

Management Committee

17th April 2018

Lease for Mineral extraction - Portland Cemetery

Appendix -Not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12a of the Local Government Act 1972, as amended. The public interest in maintaining the exemption outweighs the public interest in disclosing it.

For Decision

Portfolio Holder(s)/ Briefholder

Councillor Jeff Cant – Finance and Assets
Councillor Kate Wheller – Community Facilities
Councillor Ray Nowak - Environment and Sustainability

Senior Leadership Team Contact:

M Hamilton, Strategic Director

Report Author:

Jon Morgan, Senior Estate Surveyor

Statutory Authority

Section 123 of the Local Government Act 1972

Purpose of Report

- 1 To enable a lease between WPBC and Albion Stone for extraction of stone from beneath Portland Cemetery at Weston Road, Portland.

Recommendations

- 2 (a) Authority is delegated to the Strategic Director to grant a lease to Albion Stone for extraction of stone under Portland Cemetery
(b) Officers obtain all necessary consents prior to the lease being signed

Reason for Decision

- 3 To permit Albion Stone to progress mineral extraction beneath Portland Cemetery in accordance with their planning consent.

Background and Reason Decision Needed

- 4 Albion Stone obtained planning consent in February 2018 for extracting minerals in the immediate area including beneath the Council owned Portland Cemetery. Workings are likely to take place from 2023 as Albion

Stone plan to carry out mineral extraction in the neighbouring churchyard first.

- 5 To carry out the extraction Albion Stone require access through existing Crown Estate land. This necessitates modification or release of a covenant imposed by the Crown Estate when the land for the Portland cemetery was acquired in the early 1950's that prevents its use other than as a cemetery and open space.
- 6 The Confidential Appendix contains a brief commentary on the likely value of the minerals, the Church Commissioners view, the Crown Estate position and the future use of the worked site.

Implications

Corporate Plan

- 7 To maximise income through effective asset management and trading activities
- 8 Helping to stimulate economic growth so that the borough offers better jobs and prospects for local people.

Financial

- 9 The Council will receive an income from the lease and a resultant facility for longer term use that could be let out or used for its own occupation.

Equalities

- 10 The letting is in accordance with Council policies.

Environmental

- 11 Albion Stone has a history of working minerals on Portland, is a significant land holder and is required to operate in accordance with the detailed conditions of the Planning consents. This includes land support requirements for the cemeteries and aftercare agreements.

Economic Development

- 12 The proposed works may allow income generation and bring jobs in to the area on a longer term basis.

Risk Management (including Health & Safety)

- 13 Albion Stone will be required to work with the Minerals Authority to ensure that any works are carried out in accordance with the Planning consent and to the highest standards.
- 14 Following completion of the negotiations regarding the terms on which the Crown Estate will be prepared to grant the right of way and modify the

covenant referred to above the Legal Services Department will complete the necessary deed with the Crown Estate. Officers will enter discussions with the Diocesan Bishop (Church of England) to determine whether it will exercise its jurisdiction to insist on the grant of a faculty in advance of work being done that involves the part of the cemetery that is consecrated.

Human Resources

- 15 The Council Cemetery management should not be affected by the proposal.

Consultation and Engagement

- 16 The proposed use has obtained planning consent. The letting is commercially sensitive and is under land used for a cemetery so consultation has been limited to relevant portfolio holders.

Appendices

Confidential Appendix - Commentary on the Planning, Proposed Lease and third party matters.

Background Papers

WPBC Asset Management Plan **2016-2019**

Footnote

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

Report Author: Jon Morgan, Senior Estates Surveyor

Telephone: 01305 252304

Email: jmorgan@dorset.gov.uk

Date: 27/03/2018