

Report on	Lease of lands at Pomeroy Forest from DAERA/Forest Service - Update
Date of Meeting	5 th July 2018
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 DAERA/Forest Service's ("FS") legal arrangement with the Council in relation to lands at Pomeroy Forest and to seek approval to the amended terms.
2.0	Background
2.1	The Council and DAERA/FS 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/FS in order to manage the recreational use of a number of forests within the district including Pomeroy Forest.
2.3	Some of the proposed projects and development opportunities within a number of the forests, have led to DAERA/FS requiring that the Council enter into a Lease of specific parcel(s) of land that are subject of said opportunities.
2.4	In relation to Pomeroy Forest, the development of visitor facilities has resulted in the need to extend the current visitor car park and provide necessary visitor amenities and so the first phase of proposed works relates to site entrance and car park improvement works ("Phase 1 Works"). A Report on the extent and cost of the works was taken to the Development Committee and in October 2017, the Council granted approval to progress these Phase 1 Works.
2.5	In February 2018, the Council approved in principle entering into a 20 year Lease with DAERA/FS in respect of lands within Pomeroy Forest, the final terms of which were to be negotiated with DAERA/FS.
3.0	Main Report
3.1	DAERA/FS had previously provided the Council with a draft Agreement for Lease and draft Lease in relation to lands within Pomeroy Forest. As previous advised, both these agreements are inextricably linked and so both documents need to be agreed simultaneously.

3.2	<p>The final revised documents in relation to lands within Pomeroy Forest is attached at section 6 of this report. The main differences in the terms of the Agreement for Lease and Lease previously taken through Council in February 2018 include:-</p> <ul style="list-style-type: none"> • Rental value of £500 per annum; • 5 yearly rent reviews linked to market rent (upwards only); • General amendments to terms throughout.
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	<p>That Members note and agree the revised terms of the Agreements as annexed at section 6 of this report between DAERA/FS and the Council.</p>
6.0	Documents Attached & References
6.1	<p>Appendix A – Revised draft Agreement for Lease in respect of lands within Pomeroy Forest between DAERA/FS and Mid Ulster District Council; Appendix B – Revised draft Lease in respect of lands within Pomeroy Forest between DAERA/FS and Mid Ulster District Council.</p>