

Lands Committee: Open Agenda

Wednesday 6th May 2020

For Consideration by Email

Note to the Public

It is recognised that taking decisions by email does prevent the general public from attending the meeting, and for this we apologise to anyone who had intended to attend. The minutes will be recorded and distributed as usual, and it is hoped that addressing these applications in this way will cause as little disruption as possible.

Any representations or concerns in relation to the matters in the agenda should be emailed to Roxi Crowie (cwmanager@sec.gov.fk) and received no later than 4pm on Tuesday 5th May.

Part One: Items for Open Publication

- 1: Apologies for absence:**
- 2: Declarations of interest:**
- 3: Confirmation of the Minutes of the previous meeting**
- 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.

- 6: Paul Barnes: Application to Lease Land at the Canache**

See attached

- 7: Date of next meeting:**

The next meeting of the Lands Committee is scheduled for Wednesday 3rd June 2020, to be held in the Liberation Room at 1.30pm.

Part Two: Items Exempt from Publication

- 8: Confirmation of the Exempt Minutes of the previous meeting**
- 9: Matters arising from the Exempt Minutes of the previous meeting**

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(not for publication by virtue of Paragraph 9 of Schedule 3 of the Committees (Public Access) Ordinance 2012, relating to the financial or business affairs of any particular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

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

LANDS COMMITTEE

Title of Report: Paul Barnes: Application for lease at the Canache
Date: 6th May 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. A copy of the application and relevant plan are attached.

2.0 Recommendation

It is recommended that the Lands Committee approves the application in line with the terms of the existing lease in the area.

3.0 Potential Authority to Determine Application

3.1 The Lands Committee has delegated authority to determine all applications to lease land at the Canache, provided that such lease be on the same terms as that previously issued. (ExCo paper 125/19). Specifically:

- That the land rent shall be charged at £1.40 per square metre per annum;
- The lease shall be for a term of ten years;
- Permitted user shall be in line with the Town Plan and shall be included according to the content of the application.

4.0 Background of the Application

4.1 Mr Barnes is applying for a formal lease of a small portion of the north shore of the Canache, where his yacht and pontoon are currently situated. There will therefore be no visible change or impact on the area.

5.0 Previous Decisions

5.1 Existing tenants of Canache properties with expired leases are currently holding over pending arrangements being put in place for new leases (and have been for a number of years).

5.2 It has been noted that a number of those people using the pontoons on the north shore have been doing so on an informal basis, for a number of reasons. The approval of applications such as this will allow the Lands Committee (or its agents) to begin to remedy this situation in order that all users will be on an equal footing, in terms of rents and length of tenure.

6.0 Options

In view of the background, the options for the Lands Committee are as follows:-

- 6.1 Approve the application; or
- 6.2 Refuse the application.

7.0 Conclusion

- 7.1 It is recommended that Mr Barnes' application be approved on the basis that: planning permission has been approved; the use fits with other use in the area; the proper control of leases will enable enforcement of such matters as keeping the area tidy; and the potential for formalising other similar uses in the area is increased by this approval.



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

<p>1. APPLICANT DETAILS</p> <p>Name: Paul Barnes</p> <p>Address: 26 Ross Road West</p> <p>Tel No(s): 52888</p> <p>Email: p_barnes@horizon.co.fk</p>	<p>2. ADDRESS OR LOCATION OF SITE APPLIED FOR</p> <p>Canache</p> <p>Stanley</p> <p>.....</p> <p>3. AREA (sqm): 15 sq.m</p> <p>4. PLAN ATTACHED? Yes X No <input type="checkbox"/></p>
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<p>5. Is this an application for -</p> <p>99 YEAR LEASE <input type="checkbox"/> FREEHOLD <input type="checkbox"/> LEASE/PURCHASE X OTHER <input type="checkbox"/> (Please provide details below)</p> <p>.....</p>
<p>6. How do you intend to develop and use the site? Develop area for private yacht mooring.</p> <p>7. Price offered: £1.40 per square metre, per year.</p>

<p>For advice on questions 8-11 please contact the Environmental Planning Department on +500 28480</p>
<p>8. What is the area in question designated as in the Development Plan? Leisure Marina</p> <p>.....</p>
<p>9. Is the proposal classed as 'development' as set out in the planning legislation?</p> <p>Yes X</p> <p>No <input type="checkbox"/> (if no go to question 12)</p>
<p>10. Is the proposal permitted development?</p> <p>Yes <input type="checkbox"/> (if yes please state which class then go to question 12) No X</p> <p>.....</p>
<p>11. Has planning permission been granted?</p> <p>Yes X (please provide ref number): 166.19.P No <input type="checkbox"/></p>

12. What are the timescales for the development of the site? Please outline key milestones: To be completed within 12 months of successful lease.

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

14. Please provide details of any potentially negative economic, social and environmental impacts of your proposal and how you might avoid or mitigate these: No negative impact. There will be virtually no visual change, as the pontoon and yacht are already in situ.

15. Have you applied for land previously? (Please provide details: No, first application.

16. Are you aware of any recent decisions which you feel should be regarded? (Please provide details): No

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

18. Other information to be taken into consideration: The project is strictly for non commercial development. Planning has already been submitted and accepted.

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

Signed:  (applicant)

Dated: 24th March 2020

