

Report on	Lease of lands at Pomeroy Forest from DAERA/Forest Service - Update
Date of Meeting	5 th March 2020
Reporting Officer	Claire McNally, Council Solicitor
Contact Officer	Claire McNally

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	To update Members on the Department of Agriculture, Environment and Rural Affairs/Forest Service Northern Ireland's ("DAERA/FSNI") legal arrangement with the Council in relation to lands at Pomeroy Forest ("the Lands") and to seek approval to the amended terms.
2.0	Background
2.1	The Council and DAERA/FSNI aim to work together in relation to the provision of recreational facilities within forestry lands as a platform to create social recreational tourism and economic benefits for the Council area.
2.2	The Council has entered into 20 year Licenses which are site specific with DAERA/FSNI in order to manage the recreational use of a number of forests within the district including Pomeroy Forest. Some of the proposed projects and development opportunities within a number of the forests, have led to DAERA/FSNI requiring that the Council enter into a Lease of specific parcel(s) of land that are subject of said opportunities.
2.3	In relation to the lands at Pomeroy Forest, the development of visitor facilities resulted in the need to extend the current visitor car park and provide necessary visitor amenities. Council approval for the extent and cost of these works was taken to the Development Committee in October 2017, the Council granted approval to progress these Phase 1 Works, which have now been completed.
2.4	In February 2018, the Council approved in principle entering into a 20 year Lease with DAERA/FSNI in respect of the Lands, the final terms of which were to be negotiated with DAERA/FSNI.
2.5	In July 2018, the Council agreed the final revised terms of the Agreement for Lease and draft Lease Agreement with DAERA/FSNI in respect of the Lands.
2.6	The Agreement for Lease was entered into with DAERA/FSNI to allow the Phase 1 Works to proceed.

3.0	Main Report
3.1	Prior to the execution of the Lease, it transpired that the Council required a lease of additional lands situated at Pomeroy Forest. Funding had been granted from SEUPB under the Peace IV fund for the development of a strategic Pomeroy Shared Space Project, known as 'Connecting Pomeroy'. One element of PEACE IV Project relates to development within Pomeroy Forest.
3.2	It was agreed by both parties that it would be appropriate to have one consolidated Lease from DAERA/FSNI incorporating all of those lands required within Pomeroy Forest by the Council, as opposed to having a number of Leases in place.
3.3	<p>The main differences in the terms of the further amended revised draft Lease and that draft Lease previously taken through Council in July 2018 include:-</p> <ul style="list-style-type: none"> • Increase in rental value from £500 to £1000 per annum. This is as a result of the increased landtake to be leased by the Council; • Increase in leased area of land from DAERA/FSNI to the Council. The amended Lease Map is attached at Appendix A. The previously agreed draft Lease Map is included at Appendix B for information and comparison purposes; • Minor general amendments.
3.4	LPS was instructed by DAERA/FS to value the lands in respect of this matter.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	<p>Financial: The Council will be responsible for costs to include: the annual rent; providing and maintaining land boundaries; insurance; and the inspection/examination of trees and subsequent costs of remedial works as required. There is provision for the annual rent within the leisure and outdoor recreation budget, which is where the rental monies will be taken from.</p>
	<p>Human: Officers' time in completing the project and ongoing maintenance.</p>
	<p>Risk Management: N/A</p>
4.2	Screening & Impact Assessments
	<p>Equality & Good Relations Implications: N/A</p>
	<p>Rural Needs Implications: N/A</p>
5.0	Recommendation(s)
5.1	That Members note and agree the revised terms of the 20 Year Lease in relation to lands at Pomeroy Forest including those in section 3.3 of and Appendix A to this report, between DAERA/FSNI and Mid Ulster District Council.

6.0	Documents Attached & References
6.1	<p>Appendix A – Amended Lease Map in respect of lands within Pomeroy Forest between DAERA/FSNI and Mid Ulster District Council;</p> <p>Appendix B – Extent of Lease area previously agreed by Council in July 2018.</p>