th June

Location - Junior Playing Field, Freehall Road, Castlerock.

Detail - A request from Castlerock Clydesdale Show & Funday to use Council land at the Junior Playing Field, Freehall Road, Castlerock, for the Castlerock Clydesdale Show & Funday from the 9th -10th of June 2023.

Officer Recommendation - For Decision

Proposed by Councillor Huggins
Seconded by Councillor C Archibald and

AGREED – to recommend that the request from Castlerock Clydesdale Show & Funday to use Council land at the Junior Playing Field, Freehall Road, Castlerock, for the Castlerock Clydesdale Show & Funday Community event from the 9th -10th of June 2023 is approved and no fee to be charged for this community event in accordance with the Land and Property policy.

(iv) Reference - 14/23

Date - 11th June 2023, 8am to 1pm.

Location - White Rocks Beach, Portrush

Detail - A request from Drum OMG Limited Filming to use Council land at the White Rocks Beach, Portrush, for filming for *'Painting Birds with Jim and Nancy Moir'* on 11th June 2023.

Officer Recommendation - For Decision

The Land and Property Officer clarified that, in line with delegated authority, the request would promote tourism and fee therefore waived.

Proposed by Alderman Fielding
Seconded by Councillor C Archibald and

AGREED – to recommend that the request from Drum OMG Limited Filming to use Council land at the White Rocks Beach, Portrush, for filming for *'Painting Birds with Jim and Nancy Moir'* on 11th June 2023 is approved and that the fee is waived in line with the Land and Property delegated authority to Officers.

(v) Reference - 140/22

Date - 15th July 2023, 6.30am to 1pm

Location - Beach and Carpark, Waterfoot

Detail - A request from Streamlined Open Water to use Council land at the Beach and Carpark, Waterfoot, for the Waterfoot Bay Swim on the 15th July 2023.

Officer Recommendation - For decision

To recommend a fee in accordance with the Land and Property Policy.

Sub Committee Members discussed the commercial nature of the water-based event, in similarity with road-based sporting events; whilst acknowledging the teaching of water safety.

During discussion the Land and Property Officer clarified participant Registration was on a grassed area and not on the car park; clarified the rate of fees for admission to the event and clarified Public Liability Insurance requirements.

Proposed by Councillor C Archibald
Seconded by Alderman Fielding and

AGREED – to recommend that the request from Streamlined Open Water to use Council land at the Beach and Carpark, Waterfoot, for the Waterfoot Bay Swim on the 15th July 2023 is approved and a fee is charged, 10% of the revenue.

(vi) Reference - 115/22

Date - 18th October 2023, from 10am to 2pm

Location - Ballintoy Harbour

Detail - A request to use Ballintoy Harbour for a wedding ceremony on 18th October 2023.

Officer Recommendation - For Decision

Proposed by Councillor C McShane
Seconded by Councillor Huggins and

AGREED – to recommend the request to use Ballintoy Harbour for a wedding ceremony on 18th October 2023 is approved.

(vii) Retrospective Approvals

AGREED – to recommend that the Retrospective Approvals as set out below are noted:

Reference	Detail of Request
02/23	A request from the Bushmills Distillery to access Council land to carry out works to existing pipes as soon as able.
01/23	A request from Westway Film Productions Ltd to use Council land at Portrush Harbour viewing platform to film for an interview for television series 'Mahon's Way' on the 25 th April 2023.
05/23	A request from Tern Television to use Council land at Rathlin Harbour to film on 26 th and 27 th April 2023.
03/23	A request from Jaguar Driver's Club, Area 30, to use Council land at the West Bay green area, Portrush, for the Irish National Jaguar Weekend event in the parking for up to 40 classic/vintage cars on the 30 th April 2023.
11/23	A request from Shine TV to use Council land at the Marina, Coleraine, to carry out drone filming at Lir for a food program on the 20 th May 2023.
15/23	A request from FLOL LTD to use Council land at the harbour and slipway at Dunseverick for the filming of 'four letters of love' on the 1 st and 2 nd June 2023.

6.2 Portstewart Harbour - Community Rescue Service (CRS) Request to Connect to Council's Electricity Supply Ref 160/22

Confidential report previously circulated presented by the Director of Environmental Services.

Purpose of Report

The purpose of this report is to consider a request (Ref No 160/22) submitted by the Community Rescue Service (CRS) to connect a Closed-Circuit Television (CCTV) camera pole at Portstewart Harbour to Council's electricity supply.

Background

Council previously operated a CCTV camera at Portstewart Harbour as part of the Town Centre security CCTV project which was managed by Safer Causeway. Council took the decision not to continue with the Town Centre CCTV project and has not been involved since.

Proposals

The Community Rescue Service (CRS) has submitted a request to Council to connect the CCTV camera pole at Portstewart Harbour to Council's electricity supply. The CRS CCTV camera pole is positioned at Portstewart Harbour next to the Council CCTV pole and forms part of the Safer

Causeway CCTV system and currently has no power. The camera at Portstewart Harbour remains inoperable.

All costs involved in connecting the camera pole to Council's electricity supply will be covered by Safer Causeway, which is now part of CRS public safety.

If agreed, the electricity supply to the CCTV cameras will be metered and billed accordingly.

Legal Advice and Data Protection Advice was circulated within the confidential report. Members were asked to note that:

- Council will not fulfil any data controller or data processor role in relation to the data captured by the CCTV cameras.
- Council has no lawful basis on which to process data captured and needs to ensure that it is not represented as having a role in this exercise aside from facilitating the electricity supply.
- Council will not take any part in the process of the data captured.

Recommendation

It is recommended that the the request (Ref No 160/22) to connect the Community Rescue Service CCTV camera pole at Portstewart Harbour to Council's electricity supply is approved subject the following conditions:

- a) Provision of the statutory authority to operate public CCTV cameras.
- b) Agree to the payment of any charges occurred in reconnecting the electricity supply to the CRS CCTV camera pole.
- c) The electricity supply will be metered and billed to Safer Causeway.
- d) Data Protection Guidance detailed in the report at para 5.1..

Proposed by Alderman Fielding

Seconded by Councillor Huggins and

AGREED – to recommend that the request (Ref No 160/22) to connect the CCTV camera pole at Portstewart Harbour to Council's electricity supply is approved subject the following conditions:

- a) Provision of the statutory authority to operate public CCTV cameras.
- b) Agree to the payment of any charges occurred in reconnecting the electricity supply to the CCTV camera pole.
- c) The electricity supply will be metered and billed to Safer Causeway.
- d) Data Protection Guidance detailed in the report at para 5.1 above.

7. Requests to Purchase/Dispose of Council Land/Property

7.1 Third Party Requests to Purchase Council Land – Summary

Confidential report previously circulated presented by the Director of Environmental Services.

Purpose of Report

The purpose of the report is to update Members on the current third-party requests to purchase Council lands received by the Land and Property Section.

Background

In September 2022 the Land and Property Section was instructed to prioritise work due to the Northern Ireland Audit Office (NIAO) Extraordinary Audit of Causeway Coast and Glens Borough Council. Third party requests to purchase Council land were not considered priority or urgent at this time given the limited resources within the Land & Property section.

Current Requests

All current requests were acknowledged when received, the requester was informed of the expected wait-time for third-party requests to purchase Council lands to be considered as per Council's website. To progress any Requests to Purchase Council land, the land in question needs to be declared surplus by the asset owner and the appropriate directorate. Once there has been a Council decision to declare the land surplus to Council requirements, it can be referred to the Land and Property section to progress the sale/disposal.

The Land and Property section currently have 16 requests to purchase Council land which have been received. Council ownership has been confirmed and the requests have been acknowledged (table circulated).

Given the limited resources within the Land and Property section, only third-party land sales to rectify encroachments on Council land or provide a wider benefit to the community have been progressed. These sales have already been agreed via the Land and Property Sub-Committee.

The Land and Property section will continue to review and prioritise the third-party requests to purchase Council land.

Recommendation

It is recommended that the information provided in relation to the third-party requests to purchase Council land is noted and agrees the approach outlined in the report to progress each request.

Land and Property Solicitor clarified the prioritisation approach taken to the benefit of Council and not to facilitate third party requests.

Proposed by Councillor Huggins

Seconded by Councillor C Archibald and

AGREED – to recommend that the information provided in relation to the third-party requests to purchase Council land is noted and agrees the approach outlined in the report to progress each request.

The Chair invited Officers to bring back a quarterly report.

7.2 Killyrammer Dis-Used Community Centre – Progression of Disposal via Legal Conveyancing

Confidential report previously circulated presented by the Director of Environmental Services.

Purpose of Report

The purpose of this report item is to update Elected Members on the output concerning the previously engaged legal conveyancing process, (*herein referred to as the 'first round'*), the subsequent withdrawal by bidders, and to ask permission for the facility to be re-advertised for disposal, (*herein referred to as the 'second round'*).

Background

On the 6th April 2022, Environmental Services Department tabled a Report Item to the Land & Property Sub-Committee (L&P SC), in which a summary of the first round of competitive bids received, (2no.), was presented. Further detail was provided within the confidential report.

Proposal

Following the unsuccessful conclusion of the first round of legal conveyancing, it is proposed that Environmental Services Department conduct a second round of open public market disposal, to seek competitive financial bids, based on 100% commercial – highest bidder.

It is proposed, for best practice, that the said property disposal process is carried out in the following key areas, simultaneously: -

- D1 Disposal, (managed Central Advisory Unit (CAU) of Land and Property Services – Public bodies, charities etc.);
- Open private sector market

Councils external Estate Agent has valued the property and associated land and the valuation report was attached to the confidential report (previously circulated) at Appendix

The Director of Environmental Services advised that there was an outstanding loan against this property which would be required to be cleared when the property would be sold.

He also clarified that the Planning Permission previously approved applied solely to Council and is not transferrable. Any new bidder would be required to apply for their own planning permission.

Recommendation

It is recommended that approval is granted to officers to conduct a property disposal tender process to seek the highest market value for the dis-used community centre at Killyrammer, with bids sought from both the public, (D1), and private marketplaces simultaneously;
Upon completion of the above property marketplace tender bid campaign, a

report item shall be brought back to the Land and Property Sub-Committee for review and consideration.

Proposed by Councillor C Archibald
Seconded by Alderman Fielding and

AGREED – to recommend that approval for officers to conduct a property disposal tender process to seek the highest market value for the said property, with bids sought from both the public, (D1), and private marketplaces simultaneously is granted.

Upon completion of the property marketplace tender bid campaign, a report item shall be brought back to the Land and Property Sub-Committee for review and consideration.

7.3 Coleraine – Land Located off Portrush Road – Disposal of Asset

Confidential report previously circulated presented by the Director of Environmental Services.

Purpose of Report

The purpose of this report item is to update Elected Members on the output concerning the previously engaged land disposal process, (*herein referred to as the 'first round'*), and to ask permission for the said facility to be re-advertised for disposal, (*herein referred to as the 'second round'*), inclusive of a Tree Preservation Order, (TPO) statutory applied to the site.

Background

On the 11th May 2022, the Department for Infrastructure, Capital Works & Energy tabled a Report Item to the Land & Property Sub-Committee (L&P SC), in which a broad statement of usage history, site classification, development opportunity and the way forward was provided for consideration and approval.

It was approved at the L&P SC meeting, 11th May 2022, that the service area of Infrastructure, Capital Works & Energy dispose of the asset via the D1 Disposal process, (managed by Central Advisory Unit(CAU), Land and Property Services (LPS) of Department of Finance (DoF)), and the Private Estate Agency Market Place.

When the property was in the D1 and private marketplace, a tree preservation order request was lodged with Councils Planning Department – as this would have a detrimental effect on the property by way of consideration and submissions by bidders, the property was subsequently removed from the marketplace until the request for a TPO was investigated.

A Tree Preservation Order was applied to various trees on-site, (which occupies more than 60% of site), under ref no TPO/2022/0024/LA01.dated 4th August 2022.

Proposal

It is proposed that Environmental Services Department conduct a second

round of open public and private market disposal, to seek competitive financial bids, based on 100% commercial – highest bidder.

It is proposed, for best practice, that the said property disposal process is carried out in the following key areas, simultaneously: -

- D1 Disposal, (managed by CAU of LPS– Public bodies, charities etc.)
- Open private sector market

Councils external Estate Agent has valued the property and associated land and the valuation report was attached as Appendix C to the confidential report, previously circulated.

Recommendation

It is recommended that approval is granted to officers to conduct a property disposal tender process to seek the highest market value for the said property, with bids sought from both the public, (D1), and private marketplaces simultaneously.

Upon completion of the property marketplace tender bid campaign, a report item shall be brought back to the Land and Property Sub-Committee for review and consideration.

Proposed by Councillor Huggins
Seconded by Alderman Fielding and

AGREED – to recommend that approval is granted to officers to conduct a property disposal tender process to seek the highest market value for the said property, with bids sought from both the public, (D1), and private marketplaces simultaneously.

Upon completion of the property marketplace tender bid campaign, a report item shall be brought back to the Land and Property Sub-Committee for review and consideration.

7.4 Acquisition of Land and Churchtown Road, Garvagh

Confidential report previously circulated presented by the Head of Tourism and Recreation.

Purpose of Report

The purpose of this report is to seek approval from Members to progress negotiations with Land & Property Services (LPS) for the acquisition of lands at Churchtown Road, Garvagh.

Background

At the Leisure and Development Committee meeting in October 2022, it was recommended that Council acquire the lands at Churchtown Road, Garvagh. This was subject to it being taken to the Corporate Policy and Resources

Committee for consideration as an asset to be placed under the Tourism and Recreation remit.

Garvagh Forest Trails were completed in summer 2019 and have proved to be a popular attraction providing a much-valued outdoor recreation experience. Visitor numbers to Garvagh Forest Trails have increased substantially since the opening. At peak visitor times this has led to traffic congestion around the trail head. The provision of additional car parking would alleviate these pressures.

Following a site visit to Garvagh Forest with elected members, Council officers, PSNI and staff from Department for Infrastructure (DfI), it was agreed to explore the opportunity of making use of the lands at Churchtown Road for additional parking provision.

Proposal

The site is located at the junction of Churchtown Road and Carhill Road, Garvagh.

The acquisition would allow for the initial enhancement of the site, previously promoted as Tirkane Picnic Area, provide additional parking to supplement the trail head and allow for development of other access into the forest trail network. Having submitted an Expression of Interest to Department for Infrastructure, the lands have now been valued by Land & Property Services (LPS) and the valuation report was attached at Appendix A of the confidential report previously circulated.

Next Steps

Maintenance

The maintenance of the site will be kept to an absolute minimum and prior to development options and annual budget being agreed.

Legal considerations were circulated within the confidential report.

Recommendation

It is recommended that Council Officers be given authority, through Councils independent commercial agent, to negotiate the purchase price of Land at Churchtown Road, Garvagh up to a maximum value as detailed within the confidential report (previously circulated). Following purchase, the lands will be placed under the Tourism and Recreation remit.

Alderman Knight-McQuillan raised the matter of congestion around the area on Sunday mornings and was in favour of the way forward.

Councillor C Archibald raised the issue of dog fouling within the forest which was an issue for bikers.

The Head of Tourism and Recreation clarified Forestry Service do not have bins in forests as they could pose a fire risk.

Proposed by Alderman Knight-McQuillan
Seconded by Councillor Huggins and

AGREED – to recommend that that Council Officers be given authority, through Councils independent commercial agent, to negotiate the purchase price of Land at Churchtown Road, Garvagh up to a maximum value as detailed within the confidential report (previously circulated). Following purchase, the lands will be placed under the Tourism and Recreation remit.

8. Leases and Licences

8.1 Leases and Licenses – Renewal of Commercial Leases - Quarterly Update

Confidential report, previously circulated presented by the Land and Property Officer.

Purpose of Report

The purpose of this report is to provide a quarterly update to the Sub-Committee regarding the progress of the renewal of Council's commercial leases.

Background

In June 2021 the Sub-Committee was advised that the Land and Property section had commenced a review of all outstanding leases renewals and rent reviews.

Updates have been brought to the Land & Property Sub-Committee in September 2021, January, April and October 2022, and January, April 2023.

Proposals were circulated within the confidential report.

A table detailing the 40 commercial leases currently under review was attached at Appendix A for reference and summarised (circulated).

A further quarterly update will be brought to the Land & Property Sub-Committee in September 2023.

Land and Property Officer raised the matter of one tenant who had been listed for the Lands Tribunal on a forthcoming date.

Recommendation(s)

It is recommended that the quarterly update presented on the renewal/review of commercial leases is noted.

Proposed by Alderman Fielding
Seconded by Councillor Huggins and

AGREED – to recommend that the quarterly update presented on the renewal/review of commercial leases is noted.

8.2 Portballintrae - Extension to Existing Leases (Ref 01/23/P and 02/23/P)

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

Purpose of Report

The purpose of this report is to seek approval from the Land & Property Sub-Committee to agree to a tenant's request to extend the term of existing leases for land at Bay Head Road and Seaport Avenue, Portballintrae.

Background

In October 1994 Coleraine Borough Council granted a lease for land at Bayhead Road, Portballintrae for a term of 150 years from 10th October 1994 and expiring on 9th October 2144. The lease was varied on 28th November 2017 by a Deed of Variation. The original lease could be considered as a disposal.

Coleraine Borough Council granted a lease for land at Seaport Avenue, Portballintrae for a term of 15 years commencing on 1st November 2010 and expiring on 31st October 2025.

Proposals

The lessee has submitted a request to Causeway Coast and Glens Borough Council to extend both leases by a further 999years.

Maps of the leased areas were attached at Appendix A for Reference (circulated).

If agreed an independent valuer will be instructed to carry out a valuation and will negotiate terms on Council's behalf with the lessee's valuer.

Both leases will be considered disposals.

Legal considerations were circulated within the confidential report.

Recommendation

It is recommended that the request to extend the term of the existing lease by a further 999 years for land at Bayhead Road, Portballintrae subject to an independent valuation being carried out is approved. The final Heads of Terms will be brought back to the Land & Property Sub-Committee at a future date and

Further recommends to Council to

Agree to the request to extend the term of the existing lease by a further 999 years for land at Seaport Avenue, Portballintrae subject to an independent valuation being carried out. The final Heads of Terms will be brought back to the Land & Property Sub-Committee at a future date.

Land and Property Solicitor provided a verbal summary.

Proposed by Alderman Fielding

Seconded by Councillor Huggins and

AGREED – to recommend that the request to extend the term of the existing lease by a further 999 years for land at Bayhead Road, Portballintrae subject to an independent valuation being carried out is approved. The final Heads of Terms will be brought back to the Land & Property Sub-Committee at a future date and;
That Council agree to the request to extend the term of the existing lease by a further 999 years for land at Seaport Avenue, Portballintrae subject to an independent valuation being carried out. The final Heads of Terms will be brought back to the Land & Property Sub-Committee at a future date.

8.3.1 Portballintrae – Easement Request (Ref 01/23/MS)

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

Purpose of Report

The purpose of this report is to seek permission from the Land & Property Sub-Committee to grant an Easement in respect of the installation of a natural gas connection to Seaport Lodge, Portballintrae.

Proposal

A request has been submitted to the Land & Property section seeking approval for an Easement in respect of the installation of a natural gas pipeline to be laid in Council land adjacent to Seaport Lodge, Seaport Avenue, Portballintrae.

The gas pipeline will be laid in the same trench as other existing services e.g., water, electricity and BT.

This will be the first grant of easement for a non-adopted gas pipeline and will be subject to an independent valuation. The applicant will be responsible for the cost of the valuation and any fee determined by the valuation.

The request has been issued for officer consultation and no issues were identified.

A map showing the route of the proposed gas pipeline was attached at Appendix A of the confidential report for reference (circulated).

The ongoing maintenance and insurance of the pipework would be the responsibility of the applicant.

Land and Property Solicitor provided a verbal summary.

Recommendation

It is recommended that the request (Ref 01/23/MS) to grant an Easement for the installation of a gas pipeline to be laid in Council land adjacent to Seaport Lodge, Seaport Avenue, Portballintrae is approved subject to an independent valuation being carried out and further agrees that the

applicant will be responsible for the cost of the valuation and any fee determined by the valuation.

Proposed by Alderman Fielding
Seconded by Councillor C Archibald and

AGREED – to recommend that the request (Ref 01/23/MS) to grant an Easement for the installation of a gas pipeline to be laid in Council land adjacent to Seaport Lodge, Seaport Avenue, Portballintrae is approved subject to an independent valuation being carried out and further agrees that the applicant will be responsible for the cost of the valuation and any fee determined by the valuation.

8.4 Limavady, Roe Valley Arts and Cultural Centre – Easement Request and Purchase of Lands Ref 04/22/E

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

Purpose of Report

The purpose of the report is to consider the request Ref: 106/22 to use Council land for a proposed development at the former Alexander Arms Site, 32 & 34 Main Street, Limavady.

Background

A map providing the detail of Council's ownership (hatched red) and Council leased areas (hatched blue), and the proposed development (coloured red) was attached at Appendix A of the confidential report, previously circulated).

A map providing the detail of the proposed development showing detail of Council ownership (hatched red) and proposed easement (dotted red) was attached at Appendix B of the report.

The site requested for purchase was identified on the map at Appendix A as site 2.

Proposals

The proposed development is at the Alexander Arms Site, 32 & 34 Main Street, Limavady (Appendix B), including: -

- a) To provide an easement over Drumceatt Square, Limavady for the Northern Ireland Fire and Rescue Service's operational response vehicles.
- b) To extend the existing public access to serve the new proposed ground floor units fronting onto Drumceatt Square, Limavady.
- c) To provide an easement over Drumceatt Square, Limavady for pedestrian access to the proposed apartments to the rear.
- d) The sale of Council land's marked 'potential site' on the map at Appendix B to incorporate into the proposed development.

Officer Consultation comments were considered within the confidential report.

Legal considerations were circulated within the confidential report.

Recommendation

It is recommended that the request from the applicant (ref No 04/22/E) for an easement over Council land and purchase of Council land at the Roe Valley Arts and Cultural Centre, Limavady for a proposed development at the former Alexander Arms Hotel Site, 32 & 34 Main Street, Limavady is refused.

Sub Committee members considered the adverse implications of the request to Roe Valley Arts and Cultural Centre and the surrounding area. Sub Committee Members raised implications on events, markets, deliveries, access to the proposed apartments, proposed residential parking, the nearby Fold and gates, memorial benches, annual Christmas Tree and Rotary Tree.

The Chair advised the land had not been declared surplus to Land and Property Sub-Committee in accordance with the Land and Property policy.

Land and Property Solicitor outlined previous similar requests which Council had refused and warned of setting a precedent.

Proposed by Councillor Huggins
Seconded by Councillor C Archibald and

AGREED – to recommend that the request from the applicant (ref No 04/22/E) for an easement over Council land and purchase of Council land at the Roe Valley Arts and Cultural Centre, Limavady for a proposed development at the former Alexander Arms Hotel Site, 32 & 34 Main Street, Limavady is refused.

8.5 Portrush, Metropole Park, – Proposed Lease of Land

Confidential report, previously circulated presented by the Head of Sport and Wellbeing.

Purpose

The purpose of this report is to update Members on the business case submitted by Causeway Association of Urban Sports for the development of an Integrated Urban Sports & Community Plaza at the Metropole Park and recent legal advice on the matter; and ask Members to note the next step concerning the lease of lands at the Metropole Park, Portrush.

Background and Approvals To Date

On 7th June 2022, Members considered a Land & Property Committee report on the request from the Causeway Association of Urban Sports (CAUS) to lease Council lands at Metropole Park, Portrush and approved the following recommendation:

“Members approve officers to request the development of a business case (basic Strategic Outline Case - SOC) from CAUS to understand the viability, affordability, and sustainability of the project, prior to due consideration of a lease or licence on the Metropole Park, Portrush”.

Officers subsequently met with CAUS and local DEA Members on 19th July 22 to take forward the recommendation and it was agreed that the SIB Project Manager and Development Trust NI CEO would liaise on the business case development requirements. The original Outline Business Case was received on 7th March 2023.

It is understood that CAUS are planning to apply to the UK Government’s Community Ownership Fund and require a long-term lease of between 15-25 years to demonstrate and security of tenure and be eligible to apply. The £150 million Community Ownership Fund (COF) has been set up to help communities take ownership of assets at risk of closure. It will run for 4 years until 2025. Eligible organisations can submit an Expression of Interest form at any time. However, a full application may be submitted during fixed windows each year (around every 4 months).

Outline Business Case was circulated within the confidential report.

Project Appraisal

In order to objectively assess the affordability, viability and sustainability of the project, queries were issued to CAUS for a response. The outstanding matters which are currently being progressed by both Council and CAUS were listed.

In conclusion, the OBC makes a strong ‘strategic case’ for a skatepark, however viability and sustainability are key risks which are very much dependent upon the terms of any new lease. Further detail was circulated within the confidential report.

In its current format the OBC would not pass the scrutiny of Council’s normal Stage 1 Capital Decision making process. Further detail was circulated within the confidential report.

Council Officers are willing to support CAUS in strengthening this OBC and targeting future funding opportunities.

Legal Advice was circulated within the confidential report.

Next Step and Recommendation

It is recommended that Members note the project appraisal (section 4.0) and legal advice (section 5.0) and it is further recommended that:

A report with a recommendation regarding the granting of a lease to CAUS for lands at Metropole Park will be brought back to the Land & Property Sub-Committee after draft Heads of Terms have been agreed and the OBC has been updated to address the outstanding matters above.

Alderman Fielding queried when Council would be provided with the opportunity to satisfy itself with the matters.

The Head of Sport and Wellbeing advised Members would be provided with a recommendation at the September or October Land and Property Sub Committee meeting and were working with the Group. The Head of Sport and Wellbeing outlined Planning Policies to be considered and accompanying Reports to be submitted by the Group.

Councillor McShane advised she had met with the Group, meetings with Officers had been minimal, the fact the Group were applying to the Community Ownership Fund was a huge reflection on them and they would require a longer period to complete the project.

Land and Property Solicitor outlined varying forms of legal processes that could be considered for the proposed lease.

Proposed by Councillor C McShane
Seconded by Alderman Fielding and

AGREED – to recommend that the project appraisal (section 4.0) and legal advice (section 5.0) is noted and it is further recommended that:

A report with a recommendation regarding the granting of a lease to Causeway Association of Urban Sport (CAUS) for lands at Metropole Park will be brought back to the Land & Property Sub-Committee after draft Heads of Terms have been agreed and the Outline Business Case has been updated to address the outstanding matters above.

8.6 Bayview Café, Ballycastle – Update of Market Lease Tender

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

Purpose of Report

The purpose of this report item is to advise members of the current tendered lease campaign currently underway for the commercial units at 25 and 26 Bayview Road, Ballycastle and to advise that the Environmental Services Director shall provide a verbal update to the L&P SC on the 7th June 2023 concerning the output of same.

Background

Environmental Services Department presented a report to the Land & Property Sub-Committee on 6th April 2022 seeking approval to carry out a tendered lease opportunity for the commercial units at 25 and 26 Bayview Road, Ballycastle. The decision to grant approval was subsequently ratified by Council on 3rd May 2022.

The first round concerning the tendered lease opportunities did not provide any interested parties or subsequent tendered bids.

Over the past few months, an extensive number of parties have come forward expressing an interest in both properties.

Proposal

Environmental Services are currently carrying out a 'second round' of tendered lease campaign, which includes the following:-

- **Option 1:-**

Lease of No.25 Bayview Road, Ballycastle only:

- **Option 2:-**

Lease of No.26 Bayview Road, Ballycastle only:

- **Option 3:-**

Lease of No.25 & 26 Bayview Rd, as a collective:

Recommendation

It is recommended that the report is noted and the next steps that upon completion of the current tendered lease opportunities campaign for the commercial units at 25 and 26 Bayview Road, Ballycastle, the Environmental Services Director shall provide a verbal update to the L&P SC, on 7th June 2023 for consideration.

The Director of Environmental Services provided a verbal update, the tender report had now been circulated and verbally recommended that Land and Property Sub Committee approve the highest bids for both properties (no. 25 Bayview Road, Ballycastle and no. 26 Bayview Road, Ballycastle), to include due diligence and legal requirements.

Councillor McShane referred to this prime location, and queried whether Council could utilise the area for itself or for the private sector as a 'foodie' area or tourism office and whether there was funding available.

The Director of Environmental Services referred to the Council decision regarding obtaining best value for the lease. He advised a capital programme would involve investment and a 5-year programme and the matter was for Elected Members.

Land and Property Solicitor referred to the condition of the buildings, and due diligence was yet to take place.

Proposed by Alderman Fielding
Seconded by Councillor Huggins

To recommend that the highest bids for both properties, to include due diligence and legal requirements are approved and further agreed ;

- In the event the highest bidder of no. 25 Bayview Road Ballycastle (Bidder A1) does not accept, do not accept the 2nd bidder (B1).
- In the event the highest bidder of no. 26 Bayview Road Ballycastle (Bidder C1) does not accept, do move down the highest bids to 2nd place (D1) and 3rd place (E1).

In response to Councillor C McShane, Land and Property Solicitor clarified Business Tenancy.

Councillor C McShane stated her disagreement with the proposal.

The Chair put the motion to the Sub Committee to vote.
4 Members voted For, 3 Members Abstained.
The Chair declared the motion carried.

AGREED - To recommend that the highest bids for both properties, to include due diligence and legal requirements are approved and further agreed;

- In the event the highest bidder of no. 25 Bayview Road Ballycastle (Bidder A1) does not accept, do not accept the 2nd bidder (B1).
- In the event the highest bidder of no. 26 Bayview Road Ballycastle (Bidder C1) does not accept, do move down the highest bids to 2nd place (D1) and 3rd place (E1).

9. CORRESPONDENCE

There were no matters of correspondence.

10. LEGAL ISSUES

There were no legal issues.

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Alderman Fielding
Seconded by Councillor Huggins and

AGREED – to recommend that the Land & Property Sub-Committee move ‘*In Public*’.

There being no further business, the Chair thanked everyone for their attendance and the meeting closed at 10.14pm.

Chair