

Open Minutes of the Meeting of the Lands Committee

Wednesday 7th December 2016

at 1:30pm

Liberation Room

These minutes are draft minutes until confirmed by resolution at the next meeting of this Committee

Present:	Hon Jan Cheek MLA	Ag Chair
	Hon Phyl Rendell MLA	PR
	Colin Summers, Director of Public Works	DPW
	Sarah Witherley, Head of Environmental Planning	HEP
	Nick Arculus, Crown Counsel	CC

Secretary: Roxanne Crowie

Public/Press: None

1: Apologies for absence:

An apology was received from Director of Natural Resources who was unable to attend. MLA Rendell attending as MLA Poole is unavailable.

2: Declarations of interest:

Chair declared an interest in item 9 as a Trustee of Falklands Conservation. PR declared an interest in item 14 due to family involvement with the applicant company and item 18 as a Trustee of the YMCA

3: Confirmation of the Minutes of the previous meeting

The minutes were confirmed with no amendments

4: Matters arising from the Minutes of the previous meeting

4.1 CC and DPW updated the Committee on progress regarding the proposed signage for the Museum Planning approved for Museum sign. DPW has advised as to possible locations within the area. CC stated that concerns regarding corporate identity had been discussed and overcome.

4.2 CC informed the Committee that no information had been received regarding Stanley Services proposed building licence extension

4.3 CC advised that reference on page 5 of the minutes, it was his intention to finalise a response to the Attorney General and Executive Council in respect of the terms of reference, but this has not been practicable and will therefore be carried over to the next meeting of the Lands Committee.

4.4 With regard to Item 7 of the minutes, the Committee were informed that due to a communications failure there was a delay in writing to applicants following that meeting. The tender had therefore not been progressed.

4.5 The Committee noted that a tender was being prepared for the returned plots, but was not yet ready for advertising.

5: Planning Applications

The Committee reviewed the applications and noted that Item 14 of the Lands Committee meeting mirrored application number 114/16PB of the Planning and Building Committee agenda. It was further noted that the planning application had been approved.

Application 113/16P was also discussed in respect of a right of way across the FIG-owned verge to access the property. An application to the Lands Committee is anticipated in light of the decision of the Planning and Building Committee.

6: Information paper: Meeting dates for 2017

All proposed dates were approved by the Committee, but it was noted that they can be changed with reasonable notice.

*post-meeting note: Meeting noted as 3rd May 2017 now moved to 4th May 2017 due to MLA availability

Action: LSL

7: Georgina Anderson-Smith: Application to Purchase Crown Land

CC introduced the item, summarising the salient points of the application and paper. Concerns with regard to the obligations under the Highways Ordinance to protect public rights of way led to a recommendation to refuse the application, but to permit the applicants to continue with the licence for parking as previously issued.

The issue of inclusion of public rights of way on the PWD maintenance schedule was raised and discussed. DPW agreed that this area had been omitted but that it would be included in future to ensure the grass in the area was cut once annually, and that notice would be provided to the applicants in order that vehicles could be moved prior to maintenance taking place.

The Committee agreed that the recommendation to refuse was appropriate in the circumstances and requested that the agreement on maintenance be included in the minutes.

Action: DPW

8: Guillermo Baigorri: Application to use Crown Land

JC declared an interest in this item as a shareholder of Kelper Stores.

The Committee discussed the application, commending Mr Baigorri for requesting formal permission from the landowner. CC advised the Committee that there is a risk with regard to insurance covering pyrotechnics, so the proposal is that Mr Baigorri's application be approved, subject to his agreeing to agree to take responsibility for any damage which may occur. DPW agreed that the use of the land was permissible and the recommendation appropriate.

The Committee approved the application per the recommendations in the paper.

Action: CC

9: Falklands Conservation: Application to Fence Restoration Areas

PR led the discussion on this paper. The Committee noted that the intention was for a wire fence to be erected in order to prevent horses grazing the area involved. HEP felt that planning consent would be required, but no application had been received. CC acknowledged this but advised that the applicable legislation is complex in terms of what can be permitted and suggested that there was an element of flexibility whereby this may be permitted provided members of the public are not excluded from the area. HEP and CC to discuss further. HEP suggested that this is something that could be regularised by way of a development note written specifically for authorisation for minor/temporary/non-evasive development on the Common, which would then be suitable for a number of projects. PR suggested that Falklands Conservation are asked to publicise their plans for the area (which the Committee felt they had done on previous occasions).

Lands Committee approved the application, with some reserved matters to be discussed between HEP and CC

Action: HEP/CC

10: Date of next meeting:

The next meeting of the Lands Committee is to be held 12th January 2017 at 1.30pm in the Liberation Room

11: Exclusion of Press and Public

The Chair moved on to the closed section of the meeting.

"I move that the press and public be now excluded on the ground that the next items of business to be considered are likely to disclose exempt information under Schedule 3 of the Committees (Public Access) Ordinance 2012."

12: Confirmation of the Exempt Minutes of the previous meeting

The minutes were confirmed with no amendments. Hard copies to be taken to Gilbert House for signature

Action: LSL

13: Matters arising from the Exempt Minutes of the previous meeting

13.1 CC informed the Committee that the actions following Mr Williams' application to assign his lease had been addressed since the last meeting, but it was noted by the Committee that there had been an error in the private sector in respect of the named company taking on the lease (the lease was assigned to Seafish, rather than Goodwin Offshore). The practitioner involved is due to correct this error.

13.2 Item 15, page 2: The Committee were informed that this matter is now with another department and no further action is required by the Committee at this time.

13.3 Item 16, page 2: The Committee were informed that actions following the application by Pinsent Masons on behalf of their clients, the Trustees of the estate of the late Patricia Gray were being progressed, although a delay in advising the applicant of the outcome had occurred and was rectified as quickly as possible.

14: Goodwin Offshore Limited: Application to Lease Crown Land

This application to extend the area leased by the applicant was approved.

(not for publication by virtue of Paragraph 9 of Schedule 3 of the Committees (Public Access) Ordinance 2012, relating to the financial or business affairs of any particular person)

15: Hew Grierson: Application to Sub-Let

Mr Grierson's application to sub-let his property at Murray Heights was approved per the recommendation paper.

(not for publication by virtue of Paragraph 9 of Schedule 3 of the Committees (Public Access) Ordinance 2012, relating to the financial or business affairs of any particular person)

16: Marcelo Olmedo: Application for Extension to Building Licence

It was noted that works on the site have now commenced, and the application for an extension was therefore approved, for an additional 12 months.

(not for publication by virtue of Paragraph 9 of Schedule 3 of the Committees (Public Access) Ordinance 2012, relating to the financial or business affairs of any particular person)

17: Crown Counsel: Breach of Covenant (Information Paper)

This paper was withdrawn.

(not for publication by virtue of Paragraph 9 of Schedule 3 of the Committees (Public Access) Ordinance 2012, relating to the financial or business affairs of any particular person)

18: Pinsent Masons on behalf of YMCA: Application to vary Lease Terms

The Committee approved the application subject to agreed conditions.

(not for publication by virtue of Paragraph 9 of Schedule 3 of the Committees (Public Access) Ordinance 2012, relating to the financial or business affairs of any particular person)

19: Maeve Daly: Application for a Licence to Hold Land (Report)

The Committee noted the approval provided under this paper.

(not for publication by virtue of Paragraph 9 of Schedule 3 of the Committees (Public Access) Ordinance 2012, relating to the financial or business affairs of any particular person)