

Lands Committee: Open Agenda

Wednesday 5th February 2019

At 1.30pm

Liberation Room

Part One: Open to the Public

1: Apologies for absence:

2: Declarations of interest:

3: Confirmation of the Minutes of the previous meeting

Due to a scarcity of applications, the Lands Committee did not meet in January 2020, opting instead to determine the sole application by email. The report as approved appears at item 6 for information and will be recorded in the minutes accordingly.

4: Matters arising from the Minutes of the previous meeting

5: Planning applications

Head of Planning and Building Services to advise of any applications made in respect of Crown land.

7: Report: Application to Purchase Additional Garden at 7 Snake Hill

See attached for the recommendation paper.

This application was approved by the Committee in line with the conclusion at 8.0 of the attached report.

8: Peter McKay: Application to Lease/Purchase Land at Kiel Canal Road

See attached

9: Date of next meeting:

The next meeting of the Lands Committee is scheduled for Friday 6th March 2020, to be held at Gilbert House at 10am.

10: Exclusion of Press and Public

The Chairman to move as follows:

"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."

Part Two: Closed to the Public

11: Confirmation of the Exempt Minutes of the previous meeting

There were no exempt matters addressed.

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

13: Manolito Gonzalvo: Application for a Licence to Hold Land

(not for publication by virtue of Paragraph 9 of Schedule 3 of the Committees (Public Access) Ordinance 2012, relating to the financial or business affairs of any particular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

14: Ruth Reid: Application to Waive Subsidy Repayment

(not for publication by virtue of Paragraph 9 of Schedule 3 of the Committees (Public Access) Ordinance 2012, relating to the financial or business affairs of any particular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

Distribution List:

Barry Elsby - Member of the Legislative Assembly

Mark Pollard - Member of the Legislative Assembly

Colin Summers - Director of Public Works

Simon Young - Attorney General

Andrea Clausen – Director of Natural Resources

Lee Kenebel – Head of Planning and Building Services

Nigel Phillips – Governor

Cherie Clifford - Clerk of the Legislative Assembly and Committees Coordinator

Barry Rowland - Chief Executive

Trudi Clarke - Senior Clerk (Admin), PWD

Beverley Glanville – PA to Director of Natural Resources

Open Minutes of the Meeting of the Lands Committee

Wednesday 4th December 2019

at 1.30pm

Liberation Room

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

| | | |
|----------|---|-------|
| Present: | Hon Barry Elsby MLA | Chair |
| | Hon Mark Pollard MLA | MP |
| | Simon Young, Attorney General | AG |
| | David Bell, Deputy Director of Public Works | DDPW |
| | Andrea Clausen, Director of Natural Resources | DNR |
| | Lee Kenebel, Head of Planning and Building Services | HPBS |
| | Naseeba Ismail, Planning Clerk | PC |

| | | |
|------------|----------------|-----|
| Secretary: | Roxanne Crowie | CWM |
|------------|----------------|-----|

Public/Press: One

1: **Apologies for absence:**

Colin Summers (DPW) sent apologies. David Bell (DDPW) attended in his place.

2: **Declarations of interest:**

It was agreed these would be made as and when they arose.

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**

There were no matters arising from the minutes

5: **Planning applications**

HPBS informed the Committee that there were no new applications in respect of Crown Land

6: **Christian and Rachel Berntsen: Application to Lease/Purchase Land off Clyde Road**

This application was approved per the recommendation on standard terms for leases of land in that area.

Action: CWM

Some discussion was held as to whether certain items on the agenda ought to be discussed in the open section of the Committee meeting, rather than being placed in the closed section. Chair made reference to a later application, suggesting that it ought to be discussed in the public part of the meeting. He was advised that a number of categories of 'exempt information' exist and that the application to which he referred dealt with both financial information about the applicant, and was also considered exempt by way of containing information about a paper for Executive Council (given that the Committee was required to refer the application to Executive Council). AG confirmed that this was the correct approach.

7: Committee Dates and Deadlines for 2020

The dates were noted, and officers informed that the dates had been agreed in consultation with staff at Gilbert House in order to avoid MLA appointments clashing.

Action:

8: Date of next meeting:

The next meeting of the Lands Committee is scheduled for 9th January 2020, to be held in the Liberation Room at 10am

9: Exclusion of Press and Public

The Chairman moved as follows:

"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."

Part Two: Closed to the Public

10: Confirmation of the Exempt Minutes of the previous meeting

There were no exempt minutes as the decisions of the Committee were published in their entirety.

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

There were no exempt minutes.

12: Goodwin Limited: Application to Lease/Purchase Land at VPC Road

Chair raised an issue which had been addressed at Planning and Building Committee meeting that morning in relation to the potential for temporary workers accommodation in the Kiel Canal Road area. He believed that there was a general prohibition over the area in relation to use for accommodation purposes. CWM stated that this was not the case, and that a number of uses were permitted by the planning process. What had been said in the Planning and

Building Committee meeting was that currently, leases in place for land in the Kiel Canal area stipulated the permitted user and prohibited use as accommodation or for the keeping of animals. Chair was advised that this was a landlord stipulation (to ensure adherence to the permitted user) and not a planning condition or other policy in place. AG confirmed that this was the case and responded to further queries from the Chair as to the legality of permitting accommodation in one case and not another. AG informed Chair that as Landlord, FIG were within their rights to limit the use of the land to that applied for, and the fact that no such use had as yet been applied for in the area was a factor.

Chair raised another query in respect of car parking. He noted within the application letter that a reference was made to a current lack of parking for the size of the facility at Lookout/Wickham Lodge and wished to clarify that additional parking would be provided in the area under application. DDPW confirmed that the area indicated would be used for both car parking and potential future expansion.

MP asked if the red hatched area encroached onto land belonging to a third party, as part of the area appeared to be occupied. It was confirmed that the land to the west of that area was in the ownership of a third party, and that if the articles referred to did belong to him, then he had encroached onto Crown land and this would be a matter for HPBS to address in the first instance.

The application was approved per the recommendation.

(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)

Action: CWM

13: Falklands Conservation: Application to Lease Land West of Tenacres

DDPW raised some concern in relation to the size of area under application, compared with the relatively small size of the proposed building. CWM read out an email received from the applicant, which stated they intended to create out building, storage, planting and growing areas, a new seabird recovery facility and a native plant garden for visitors and the general public, similar to that at Jubilee Villas but on a much larger scale.

DNR noted that there would be a need for a fit-for-purpose oiled bird facility as part of the National Oil Spill Contingency Plan.

HPBS confirmed that the applicant had obtained outline planning consent for the area indicated on the application. DDPW stated that although more of a planning concern, the proposed access off Stanley Bypass would need to be looked at carefully, as its location could have an impact on the potential development of adjacent land. This is due to the fact that this access would need to be shared with any future developer in order to minimise the number of accesses coming off the Bypass.

This application is to be referred to Executive Council for determination.

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Action: CWM

14: Naomi Baxter: Application for a Licence to Hold Land

This application was approved per the recommendation. Chair asked for confirmation that the licence would apply only to the land under application. CWM confirmed that the licence would be specific to the Licensee and the Property and would be non-transferable.

(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)

Action: CWM

Meeting ended: 1400hrs

LANDS COMMITTEE

Title of Report: Julia Fiddes: Application for Additional Garden Land

Date: 9th January 2020

Report of: Legal Services as Secretary to the Lands Committee

1.0 Purpose

The purpose of the paper is to invite the Lands Committee to consider the application outlined in the title to this report.

2.0 Recommendation

It is recommended that the Committee APPROVE the application per the conclusion at 7.0 below on condition that a permit to dig is obtained and all due care is taken in respect of underlying power cables.

3.0 Potential Authority to Determine Application

- 3.1 The Lands Committee has delegated power from Executive Council to determine all applications to purchase, lease, or use Government land where the Committee is satisfied that the site in question has no strategic value and has a calculated value no greater than £10,000 (reference Executive Council paper number 183/06, considered in June 2006).
- 3.2 The site in question is 305 square metres. At the development rate of £14/m² this would indicate a value of £4,270. The Committee are therefore able to dispose of the property at their discretion.

4.0 Background of the Application

- 4.1 Ms Fiddes currently owns the property to the west of the area of land she wishes to purchase, and has identified the area as prospective additional garden.

5.0 Previous Decisions

- 5.1 Decisions might be guided by past practice, and records indicate that of relevance to the decision is whether the land requested is large enough to be developed into a housing site. If the plot is large enough, a process of advertisement for sale by tender to the highest bidder can be considered.
- 5.2 If the plot is not large enough for development of a new property, and the land has no value except as extension to the applicant's garden, then applications have usually been granted in the past; and the rate of £2.50 per square metre has been recently applied.
- 5.3 This application is to be determined in accordance with the FIG Land Garden Land Disposal Policy (Stanley) 2016.

6.0 Details of the application

- 6.1 The policy on the sale of land states that *‘If the land forms a total area in excess of 400 square metres of developable land (after taking into account areas of land which are too narrow (eg verge land) to be included within an assessment of developable area) then the land will be treated as development land rather than garden land and will be beyond the scope of this policy. Currently all development land is sold by way of public tender’.*
- 6.2 The size of the land is significantly less than that detailed in the policy document. In addition, only a portion of the area could be considered ‘developable’ due to the presence of underground power cables and a distance of 5m to be maintained between these cables and any dwelling or structure to be erected.
- 6.5 Ms Fiddes would be required to accept a restrictive covenant limiting this land as garden land only.

7.0 Options

- 7.1 Refuse the application
- 7.2 Approve the application

8.0 Conclusion

It is recommended that the Committee approve Ms Fiddes’ application to purchase the land at the additional garden rate of £2.50 per square metre subject to a building licence being maintained, and the Power & Electrical Department marking out and supervising to the necessary extent, any digging to be undergone in the vicinity of those cables on the northern boundary of the property, running east.

LANDS COMMITTEE

Title of Report: Peter McKay: Application to lease/purchase land at Kiel Canal Road

Date: 5th February 2020

Report of: Legal Services as Secretary to the Lands Committee

1.0 Purpose

The purpose of the paper is to invite the Lands Committee to consider the application outlined in the title of this report.

2.0 Recommendation

It is recommended that the Committee APPROVE the application per the conclusion at 7.0.

3.0 Potential Authority to Determine Application

- 3.1 The Lands Committee has delegated authority from Executive Council (within guidelines) in relation to the allocation and management of Government-provided commercial development sites (ref. paper 183/06).
- 3.2 The Lands Committee has the delegated authority to release plots around the Kiel Canal Road area for commercial purposes on the same basis as other Government provided commercial sites.

4.0 Background of the Application

- 4.1 In September 2014, Executive Council approved the area of Kiel Canal Road as a designated commercial area for light industrial use, subject to outline planning permission being granted. This permission has now been granted.
- 4.2 In November 2014, Mr McKay successful applied for an area of land at Kiel Canal Road, as shown on the attached plan (hatched in black). Following the receipt of a draft lease, Mr McKay advised that due to costs, he would need to rethink the area.
- 4.3 Mr McKay has reduced the size of the plot under application, and requests that the Lands Committee approve the lease purchase of this new area (shown on the second plan, outlined in red).
- 4.4 The area, as indicated blocks access from the north to the as-yet unallocated land to the south, which is of a substantial size and therefore potentially

unsuitable for use as a single unit (which could otherwise be accessed from the south).

- 4.5 Were the application to be approved in its current form, this would mean leaving that area open to trespass, or for it to be subsumed under any one of those neighbouring sites through which access can be gained.
- 4.6 It is therefore proposed that the area under application be reduced by a width of 5m from the east, in order that space may be retained for the creation of an access to the land to the south. This narrowing of the site should commence on the northern side of the existing access track and extend the length of area under application.

5.0 Previous Decisions

- 5.1 A number of plots in the Kiel Canal Road area have been allocated on a lease/purchase basis, one of which has already been sold following the completion of construction works.
- 5.2 It has been noted that services in the area do not lend themselves to all-day occupation for undertaking works, but it has been established that the area is appropriate for uses similar to that outlined in the application.

6.0 Options

- 6.1 Approve the application subject to 4.6 above
- 6.2 Approve the application with an alternative access solution
- 6.3 Refuse the application

7.0 Conclusion

It is recommended that the application is approved subject to the amendment at 4.6 and an access strip retained for the future allocated of that land immediately south of the land the subject of the application.



LAW & REGULATION DIRECTORATE
Application for Government Land:

Please note – if planning permission is required, this **must** be granted prior to submitting an application to the Lands Committee

| | |
|--|---|
| 1. APPLICANT DETAILS Name: <u>Peter McKay</u> Address: <u>21 Ross Road West</u> <u>Stanley</u> Tel No(s): <u>55553 / 21122</u> Email: <u>PSMcKay60@gmail.com</u> | 2. ADDRESS OR LOCATION OF SITE APPLIED FOR 3. AREA (sqm): 4. PLAN ATTACHED? Yes <input type="checkbox"/> No <input type="checkbox"/> |
|--|---|

5. Is this an application for -
99 YEAR LEASE ☐ FREEHOLD ☐ LEASE/PURCHASE ☒ OTHER ☐ (Please provide details below)
.....

6. How do you intend to develop and use the site?
.....
Handstanding for plant + containers.
.....

7. Price offered: £1400 pr square meter.

For advice on questions 8-11 please contact the Environmental Planning Department on +500 28480

8. What is the area in question designated as in the Development Plan?
Light Industrial use.

9. Is the proposal classed as 'development' as set out in the planning legislation?
Yes ☒ No ☐ (if no go to question 12)

10. Is the proposal permitted development?
Yes ☐ (if yes please state which class then go to question 12) No ☒

11. Has planning permission been granted?
Yes ☐ (please provide ref number): No ☒

12. What are the timescales for the development of the site? Please outline key milestones:

Dug out
Filled in
Finished layer } All will be done over
the 5 years.

13. Please provide details of the economic, social and environmental benefits of your proposal:

Expanding the business.
Tidy up site.

14. Please provide details of any potentially negative economic, social and environmental impacts of your proposal and how you might avoid or mitigate these:

15. Have you applied for land previously? (Please provide details): Yes, Kiel Canal site

was sold on.

16. Are you aware of any recent decisions which you feel should be regarded? (Please provide details):

17. What is your Immigration Status? F.I. Status ☒ PRP ☐ Work Permit Holder ☐ Other ☐ (please provide details)

18. Other information to be taken into consideration:

I confirm that the above information is correct to the best of my knowledge.

Signed: John Wick (applicant)

Dated: 21/1/2020

Scale 1:2000

Stanley
Services

VPC ROAD

BILL ROBERTS WAY

F.I.D.F.

Not Fenced

Fence

ESTATE S.W.CLETHORPE
CROWN GRANT
154 LOT 19
Area acres
2.50

P.J.MCKAY
CROWN GRANT
111 LOT 20
Area acres
5.00

Not Fenced

P.GILDING
CROWN GRANT
154 LOT 19
Area acres
2.50

Fence

Fence

Not Fenced

Fence

I & ESTATE T.PETTERSON
CROWN GRANT
154 LOT 19
Area acres
2.50

Not Fenced

Fenced

Fence

C.SUMMERS
CROWN GRANT
111 LOT 20
Area acres
5.00

E L.WILLIAMS
CROWN GRANT
LOT 19
Area acres
2.50

Not Fenced

KIEL CANAL ROAD

Not Fenced

Stanley Common Boundary

