



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Legal and Access Arrangements for Works at Cavehill
Date:	14 December 2012
Reporting Officer:	Gerry Millar, Director of Property and Projects, Ext. 6217
Contact Officer:	Cathy Reynolds, Estates Manager, Ext 3493 Stephen Walker, Parks and Leisure Portfolio Manager, Ext 3510 Michael Stanley, Capital Programme Manager, Ext 3483

1	Relevant Background Information
1.1	At its meeting on 15 September 2011 the Parks and Leisure Committee noted the potential external funding available for proposed paths and related works at Cavehill Country Park and Ligoniel Park. At that time funding had been confirmed from the Lagan Rural Partnership in respect of one of the conservation paths on Cavehill and a decision on a second tranche of funding was expected. Committee was also recommended to agree the Council enter into a 10 year Deed of Dedication in respect of the proposed works, subject to the approval of the Strategic Policy and Resources Committee as necessary to meet the anticipated funding requirements. Finally Committee was recommended to approve the works should be put forward to the Strategic Policy and Resources Committee as part of the Capital Programme.
1.2	As things transpired it became clear that the funding was not available to Councils and needed to be routed via a voluntary group in this instance Belfast Hills Partnership (BHP). BHP have been successful in drawing down £107,000 to undertake works to the Council's asset.
1.3	As part of the above funding BHP require the Council to enter into a Development Agreement (their name for the relevant Deed of Dedication referred to in the 15 September 2011 Committee minute). The Development Agreement is for a period of 10 years from completion of the proposed works and requires the Council to manage and maintain the funded assets and public access to them for 10 years following their satisfactory completion. The scope of the works is outlined later in this report.
1.4	Capital Programme: Project Management Unit have advised that as no Council capital funds are involved and the proposed works are to be carried out by a third party, then the scheme would sit outside the Capital Programme.
1.5	Licence Agreement(s): As the schemes are not to be placed on the Council's Capital Programme and are instead to be carried out by a contractor employed

	by BHP, then in order to allow the works to commence, BHP will require a Licence Agreement from the Council which would set out the location, timing and nature of works to be undertaken, plus access arrangements and the respective liabilities and responsibilities of the parties. Indeed if the works are to be split up into constituent parts with potentially several different contracts running at different times, then a series of Licence Agreements will be required.
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2	Key Issues
2.1	The total funding package available to Belfast Hills Partnership, in respect of capital works on Council owned land may be broken down as follow:
2.2	Under Letter of Offer from Lagan Rural Partnership Joint Council Committee, to BHP, dated 14 March 2011 - £34,000.
2.3	This covers the following works: <ul style="list-style-type: none"> i) Installation of approx. 470 metres of new path at McArt's Fort. ii) Installation of Interpretation Panels (1No. at Carr's Glen and 1No. at Ballyaghagan Cashel.
2.4	Under Letter of Offer from Lagan Rural Partnership Joint Council Committee to BHP, dated 17 September 2012 - £73,000.
2.5	This covers the following works: <ul style="list-style-type: none"> i) Installation of new access gate and associated fencing at the Horseshoe bend access to Cavehill Country Park. ii) Installation of approx. 250 metres of new path at Ligoniel Park. iii) Installation of new junior orienteering course at Cavehill Country Park at location to be agreed by Parks and Leisure Department. iv) Installation of 6No. visitor counters at the main entrances to the castle estate portion of Cavehill Country Park plus one 'mobile' counter to identify use by cyclists at different points around the Castle Estate. v) Installation of approx. 1000 metres of new path around the Limestone Quarry at Cavehill Country Park. vi) Installation of approximately 14No. directional signs at designated locations to link walking opportunities at Ligoniel Park via the Horseshoe Bend entrance, to Cavehill Country Park. vii) Installation of a view point at the Limestone Quarry in Cavehill Country Park.
2.6	The Development Agreement (mentioned above) would allow approximately 18 months for completion of all the proposed works and run for a further 10 years thereafter. The detailed terms of the Development Agreement remain subject to discussion and agreement between BHP and the Council's Estates Management Unit and Legal Services.

2.7	Capital Programme:
2.8	The scheme(s) are externally funded and to be delivered by a third party and thus sit outside the Capital Programme.
2.9	Licence Agreement(s):
2.10	Parks and Leisure Department and BHP are keen to commence the work on the McArt's Fort path which is funded via the Letter of Offer dated 14 March 2011. The location of this path is marked blue on the attached map (Appendix 1). The Licensee will be responsible for all security arrangements related to plant and materials and will be responsible for public liability and other insurances during the course of the works. The Council will become responsible for Public Liability Insurance following satisfactory completion of the works. BHP will be required to minimise any disruption to other Park users during the course of the works. The access route to carry out the works and any contractor's compound area required, remains subject to agreement between BHP and Council officers.
2.11	Separate Licence Agreements on similar terms will be put in place in relation to the works associated with the Letter of Offer dated 17 September 2012.

3	Resource Implications
3.1	<u>Financial</u>
3.2	No capital funding is being sought from the Council for any of the proposed works. The Council will however be required to maintain the installed assets for a minimum of 10 years. Parks and Leisure Department confirm that because of the nature of the works and the nature of the environment, the installed assets will require little in the way of maintenance and any costs can be met from within existing budgets.
3.3	<u>Human Resources</u>
3.4	Resources from Estates Management Unit, Legal Services and Parks and Leisure Department will be required to set up and agree the detailed terms of the Development Agreement and (if necessary) Licence Agreements. A Council team will also oversee work specifications.
3.5	<u>Asset and Other Implications</u>
3.6	All the proposed works contribute to either to the physical accessibility of Cavehill Country Park and Ligoniel Park or help guide and inform users. Together they aim to increase the numbers of users and the accessibility to this portion of the Belfast hills.

4	Equality and Good Relations Considerations
4.1	There are no known equality or good relations issues associated with this report.

5	Recommendations
5.1	<p>Committee is recommended to:</p> <ol style="list-style-type: none"> 1. Note that the works will be undertaken by BHP in consultation with Council officers. 2. Authorise the Council enter into a Development Agreement with Belfast Hills Partnership, on detailed terms to be agreed by the Estates Manager and Town Solicitor, in respect of all the works being carried out through the grant funding referred to in this report. 3. Authorise the Council enter into Licence Agreements with Belfast Hills Partnership (such Licences to be drawn up by the Town Solicitor) to regulate the access and other arrangements, including satisfactory completion, for BHP and their contractors on to Council owned land for the various works as set out in this report.

6	Decision Tracking
<p>Director of Parks and Leisure to ensure timely commencement of construction contracts and to liaise with Director of Property and projects regarding having the relevant legal documentation and processes in place to ensure the works comply with Council requirements.</p>	

7	Key to Abbreviations
<p>BHP – Belfast Hills Partnership</p>	

8	Documents Attached
<p>Appendix 1 – Map showing the location of the proposed new paths at McArt’s Fort (marked blue) and the Limestone Quarry (marked red). Surrounding land in Council ownership is shaded yellow.</p> <p>Appendix 2 – Map showing the location of proposed new path at Ligoniel Park (marked red). Surrounding land in Council ownership is shaded yellow.</p>	