

April 5th, 2024

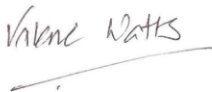
**NOTICE OF MEETING**

You are requested to attend a meeting of the

Mid and East Antrim Neighbourhoods and Communities Committee

to be held on **Tuesday, 9th April 2024 at 6:30 pm** in **Council Chamber, The Braid, 1-29 Bridge Street, Ballymena.**

Yours sincerely



Valerie Watts  
Interim Chief Executive, Mid and East Antrim Borough Council

# Agenda

## 1 NOTICE OF MEETING

## 2 APOLOGIES

## 3 DECLARATION OF INTEREST

## 4 ITEMS FOR CONSIDERATION / DECISION

### 4.1 Letter from Dfl regarding Revocation of Accessible Parking Bay – 32 Glenarm Road, Larne - circulated

▢ *Revoking existing legislation 32 Glenarm Rd Larne.pdf*

*Page 1*

▢ *APB 32 Glenarm Road Larne.pdf*

*Page 2*

### 4.2 Provisional Grant of Amusement Permit – High St Carrickfergus - circulated

▢ *Grant of Provisional Amusement Permit.pdf*

*Page 3*

### 4.3 Entertainment Licence and Wedding Venue approval - circulated

▢ *Grant of Entertainment Licence & Approved Wedding Venue.pdf*

*Page 5*

### 4.4 Registration of Skin Piercing Business - circulated

▢ *Registration of Skin Piercing Business.pdf*

*Page 8*

### 4.5 Donations to Museums - circulated

▢ *Donations to Museums.pdf*

*Page 10*

▢ *Appendix 1 - Images of Offer 1.pdf*

*Page 15*

▢ *Appendix 2 - Images of Offer 2.pdf*

*Page 16*

▢ *Appendix 3 - Images of Offer 3.pdf*

*Page 17*

▢ *Appendix 4 - Images of Offer 4.pdf*

*Page 23*

▢ *Appendix 5 - Images of Offer 5.pdf*

*Page 24*

## 5 ITEMS FOR RECOMMENDATION TO COUNCIL

### 5.1 Updated report on the Alleged Public Right of Way (PROW) at 13a Rhanbuoy Park, Carrickfergus – circulated (05.04.24)

- 📄 *Update Report on PROW at 13a Rhanbuoy Park.pdf* *Page 25*
  
- 📄 *Appendix 1 - 13a Rhanbuoy Park.pdf* *Page 28*
  
- 📄 *Appendix 2 - 13a Rhanbuoy Park.pdf* *Page 29*

## 6 TABLED QUESTIONS

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*Closed Committee - In accordance with Council policy, representatives of the Press will not be in attendance for this section of the Meeting.*

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## 7 ITEMS FOR CONSIDERATION / DECISION – CLOSED COMMITTEE

### 7.1 Presentation from Mr Gerry Darby, Strategic Manager, Lough Neagh Partnership

### 7.2 Lough Neagh Partnership funding request 2024-25 - circulated

- 📄 *Lough Neagh Partnership Funding Request 2024-25.pdf* *Not included*
  
- 📄 *Appendix 1 - Lough Neagh Partnership Activity Report\_.pdf* *Not included*

### 7.3 Strategic Tourism and Regeneration Activity Update - circulated

- 📄 *Strategic Tourism and Regeneration Activity Update.pdf* *Not included*
  
- 📄 *Appendix 1 - Theatre Performances.pdf* *Not included*
  
- 📄 *Appendix 2 - Muesum Exhibitions and Events.pdf* *Not included*

### 7.4 Gobbins Sub Committee Adoption of Minutes - circulated

- 📄 *Gobbins Sub Committee Adoption of Minutes.pdf* *Not included*
  
- 📄 *Appendix 1 - The Gobbins Sub Committee Minutes 26-10-2023.pdf* *Not included*

## 8 ITEMS FOR RECOMMENDATION TO COUNCIL – CLOSED COMMITTEE

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Department for

**Infrastructure**

An Roinn

**Bonneagair**

Department for

**Infrastructure**[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

1

Town Clerk and Chief Executive  
Mid and East Antrim Borough Council  
The Braid  
1-29 Bridge Street  
Ballymena  
BT43 5EJ

Traffic Management Section  
County Hall  
182 Galgorm Road  
Ballymena  
BT42 1QG  
Telephone: 0300 200 7899  
Textphone: 028 2566 2510

Email: [dfiroads.northern@infrastructure-ni.gov.uk](mailto:dfiroads.northern@infrastructure-ni.gov.uk)

Your ref:  
Our ref:

08<sup>th</sup> February 2024

Dear Sir/Madam

**Re. Revocation of Accessible Parking Bay – 32 Glenarm Road, Larne.**

Dfi Roads is in the process of revoking the existing legislation for an 'Accessible Parking Bay' to the front of house number 32 Glenarm Road Larne. The original applicant has notified Dfi that the accessible parking bay is no longer required.

Before proceeding with the drafting of the appropriate legislation. I would appreciate receiving any comments your Council may wish to make regarding this proposal.

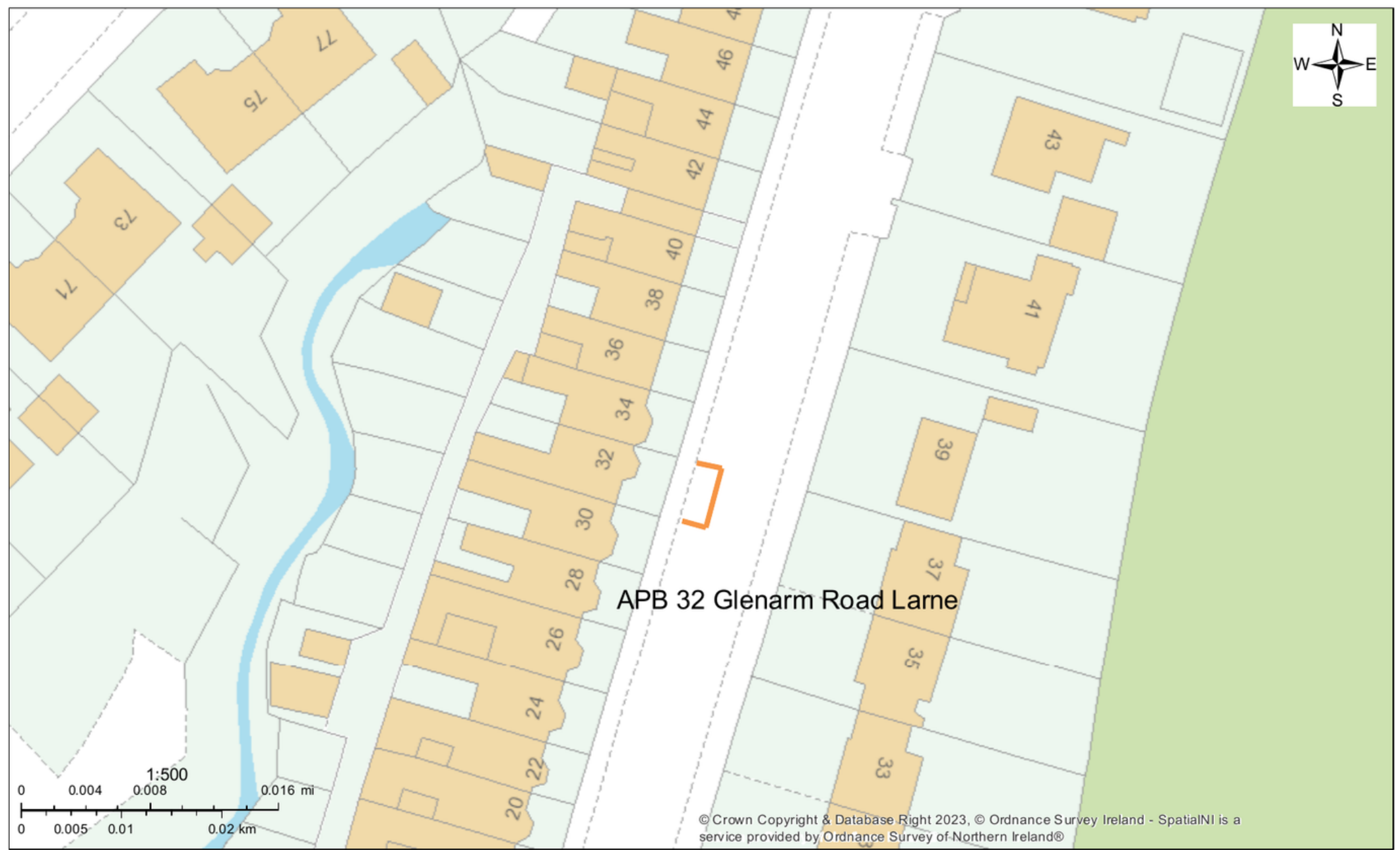
A location plan is attached for your information.

Yours faithfully

*Aidan Mc Hugh*

**Traffic Management  
Northern Division**

# 32 Glenarm Road Larne



APB 32 Glenarm Road Larne

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08/02/2024, 15:36:01



**Council/Committee:** Neighbourhoods and Communities  
**Date:** 09 April 2024

**Report Title:** Grant of Provisional Amusement Permit  
**Publication Status:** Open

**Author:** Patricia Allen, Head of Public Protection, Health & Wellbeing  
**Approver:** Philip Thompson, Director of Operations

**1. Purpose**

1.1. This report is to seek Elected Members' approval for the grant of a Provisional Amusement Permit.

**2. Background**

2.1. Councils are responsible for the grant and renewal of Amusement Permits under Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985. The purpose of the Amusement Permit is to control the number of gaming machines, prizes awarded and to prevent persons under eighteen accessing certain gaming machines. The permits are processed and issued by district Councils but the enforcement of legislation falls to PSNI.

2.2 The requirements of the legislation are that the Council must consider as part of application process, the fitness of a person or body corporate to hold an amusement permit. The council shall have regard to the character, reputation and financial standing of the person or body applying. The Council have also required that planning permission for the premises to be used as an amusement arcade is in place at the time of application.

2.3 The applications for amusement permits are either made for the provisional or final grant of the permits. A provisional grant covers the principle of allowing the specific applicant to open an amusement arcade at the location. The final grant of amusement permit will be used to confirm that the premises has been completed as per plans submitted in the Provisional application.

**3. Key Issues for Consideration**

3.1. The following application for the grant of a Provisional Amusement Permit has been received.

Applicant	Premises	Address	Days and times applied for	Type of permit
Oasis Retail Services Limited	Oasis Gaming Centre	33-35 High Street Carrickfergus	Monday – Saturday 09:00- 24:00 Sunday	Provisional

			11:00-24:00	
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The application is for a new amusement arcade at 33 High Street, Carrickfergus. The PSNI has been consulted and they have no objections to the application. The application was also advertised in local newspaper and no objections were received. The applicant has submitted character and financial references for the company and directors. The company has held Amusement Permits for other arcades in the Borough for a significant length of time.

- 3.2 The premises in High Street received planning permission for use as an amusement arcade on 2<sup>nd</sup> October 2023.

#### 4. General Considerations / Implications

- 4.1. It is important that the Council is seen to have a fair and transparent process for dealing with application for licences and permits, ensuring that all appropriate views and information are considered during the process.
- 4.2. If the Committee refuse the application for the amusement permit the applicant has the right to appeal the decision to County Court.

#### 5. Proposed Way Forward

- 5.1. As the Council does not have a policy that covers or controls the numbers or locations of amusement arcades it must decide the outcome of the permit application based on the criteria in the legislation. The planning process has already considered if the building and location is suitable for this purpose. The amusement permit process is to control who can run amusement arcades and how they are managed.
- 5.2. This application meets all the requirements in the legislation and there are no grounds within the legislation to refuse the application.
- 5.3. Under Council's Scheme of Delegation 8.2.1 (Article 111(2), The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (as amended) the Committee is authorised to make this decision. Officers are satisfied that the requirements to grant the provisional permit have been met for this application. The grant of a final Amusement Permit can occur once work is completed and the premises is ready for use.

#### 6. Recommendation or Decision

- 6.1. Elected Members approve the granting of a Provisional Amusement Permit for 33 High Street, Carrickfergus.



<b>Council/Committee:</b>	<b>Neighbourhoods and Communities</b>
<b>Date:</b>	9 April 2024
<b>Report Title:</b>	<b>Grant of Entertainment Licence and Approved Wedding Venue</b>
<b>Publication Status:</b>	Open
<b>Author:</b>	Patricia Allen, Head of Public Protection, Health & Wellbeing
<b>Approver:</b>	Philip Thompson, Director of Operations

## 1. Purpose

- 1.1 The purpose of this report is to seek Elected Members' approval for the licencing of entertainment at The Sheddings, Glenarm and for it to be an approved venue for weddings and civil partnerships.

## 2. Background

- 2.1 Council is responsible for the issuing of Entertainment licences under the Local Government and Miscellaneous Provisions (NI) Order 1985.
- 2.2 The purpose of issuing a licence to have entertainment is to ensure that members of the public attending entertainment venues are safe, that the premises is fire safe and that any noise from the entertainment does not cause a nuisance to neighbouring properties.
- 2.3 When application is made to Council, licencing officers undertake both a physical check of the building and a series of documentation checks such as fire and electrics certification to ensure that the building is safe to facilitate entertainment events. In addition, statutory partners such as PSNI (Police Service Northern Ireland) and NIFRS (Northern Ireland Fire and Rescue Service) are consulted in respect of disturbance and fire risk.
- 2.4 The Council is also responsible for approving places which are suitable to hold civil marriages and partnerships where an application has been received under the Marriage (NI) Order 2003 and the Civil Partnership Act 2004.

A standard part of the process to grant and renew these licences is to consult with PSNI. For entertainment licensing the PSNI is a statutory consultee, and the Council is required to have regard to any observations submitted by them. For the Wedding Venue Approval, the PSNI is consulted regarding whether the applicant is a fit and proper person.

### 3. Key Issues for Consideration

- 3.1 The following application for the grant of an entertainment licence/wedding venue approval has been received

Applicant	Premises	Address	Type of entertainment	Days and times applied for	Type of licence
Michael Boreland	The Sheddings	Glenarm Castle Estate Munie Road Glenarm	Music, singing and dancing	Sunday-Thursday 12:00 till 01:00 Friday - Saturday 12:00 till 01:00	Annual

- 3.2 As per the normal procedure, the PSNI and NIFRS were consulted regarding the application. The formal responses have been received and there are no objections from statutory consultees regarding this application.
- 3.3 An inspection of the premise confirmed that the building meets all required current fire safety requirements.

### 4. General Considerations / Implications

- 4.1 It is important that Council is seen to have a fair and transparent process for dealing with application for entertainment licences and ensuring that all appropriate views and information are considered during the process.

### 5. Proposed Way Forward

- 5.1 Under Council's Scheme of Delegation

8.1.1, Article 3, Schedule 1 of the Local Government (Miscellaneous Provisions) (NI) Order 1985

8.5.1, Article 18 of The Marriage (NI) Order 2003, and

8.6.1, Section 144 of the Civil Partnership Act 2004

the Committee is authorised to make this decision.

- 5.2 Officers are satisfied that the above-named premise should be granted an annual entertainment licence and a 3-year venue approval for weddings and civil partnerships.

## **6. Recommendation or Decision**

- 6.1 Elected Members approve the granting of an annual Entertainment Licence and also a Wedding Venue approval which lasts for 3 years to The Sheddings, Glenarm Castle Estate.

**Council/Committee:** Neighbourhoods & Communities

**Date:** 9 April 2024

**Report Title:** Registration of Skin Piercing Businesses

**Publication Status:** Open

**Author:** Patricia Allen, Head of Public Protection, Health & Wellbeing

**Approver:** Philip Thompson, Acting Director

## 1. Purpose

- 1.1. The purpose of this report is to seek Elected Members approval for the registration of two businesses under the Council's Skin Piercing Bye Laws.

## 2. Background

### 2.1. Legal Background

Under the Local Government (Miscellaneous Provisions) (NI) Order 1985, the Council is responsible for registering and regulating businesses which carry out skin piercing. This can include ear piercing, cosmetic piercing, semi-permanent skin colouring, tattooing, acupuncture and electrolysis.

### 2.2. Skin Piercing Byelaws

Mid and East Antrim Borough Council in pursuance of section 90 (c) of the Local Government Act (Northern Ireland) 1972 and Article 14(7) of the 1985 Order set byelaws for the purposes of securing the cleanliness of premises registered under Article 14 of Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985. These byelaws set out the requirements regarding fittings in those premises and of registered persons and persons assisting them and the cleansing and so far as appropriate sterilisation of instruments, materials and equipment used in connection with the businesses of skin piercing activities.

## 3. Key Issues for Consideration

### 3.1. Applications Received

Applications for registration have been received from the following premises to be registered under the byelaws for a skin piercing practice:

- Lucy Morrell, Velvet Rose, Unit 24 The Courtyard, Galgorm Castle, 188 Galgorm Road, Ballymena - for cosmetic piercing of the ear and nose only;
- Debra McCord, Sanctuary By The Sea, 12a&b Green Street, Carrickfergus - for electrolysis and semi-permanent skin colouring.

3.2 Inspection of the premises has found that the fittings and facilities were satisfactory. There were also suitable arrangements for ensuring sterilisation of any instruments, materials and equipment used in skin piercing activities. The requirements of Mid and East Antrim Borough Council Skin Piercing Bye Laws 2015 were found to have been fulfilled.

#### **4. General Considerations / Implications**

##### **4.1. Programmed Inspections**

The premises will be inspected routinely to ensure compliance with Council Skin Piercing Bye Laws.

#### **5. Proposed Way Forward**

- 5.1 Officers are satisfied that all requirements to grant registration in relation to both the applications listed within this report have been met.

#### **6. Recommendation or Decision**

Elected Members are asked to grant approval to register the following businesses under the Council's Skin Piercing Byelaws:

- 6.1 Lucy Morrell, Velvet Rose, Unit 24 The Courtyard, Galgorm Castle, 188 Galgorm Road, Ballymena - for the business of cosmetic piercing of the ear and nose only; and
- 6.2 Debra McCord, Sanctuary By The Sea, 12a&b Green Street, Carrickfergus - for the business of electrolysis and semi-permanent skin colouring.



**Council/Committee:** Neighbourhood and Communities Committee  
**Date:** 09 April 2024

**Report Title:** Donations to Museums  
**Publication Status:** Open

**Author:** Laura Cowan, Strategic Regeneration and Tourism Manager  
**Approver:** Philip Thompson, Director of Operations

**1. Purpose**

- 1.1. The purpose of this report is for Elected Members to consider offers of items by donation to Mid-Antrim Museum at the Braid and Carrickfergus Museum.

**2. Background**

- 2.1. The mission of Mid and East Antrim Museum and Heritage Service is to collect, preserve and interpret with our local communities the heritage of the Mid and East Antrim Borough, and to provide an accessible and enjoyable service relevant to diverse needs and interests.
- 2.2. Council museum collections develop through acquisition or acceptance of items on offer to the museums. The decision to accept or decline items on offer to a Council Museum is made by Elected Members, after due consideration of museum staff recommendations, as per the approved Collections Management Policy (2021).

**3. Key Issues for Consideration**

The following donations have been offered to Council's Museum collection.

**3.1 Mid-Antrim Museum**  
 Offer 1 (**Appendix 1**)

<b>Date of Offer</b>	3 January 2024
<b>Offered to</b>	Mid-Antrim Museum
<b>Item(s)</b>	All Saints Church, Ballymena, Centenary Record Booklet (1860-1960)
<b>Provenance</b>	This item was left anonymously.
<b>Collection Implications</b>	No storage implications.
<b>Recommendation</b>	To accept this donation.



### Offer 2 (Appendix 2)

<b>Date of Offer</b>	20 January 2024
<b>Offered to</b>	Mid-Antrim Museum
<b>Item(s)</b>	Ballymena Municipal Technical School 1915-1917 handwritten cookery book owned by Mary McNeice.
<b>Provenance</b>	This item was left anonymously.
<b>Collection Implications</b>	No storage implications.
<b>Recommendation</b>	To accept this donation.

### Offer 3 (Appendix 3)

<b>Date of Offer</b>	25 January 2024
<b>Offered to</b>	Mid-Antrim Museum
<b>Item(s)</b>	<p>From the Raphael Family, Galgorm House, Galgorm:</p> <ol style="list-style-type: none"> <li>1. One black and white photograph of Kenneth Raphael's 21st birthday party plus a page with the same photograph scanned on it with handwritten names.</li> <li>2. Two original newspaper cuttings. Obituaries: Henry N Raphael (1941) and Margaret Emily Raphael (1951).</li> <li>3. Handwritten letter on headed paper 'Frank M Raphael' (1940)</li> <li>4. Original marriage certificate of Kenneth Raphael and Ida Constance (nee Bass). It is signed on the inside by all the witnesses.</li> <li>5. Small card with 'R' on the cover and its envelope. (Complimentary card which came with a piece of the wedding cake.)</li> <li>6. Set of letters dating from the 1880s: four from Mary Raphael and one from another Raphael family member addressed to 'Maggie'.</li> </ol>

	<p>7. Two small b/w photographs of Bootham School, York, soccer and cricket teams which Kenneth Raphael played in.</p> <p>8. Small portrait photograph of Henry Newtown Raphael (Kenneth's father) taken by J Magill, photographer.</p> <p>9. Black and White photograph of a group of (what looks like) actors on stage. Names are on reverse and includes Kenneth Raphael.</p> <p>10. Two small b/w photographs of i) brothers Kenneth and Brian Raphael and ii) Brian and his son Timothy.</p> <p>11. Portrait taken in Robinson's Studio, Dublin, of Ellen Emily Dorothea Raphael (Henry Newton's sister) with another lady. Ellen is being presented at court, Dublin Castle 1870s – 1880s.</p> <p>12. A4 sized Raphael and Company Advertisement.</p> <p>13. A4 sized Raphael hand-written family tree.</p> <p>14. A cutting from an American magazine with an article from Kenneth's daughter about her grandfather's (Henry Newtown Raphael) free standing clock which she inherited.</p>
<b>Provenance</b>	These items belong to the daughter of Kenneth and Ida Constance Raphael who lives in America.
<b>Collection Implications</b>	<p>The Raphael family moved to Galgorm in the seventeenth century and became prosperous linen merchants and businessmen. The museum has a sizeable Raphael collection. These items would be a welcome addition.</p> <p>No storage implications as they are all small paper items.</p>
<b>Recommendation</b>	To accept this donation.

## Offer 4 (Appendix 4)

<b>Date of Offer</b>	1 February 2023
<b>Offered to</b>	Mid-Antrim Museum



<b>Item(s)</b>	Wartime envelope. The sender was a Gibraltarian refugee living at Camp No 6 (Moorfields) to a relation working in London. The sender has written their address on the reverse.
<b>Provenance</b>	The donor owns the item.
<b>Collection Implications</b>	In 1944, during the Second World War, 7,000 Gibraltarian refugees were transferred from London to seventeen camps in Northern Ireland. Eight of these camps were located near Ballymena. Camp No 6, Moorfields, was one of them. No storage implications.
<b>Recommendation</b>	To accept this donation.

### 3.2 Carrickfergus Museum

#### Offer 5 (Appendix 5)

<b>Date of Offer</b>	14 March 2024
<b>Offered to</b>	Carrickfergus Museum
<b>Item(s)</b>	Memorabilia relating to Carrickfergus Garden Society. The collection includes 21 trophies and awards, a minute book covering 1958 – 1973 and various newspaper cuttings with colour photos of the Society's activities.
<b>Provenance</b>	Offered by the Society's committee. While they are an active society, they no longer hold competitions and events, and therefore have no need of the trophies.
<b>Collection Implications</b>	The Carrickfergus Museum store would not have the space to accommodate the entire collection.
<b>Recommendation</b>	Recommend that the Society is allowed to hold a display in the mall area of the civic centre to promote the society's forthcoming 70 <sup>th</sup> anniversary. Clubs and Societies are an important and popular theme, well represented in the Carrick collection, so a small selection of items to represent the society would be a welcome addition to the collection. Recommend that we accept the minute book and a small selection of trophies to be agreed with the Society's committee.

#### **4. General Considerations / Implications**

- 4.1. Financial implications – no implications as they are offered as donations to the museums, therefore there are no initial cost implications. Any ongoing costs for care of the items is anticipated to be small and can be covered within existing museum budgets.
- 4.2. Links to the Corporate Plan - Sustainable Jobs and Tourism objective, to create a compelling tourism and economic proposition by developing and investing in our unique heritage and assets.

#### **5. Proposed Way Forward**

- 5.1. Officers propose that the recommendations of the museum team are followed in terms of accepting or declining items into Council's Museum collection, as detailed in this report.

#### **6. Recommendation or Decision**

Elected Members are asked to: -

- 6.1 Accept Offers 1 – 4 in full; and
- 6.2 From Offer 5, accept the minute book and a small selection of trophies to be agreed with the Society's committee, alongside the display of a temporary community exhibition.

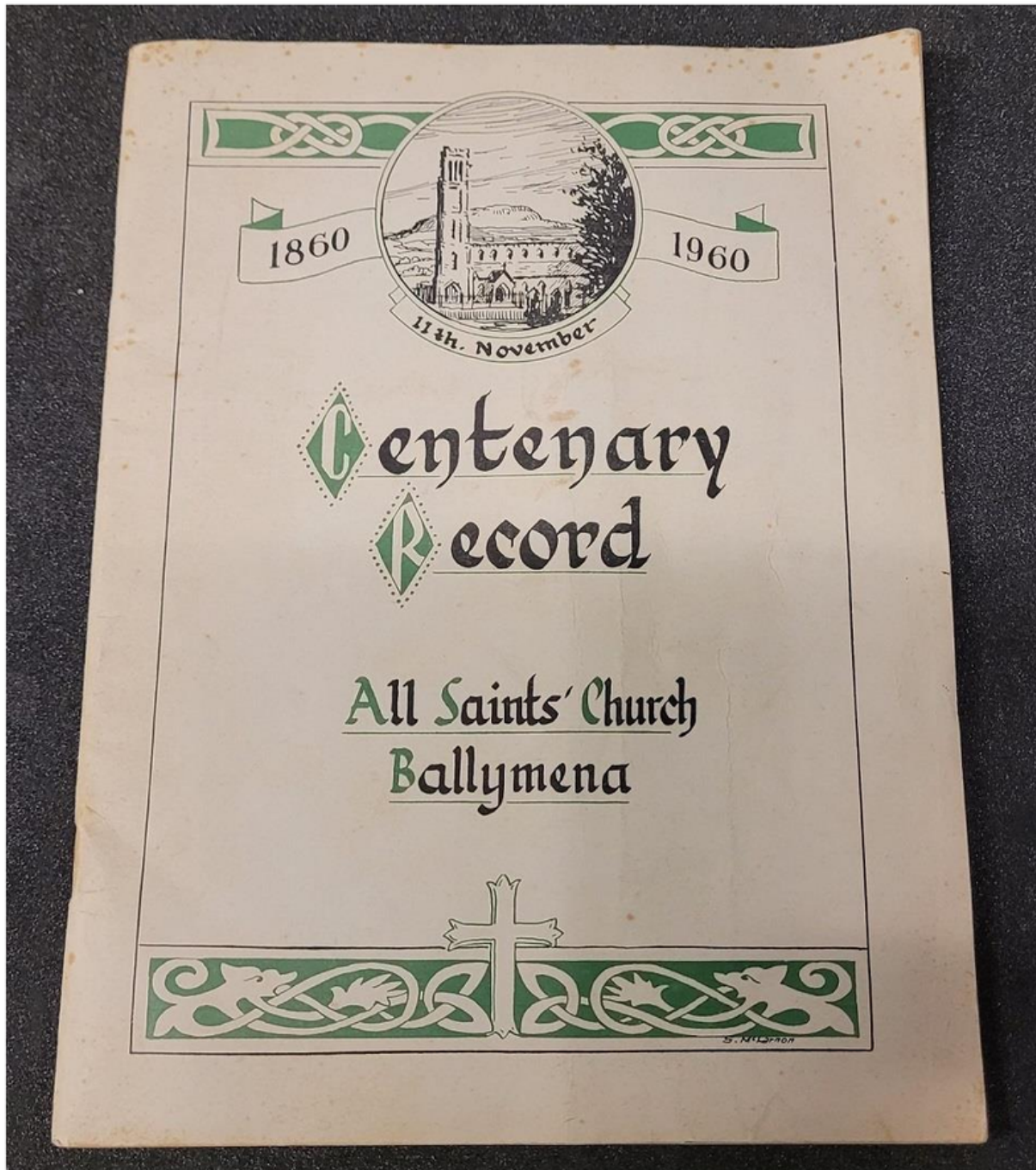
#### **7. Appendices / Links**

- Appendix 1 - Images of Offer 1
- Appendix 2 - Images of Offer 2
- Appendix 3 - Images of Offer 3
- Appendix 4 - Images of Offer 4
- Appendix 5 - Images of Offer 5

Appendix 1

Offer 1

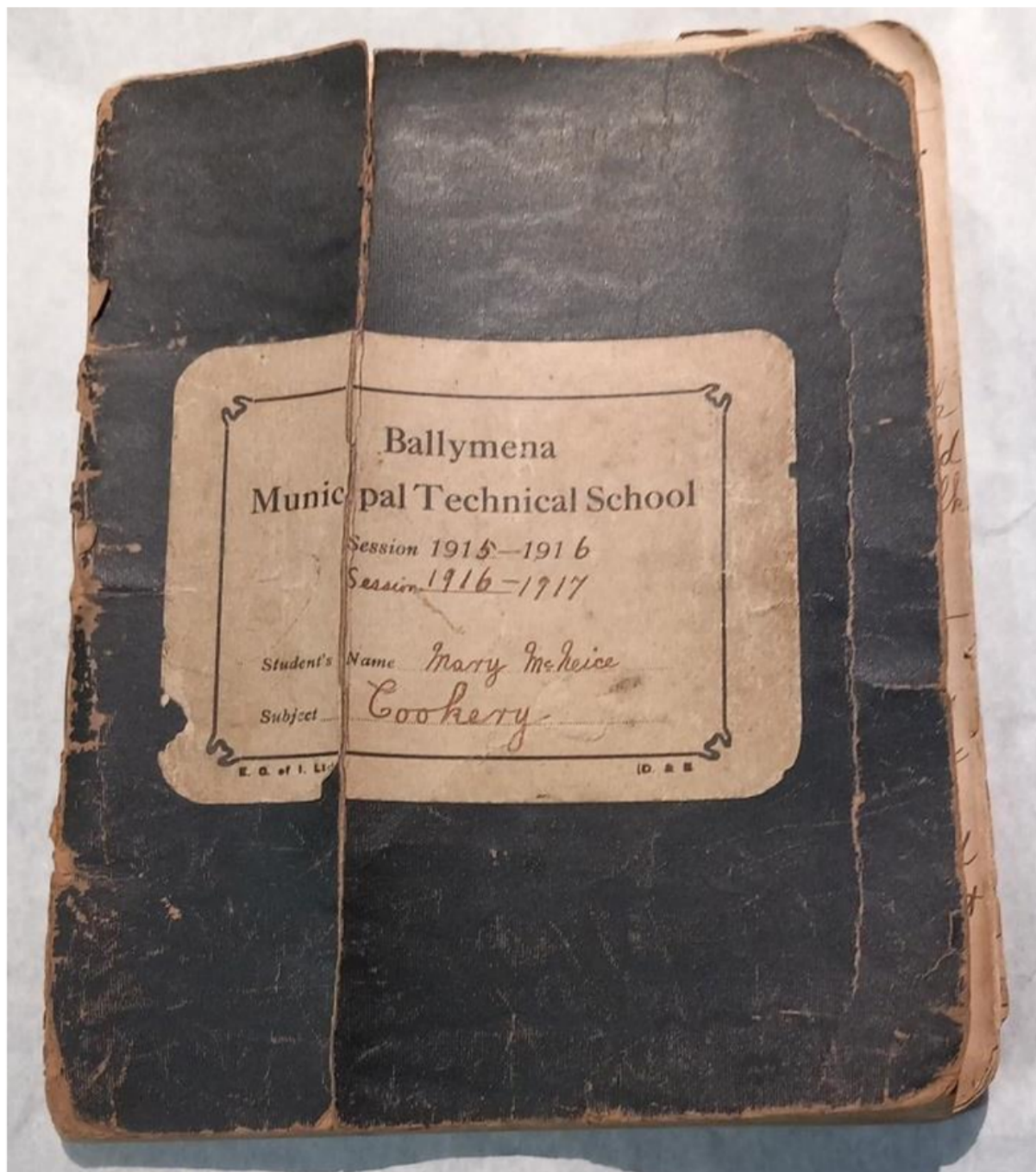
All Saints Church, Ballymena, Centenary Record Booklet (1860-1960)



## Appendix 2

## Offer 2

Ballymena Municipal Technical School 1915-1917 handwritten cookery book owned by Mary McNeice.



## Appendix 3

### Offer 3

From the Raphael Family, Galgorm House, Galgorm:

1. One black and white photograph of Kenneth Raphael's 21st birthday party plus a page with the same photograph scanned on it with hand-written names.
2. Two original newspaper cuttings. Obituaries: Henry N Raphael (1941) and Margaret Emily Raphael (1951).
3. Handwritten letter on headed paper 'Frank M Raphael' (1940)
4. Original marriage certificate of Kenneth Raphael and Ida Constance (nee Bass). It is signed on the inside by all the witnesses.
5. Small card with 'R' on the cover and its envelope. (Complimentary card which came with a piece of the wedding cake.)
6. Set of letters dating from the 1880s: four from Mary Raphael and one from another Raphael family member addressed to 'Maggie'.
7. Two small b/w photographs of Bootham School, York, soccer and cricket teams which Kenneth Raphael played in.
8. Small portrait photograph of Henry Newtown Raphael (Kenneth's father) taken by J Magill, photographer.
9. Black and White photograph of a group of (what looks like) actors on stage. Names are on reverse and includes Kenneth Raphael.
10. Two small b/w photographs of i) brothers Kenneth and Brian Raphael and ii) Brian and his son Timothy.
11. Portrait taken in Robinson's Studio, Dublin, of Ellen Emily Dorothea Raphael (Henry Newton's sister) with another lady. Ellen is being presented at court, Dublin Castle 1870s – 1880s.
12. A4 sized Raphael and Company Advertisement.
13. A4 sized Raphael hand-written family tree.
14. A cutting from an American magazine with an article from Kenneth's daughter about her grandfather's (Henry Newtown Raphael) free standing clock which she inherited.



*Robinson*

DUBLIN

1878  
316 758

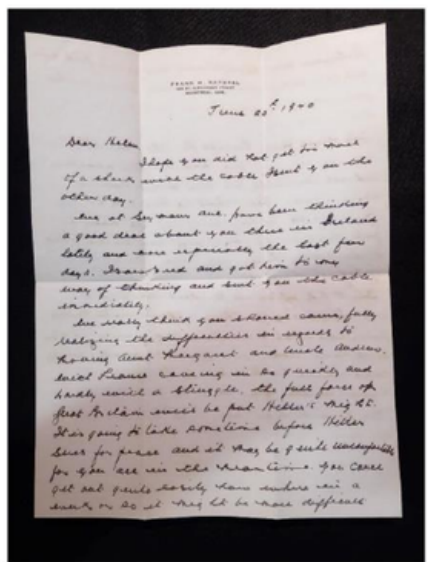
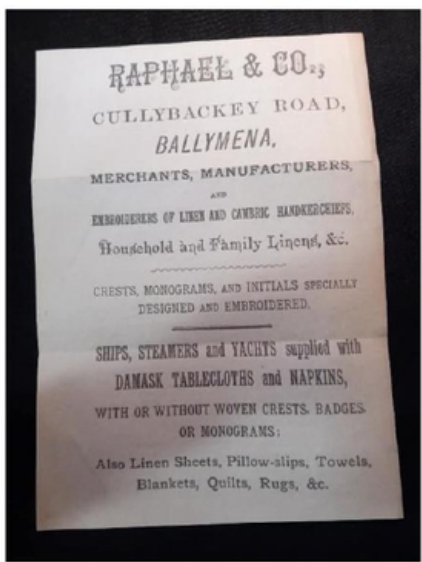
Whereas, Kenneth Raphael  
 of 60 Donegall Pass, Belfast in the County  
 of Antrim Son of Henry Newton Raphael  
 of Molauwerth Road, Bookstown, in the County  
 of Tyrone. and of Mary Elizabeth his Wife and  
 Ida Constance Bass of 601 Antrim Road, Belfast,  
 in the County of Antrim Daughter of Philip Murray Bass  
 of 601 Antrim Road, Belfast, in the County of Antrim  
 and of Kate Ida his Wife, have complied with  
 the requirements and usages of the Religious Society of Friends in  
 relation to Marriage :—

Now these are to Certify that for the solemnization of their Marriage  
 this Eighth day of the ninth Month in the year of  
 our Lord one thousand nine hundred and thirty-eight they the said  
 Kenneth Raphael and Ida Constance Bass  
 appeared at a public Meeting for Worship of the aforesaid Society in their  
 Meeting House Frederick Street, Belfast, and the  
 said Kenneth Raphael taking the said  
 Ida Constance Bass by the hand declared as followeth :—

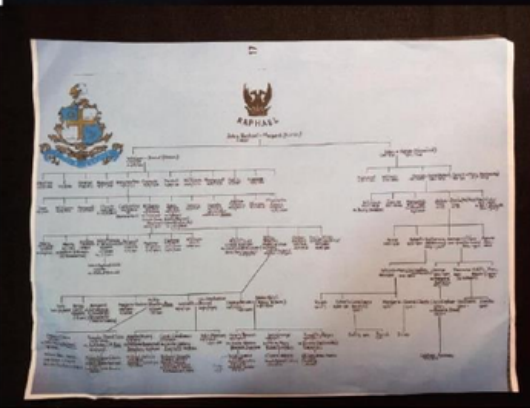
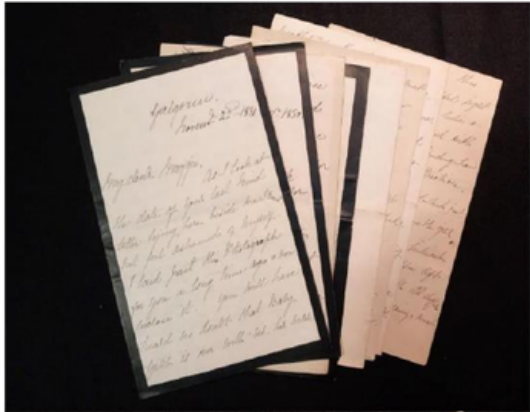
"Friends, I take Ida Constance Bass to be my  
 Wife, promising through Divine assistance to be unto her a loving and  
 faithful Husband until it shall please the Lord by death to separate us."

And the said Ida Constance Bass did also  
 declare as followeth :—

"Friends, I take Kenneth Raphael to be my  
 Husband, promising through Divine assistance to be unto him a loving and  
 faithful Wife until it shall please the Lord by death to separate us."





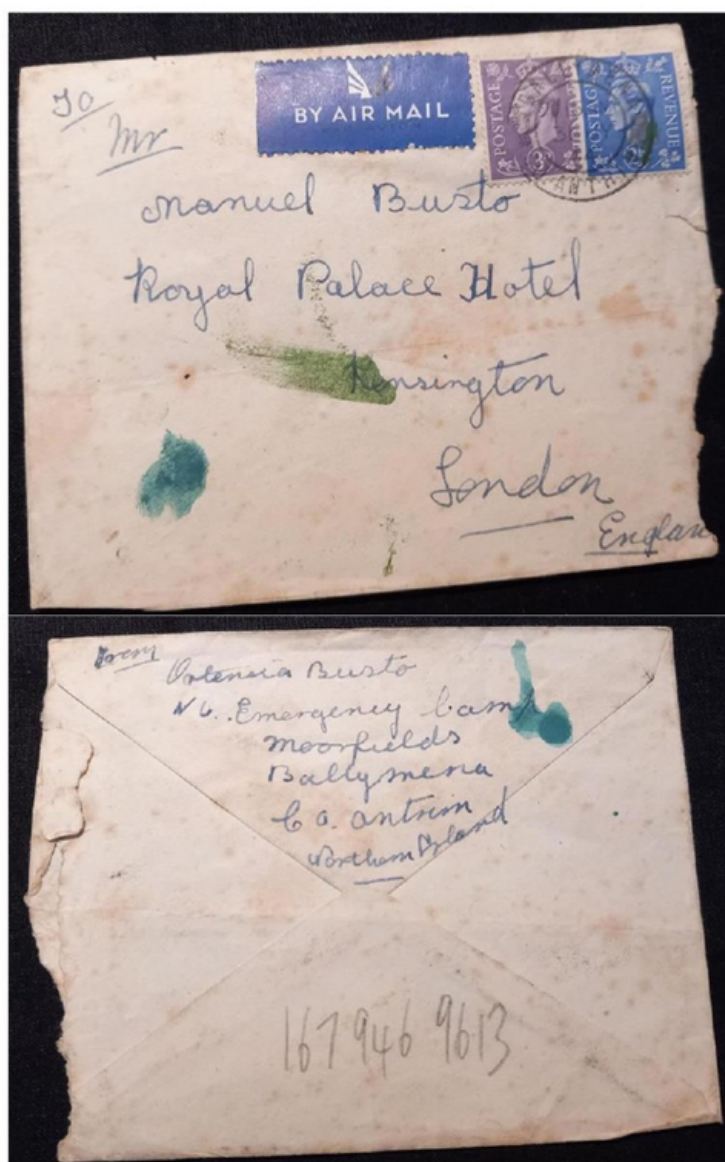




## Appendix 4

## Offer 4

Wartime envelope. The sender was a Gibraltarian refugee living at Camp No 6 (Moorfields) to a relation working in London. The sender has written their address on the reverse.



## Appendix 5

## Offer 5

Memorabilia relating to Carrickfergus Garden Society. The collection includes 21 trophies and awards, a minute book covering 1958 – 1973 and various newspaper cuttings with colour photos of the Society's activities



<b>Council/Committee:</b>	<b>Neighbourhoods and Communities</b>
<b>Date:</b>	9 April 2024
<b>Report Title:</b>	<b>Updated report on the Alleged Public Right of Way (PROW) at 13a Rhanbuoy Park, Carrickfergus</b>
<b>Publication Status:</b>	Open
<b>Author:</b>	Lisa Kirkwood, Outdoor Recreation Officer
<b>Approver:</b>	Philip Thompson, Director of Operations

## 1. Purpose

- 1.1. This report is to seek a formal decision from Elected Members on the status of the alleged Public Right of Way (PROW) at 13a Rhanbuoy Park, Carrickfergus, see map attached at **Appendix 1**.

## 2. Background

- 2.1. Under the Access to the Countryside (NI) Order 1983, all Councils in Northern Ireland have a duty to “assert, protect, keep open and free from obstruction any public right of way”. Mid and East Antrim Borough Council’s Policy and Procedures for Public Rights of Way Investigations set out the basis of a practical, step by step approach that may be taken by Council staff and others who are concerned with the investigation of the status of routes alleged to be Public Rights of Way.
- 2.2. The intention of the policy is to show that Council approaches its statutory responsibilities under the Access to the Countryside (NI) Order 1983 in a fair, balanced and professional manner. The legislation only applies where a Public Right of Way has been asserted. Council decisions should be made based upon the premise that Council is obliged to assert a Public Right of Way only where it is satisfied that such a route exists.
- 2.3. Investigations were carried out in 2007, 2013 and then again since 2021. As part of the investigation process evidence forms were gathered and historical maps referred to.
- 2.4. The most recent investigation, which commenced in 2021, was deferred pending further information in March 2022.

## 3. Key Issues for Consideration

- 3.1. In response to the request for information in 2021, Council received 6 evidence forms, one letter, 2 e-mails and 21 signatures on a petition in support of there being a public right of way at 13a Rhanbuoy Park.

However, 5 of the evidence forms, the letter writer's original address and 20 of the signatures are from residents within Rhanbuoy Park. This may mean that they have been exercising their right of way to Woodburn River via the site in question, reserved by their title documents.

- 3.2. Council also received the landowner evidence form from the current owner who strongly refutes the existence of a public right of way at the site, stating that no evidence appears on land registry maps for the site.
- 3.3. At present, the evidence presented by residents only supports that there has been a private right of way at the site as per their deeds. There has only been one evidence form received from a resident outside the Rhanbuoy Park area, who may not be entitled to access per their title deeds.
- 3.4. There is also contradicting evidence in terms of the location of the right of way. The Deeds state that the right of way runs inside the battery wall, however, the person who built the residence at 13a Rhanbuoy Park, stated that the right of way runs along the top of the battery wall.
- 3.5. It is clear that the current occupier, and the occupier before that, strongly refuted that a PROW existed at this location.
- 3.6. Officers have visited the PRONI offices, when feasible, to carry out searches of Carrickfergus Borough Council Minutes relating to the investigation. Unfortunately, no further information has been found to date.

#### **4. General Considerations / Implications**

- 4.1. Financial implications - if Council were to move to assert the PROW there could possibly be a strong legal objection from the landowner. Given that the evidence gathered is predominantly from residents within the Rhanbuoy Park area, who may have had entitlement to access according to their Deeds, the landowner's objections may be upheld if the case progressed to court.
- 4.2. Legal Implications – the evidence at present does not support assertion of a public right of way.

#### **5. Recommendation or Decision**

- 5.1. Elected Members are asked to not assert a public right of way at this location at this time and should compelling new evidence come forward the matter would be reviewed.

#### **6. Appendices / Links**

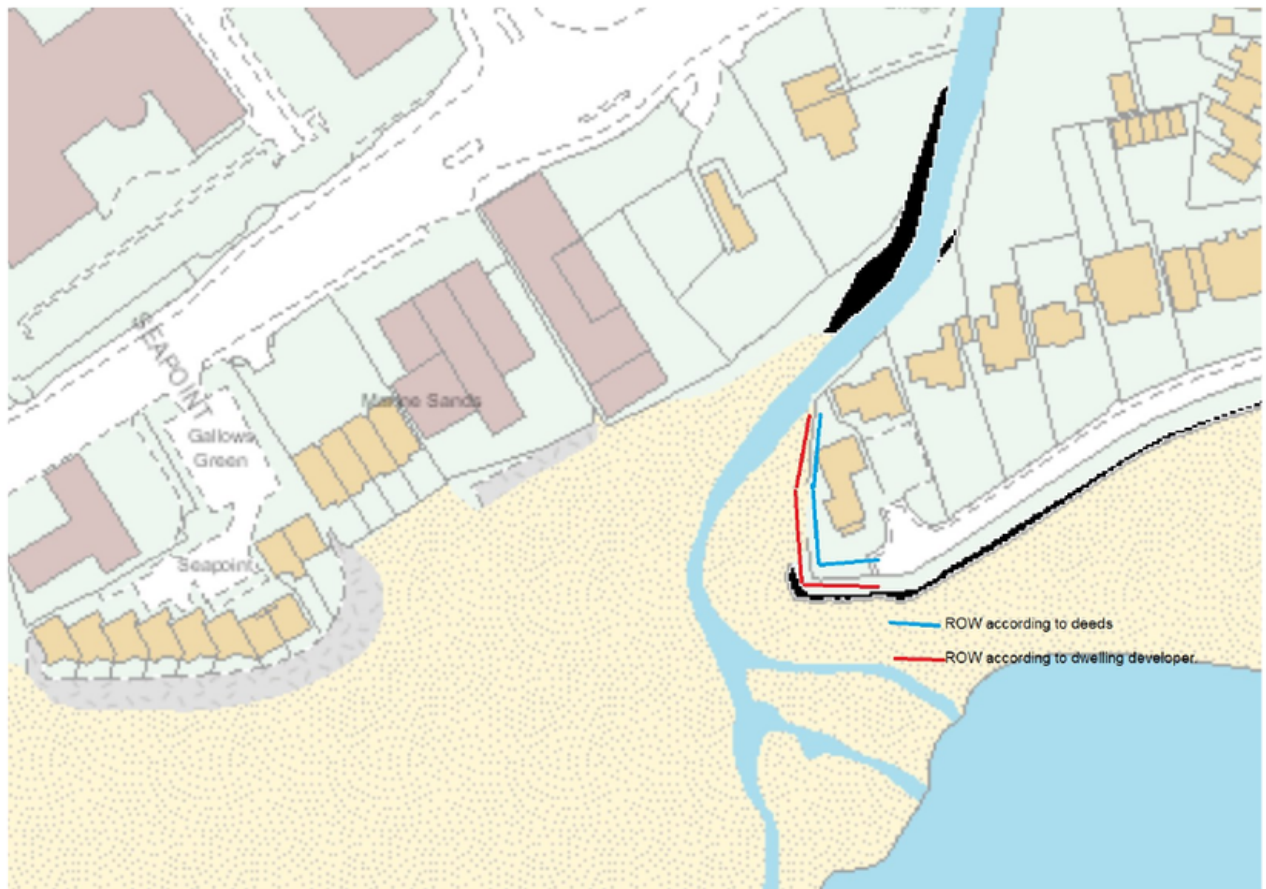
Appendix 1 – Map of right of way



Appendix 2 – Deeds for Rhanbuoy Park dated 1933 and 10 Rhanbuoy Park, dated 28<sup>th</sup> April 1933.

### 13a Rhanbuoy Park

#### Appendix 1



Map showing ROW as detailed in Deeds and the ROW as stated by dwelling developer.



## 13a Rhanbuoy Park

## Appendix 2

thereof hereon endorsed and thereon edged red Together with the right of way on foot and with horses and carriages and all other vehicles in common with the Vendors and all other parties entitled thereto at all times and for all purposes hereinafter over the road known as Rhanbuoy Avenue leading from the Public road from Belfast through Rhanbuoy Park to the seashore and also over the said proposed new Avenue or private road leading from the premises hereby demised to Rhanbuoy Avenue aforesaid And Together also with a right of way on foot in common with the Vendors and all other parties entitled thereto at all times hereafter over the lands of the Vendors along the inside of the sea-wall or battery from said Rhanbuoy Avenue in a westerly direction to the Woodburn River And Together also

with the use in common with the Vendors and all other parties entitled thereto at all times hereafter of the beach adjoining Rhanbuoy Park aforesaid for the purposes of recreation and amusement and sea bathing To Hold the same unto and to the use of the Purchaser his heirs and assigns for ever subject to the covenants on the part of the Grantees and conditions contained in said Trust Deed so far as they affect premises hereby

Deeds relating to Rhanbuoy Park dated 28<sup>th</sup> April 1933

South East side by a proposed new Avenue seventeen feet wide which said piece or parcel of ground is more particularly delineated and described on the Map or ground plan thereof hereon endorsed and thereon edged red with the rights easements members and appurtenances thereunto belonging or in anywise appertaining Together with a right of way on foot and with horses and carriages and all other vehicles in common with the Vendors their heirs undertenants and assigns and all other parties entitled thereto at all times and for all purposes hereafter over the road marked Rhanbuoy Avenue on the said Map leading from the Public road from Belfast through Rhanbuoy Park to the sea shore and also over the said proposed new Avenue leading from the premises hereby granted to Rhanbuoy Avenue and Together also with a right of way on foot in common with the Vendors their heirs undertenants and assigns and all other parties entitled thereto at all times hereafter over the lands of the Vendors along the inside of the sea wall or battery from said Rhanbuoy Avenue in a Westerly direction to the Woodburn River And Together Also with the use in common with the Vendors their heirs undertenants and assigns and all other parties entitled thereto at all times hereafter of the beach adjoining Rhanbuoy Park aforesaid for the purpose of recreation and amusement and for sea bathing And Together Also with a right of way for the Purchaser her heirs undertenants and assigns to use the sewers and Exert from Deeds of 10 Rhanbuoy Park