



Title of Report:	Report - Covid Recovery Small Settlements Regeneration Programme (CRSSRP) for the settlements of Gortnaghey
Committee Report Submitted To:	Corporate Policy and Resources Committee / The Land and Property Committee
Date of Meeting:	27th June 2023
For Decision or For Information	Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Improvement and Innovation
Outcome	Council facilitates towns and villages in the Borough to continue to provide quality environments which evolve to meet the needs of their citizens, businesses and visitors to them.
Lead Officer	Town & Village Manager

Budgetary Considerations	
Cost of Proposal	N/A
Included in Current Year Estimates	N/A
Capital/Revenue	Capital
Code	
Staffing Costs	n/a

Legal Considerations	
Input of Legal Services Required	YES
Legal Opinion Obtained	YES

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No	Date:
	DPIA Required and Completed:	Yes/No	Date:

1.0 **Purpose of Report**

The purpose of this report is to inform the Corporate Policy and Resources Committee of the ongoing situation with one of Council's Covid Recovery Small Settlements projects located at Gortnaghey and to seek guidance on the way forward with the proposal.

2.0 **Background**

- 2.1 The Covid Recovery Small Settlements Regeneration Programme (SSRP) is made up of a cocktail of funding from the Department for Communities [DfC], the Department of Agriculture, Environment and Rural Affairs [DAERA], the Department for Infrastructure [DfI] and Council.
- 2.2 SSRP Project A includes a project to create an off-road safe walking/cycling route of approx. 800 metres in length linking the local GAA Club with the settlement of Gortnaghey. The hard surface walking/cycle path will provide access to the village and its key services and will encourage users to make use of active travel into the village. This will promote a culture of walking and cycling that will lead to reduced traffic emissions in the village and will contribute to the DfI Blue/Green Infrastructure Policy.
- 2.3 This project was first addressed in **2019** under the Rural Development Programme (RDP) Village Renewal Scheme. At its **16th April 2019** Council meeting, members agreed an approach where Officers would seek agreement from landowners to enter into a **Permissive Path Agreement** with Council for a period of 10 years in order to deliver the project. However, before this could be implemented, the Local Action Group (LAG) responsible for delivery of the RDP took the decision not to issue a Letter of Offer for the project as Planning Permission had not been awarded in time to proceed. Planning Permission was subsequently awarded in June 2021.
- 2.4 In **December 2021**, when SSRP funding was offered to Council by DfC, the Gortnaghey project was identified as one that could be delivered within the restrictive timescale (projects to be completed by 31/3/2023) of the SSRP as Planning Permission was already in place and a procurement exercise had already been completed. In **January 2022** Council approved the submission of an Implementation Plan to DfC which included the Gortnaghey project as one of the potentially deliverable projects at an estimated cost of £100K (this cost estimate was taken from the previous procurement exercise completed in 2019.)

3.0 **Current Situation**

- 3.1 Having taken legal advice on the correct approach to be undertaken, it has been established that a Permissive Path Agreement is not the correct route to be taken in projects such as this where the actual path has not yet been created. The advice is that the correct approach is via a **Deed of Consent** process whereby Council would enter into a Deed of Consent with all 10 landowners of the 8 folios of land involved and,

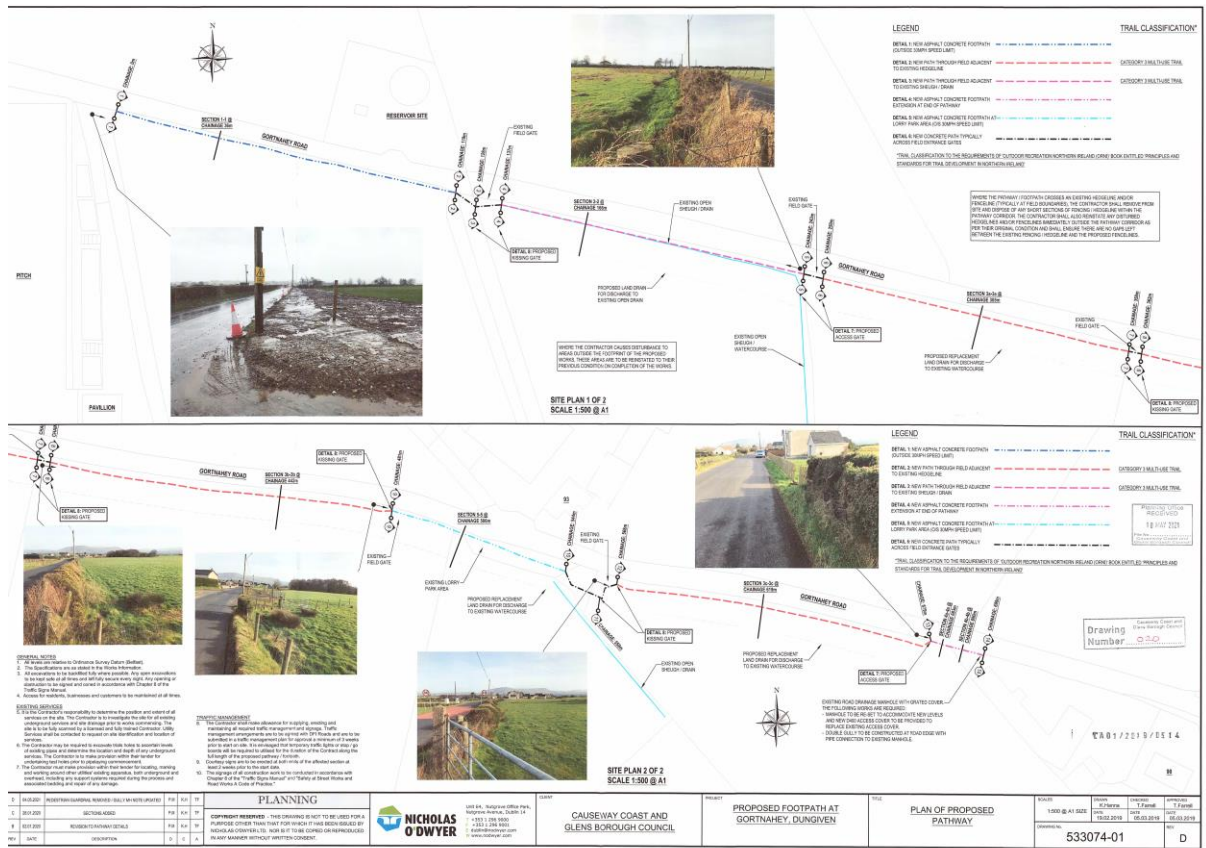
in 2 cases, with the landowners' financial institutions as there are outstanding mortgages on 2 folios.

- 3.2 Given the high number of landowners and associated folios of land involved, there is a risk of agreement not being reached especially if either of the financial institutions refuse to agree to the Deed which could burden the land.
- 3.3 It is proposed that upon completion of the new path, that Dfl is approached to adopt and take over responsibility for ongoing maintenance of the path. However, failing this, Council will either take over maintenance of the path or transfer to the Community Group
- 3.4 Legal Services' opinion is that this Deed of Consent approach is relatively unusual in a project of this type there is a danger of setting a precedent going forward and others may wish to adopt a similar approach in other areas. This opinion also states that this is not a project that Council should become involved with as it is a Dfl infrastructure project. However, this project is part of the Small Settlement Programme which has been approved by full council Feb 2022 and 60% funded by Dfl. The Deed of Consent is necessary if this project is to continue to the procurement stage.
- 3.5 Whilst the cost of construction across all projects within the SSRP continues to be determined, it is important that decisions regarding the correct legal approach to securing permissions to conduct capital works runs in parallel.
- 3.6 Current site images and the lands affected by the proposed path are attached at Appendices A & B

4.0 Recommendation

It is recommended that members consider this submission and confirm that Officers should pursue a Deed of Consent with all landowners and financial institutions (as detailed above at 3.1) as the correct approach in this case.

Appendix A



Appendix B

