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| <b>Report on</b>         | Earls Project – Permissive Pathway Agreements with NIHE for Dunlea Vale and Altmore Drive, Dungannon |
| <b>Date of Meeting</b>   | 7 <sup>th</sup> June 2018  |
| <b>Reporting Officer</b> | Claire McNally, Council Solicitor  |
| <b>Contact Officer</b>   | Claire McNally   |

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|---|-----|---|
| <b>Is this report restricted for confidential business?</b>         | Yes |   |
| If 'Yes', confirm below the exempt information category relied upon | No  | x |

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| <b>1.0</b> | <b>Purpose of Report</b>   |
| 1.1        | To update Members on the terms of the transaction regarding land situated at Dunlea Vale, Dungannon and to seek Members' approval in relation to entering into a Permissive Path Agreement with NIHE in respect of this land.  |
| 1.2        | To seek Members' approval in relation to entering into a Permissive Path Agreement with NIHE in respect of land at Altmore Drive, Dungannon.   |
| <b>2.0</b> | <b>Background</b>  |
| 2.1        | The Earls Project ("the Project") which is a European Pease III Funded Project was initiated by the former Dungannon & South Tyrone Borough Council and commenced in late 2014.  |
| 2.2        | In July 2015 the Council resolved that officers progress with the transfers and other agreements in relation to various pieces of land for the pathway that was one element of the Earls Project.  |
| 2.3        | In taking progressing and finalising the legal agreements for the various elements of this Project a number of land transactions that had been previously approved by Council have now been revised.   |
| <b>3.0</b> | <b>Main Report</b>   |
| 3.1        | When progressing the pathway elements of the Project, it transpired that:- <ul style="list-style-type: none"> <li>(i) One owner, Northern Ireland Housing Executive ("NIHE"), for a section of pathway situated at Altmore Drive, Dungannon had not been identified when Council approval was initially obtained in July 2015;</li> <li>(ii) In relation to a section of pathway situated at Dunlea Vale, Dungannon, owned by NIHE, Council approval had previously been provided to purchase the section of this pathway. However, NIHE has since confirmed that section should progress by way of a Permissive Pathway Agreement ("PPA") rather than a sale or lease;</li> </ul> |
| 3.2        | The details for both of these PPAs with NIHE above are summarised in Table 1 below.  |
| 3.3        | NIHE land situated at Altmore Drive is outlined in yellow on the map attached to section 6 of this report titled Appendix A.   |

|                                      |   |                  |                 |
|--------------------------------------|---|------------------|-----------------|
| 3.4                                  | Discussions have taken place with NIHE in respect of this land and they are agreeable to entering into a Permissive Path Agreement on similar terms as that of lands at Dunlea Vale. A copy of both Agreements is attached at section 6 of this report below.   |                  |                 |
| 3.5                                  | NIHE has obtained LPS valuation in relation to both of these transactions.  |                  |                 |
| <b>Table 1</b>                       |   |                  |                 |
| <b>Permissive Pathway Agreements</b> |   |                  |                 |
| <b>Land Owner</b>                    | <b>Location</b>   | <b>Valuation</b> | <b>Duration</b> |
| NIHE                                 | Dunlea Vale, Dungannon  | £2 nominal       | 15 years        |
| NIHE                                 | Altmore Drive, Dungannon  | £2 nominal       | 15 years        |
|                                      |   |                  |                 |
| <b>4.0</b>                           | <b>Other Considerations</b>   |                  |                 |
| <b>4.1</b>                           | <b>Financial, Human Resources &amp; Risk Implications</b>   |                  |                 |
|                                      | Financial:<br>The Council will be responsible for the payment of LPS fees; and its own legal fees.  |                  |                 |
|                                      | Human:<br>Officer time in completing the matter.  |                  |                 |
|                                      | Risk Management:<br>N/A   |                  |                 |
| <b>4.2</b>                           | <b>Screening &amp; Impact Assessments</b>   |                  |                 |
|                                      | Equality & Good Relations Implications:<br>N/A  |                  |                 |
|                                      | Rural Needs Implications:<br>N/A  |                  |                 |
| <b>5.0</b>                           | <b>Recommendation(s)</b>  |                  |                 |
| 5.1                                  | That Members approve that the Council enters into the Permissive Pathway Agreements with NIHE for lands situated at Altmore Drive and Dunlea Vale, Dungannon on the terms set out in Appendix A and Appendix B below respectively.  |                  |                 |
| <b>6.0</b>                           | <b>Documents Attached &amp; References</b>  |                  |                 |
| 6.1                                  | Appendix A –Permissive Pathway Agreement between NIHE and Mid Ulster District Council relating to a section of land situated at Altmore Drive, Dungannon.<br><br>Appendix B – Permissive Pathway Agreement between NIHE and Mid Ulster District Council relating to a section of land situated at Dunlea Vale, Dungannon. |                  |                 |