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**To: Communities, Housing and Planning Policy Board**

**On: 22 May 2018**

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**Report by: Director of Development and Housing Services**

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**Heading: BAE Systems Bishopton – Section 75 Agreement**

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## **1. Summary**

- 1.1 The Council meeting of 2 March 2018 granted consent in principle for the reuse of land previously identified for industrial purposes for some 1000 new homes at the former Royal Ordnance Factory, Bishopton (17/0394/PP).
  - 1.2 Consent was granted, subject to the conclusion of a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure developer contributions associated with the development.
  - 1.3 Councillors further agreed that the terms of the s75 Agreement would be considered and approved at future meetings of the Communities, Housing and Planning Board. This report sets out the proposed terms for the agreement and contributions considered necessary for implementation of the development.
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## **2. Recommendations**

- 2.1 It is recommended that the Board:
    - (i) approves the Heads of Terms proposed for the Section 75 Agreement as set out in the appendix; and
    - (ii) authorises the Director of Development and Housing Services in consultation with the Head of Corporate Governance to conclude the formal Section 75 Agreement as appropriate.
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### 3. **Background**

- 3.1 Outline planning consent for the formation of a mixed used Community Growth Area at the former Royal Ordnance site was approved in November 2012. This consent was accompanied by a Section 75 Agreement that identified a range of planning obligations necessary for the development.
- 3.2 Significant progress has since been made in the implementation of the development and associated s75 Agreement obligations, including:-
- major roads infrastructure – north / south access roads and the main internal distributor road (Craigton Drive);
  - extensive earthworks and remediation activities, site levelling and platforming to prepare land for reuse;
  - engineering works as part of the first phase in delivering a new M8 motorway junction;
  - delivery of traffic management improvements at M8 Junction 29 (St James Interchange);
  - strategic drainage infrastructure and SUDS ponds in and around the site;
  - structural landscaping and new greenspaces including formation of a 'village square', associated paths and strategic pedestrian links implemented across the site;
  - new homes on brownfield land providing a range and choice of residential units for Renfrewshire;
  - traffic management and environmental enhancements at Station Road and Birch Road;
  - first phase of new Park and Ride facilities, delivering an additional 150 parking spaces. This provides for 270 spaces in total, including existing provision;
  - new play areas at Birch Road and Newton Road;
  - woodland management and path network enhancements within Wester Rossland Woodland; and
  - preparatory engineering works for delivery of social housing units, with construction anticipated to commence in summer 2018.
- 3.3 At present there are approximately 855 units occupied, with detailed consent in place for some 1430 homes.

## **4 Planning Application**

- 4.1 The Council meeting of 2 March 2018 granted consent in principle for additional residential use within the Core Development Area of the site, subject to a Section 75 Agreement being concluded to secure financial contributions associated with development (17/0394/PP).
- 4.2 The consent provides for approximately 1000 units, increasing the anticipated number of homes to approximately 4000 over the site as a whole.

## **5 Revised S75 Agreement – Heads of Terms**

- 5.1 In this context a review of the existing s75 Agreement has been undertaken which seeks to reflect the consultation and discussion over a number of years between the applicant and a range of Council services, statutory consultees, community organisations and key partners.
- 5.2 The terms reflect obligations for current and future requirements which are considered necessary for implementation of the consented development and in this respect they identify a range of obligations which include major infrastructure such as affordable housing, education and community facilities, health care facilities and sports, recreation and play facilities.
- 5.3 The s75 Heads of Terms also identifies the necessary provision, timescale for implementation and the proposed delivery mechanism. Obligations identified within the Heads of Terms are detailed in the appendix and summarised below.
- 5.4 In this respect, it is noted that the s75 agreement is only one element of the Planning Consents that exist across the former ROF Bishopton site and that accompanying this there are a suite of conditions and policy documents which require to be taken into consideration by the applicant and the various developers who will be involved in the delivery of this Community Growth Area over the next 15-20 years.
- 5.5 This also recognises that the ongoing dialogue between the applicant, Council Services, the Community Council and the Community Liaison Group that has been established to reflect the views of a number of organisations and agencies active in the Dargavel / Bishopton development will continue to play a key role in both shaping the development itself and ensuring that the needs of the existing and future residents of the area are reflected.

### **Affordable Housing**

- 5.6 The terms provide for over 1000 affordable homes across the site (26% of the total 4000 units anticipated). This is in line with Scottish Planning Policy which recommends a benchmark provision of 25% affordable homes within new development sites, particularly where these are major.

- 5.7 The obligation provides for a mix of affordable homes, including serviced land for approximately 200 social rented units, provision for shared equity/shared ownership, mid market rent and affordable lower market sector units for private sale, including plots for self build. To reflect the long term development horizon and potential changes in market conditions, the obligation provides for the preparation of affordable housing frameworks ahead of each development phase. This ensures that the approach is regularly reviewed and the right type of affordable homes are delivered on the site as development progresses.
- 5.8 In respect of social housing delivery, an agreement for transfer of serviced land from BAE Systems to the Council is nearing conclusion. This will provide for the delivery of 80 social rented units by the Council as an initial phase, with construction anticipated to commence in early summer 2018.
- 5.9 The identification of land for a further 120 social housing units for delivery by a Registered Social Landlord is underway and will be progressed during 2018.

### **Education and Community Facilities**

- 5.10 The terms provide for construction of a new two stream primary school capable of accommodating 440 pupils with associated synthetic playing field, to be completed by June 2021. The scale of required provision and timescale for delivery reflects extensive discussions with the Director of Children Services and has been informed by a detailed review of roll projections associated with the development. Delivery of the primary school is now approximately 5 years earlier than previously anticipated.
- 5.11 Design of the new primary school is well advanced and has been informed by extensive consultation with the Director of Children's Services. The school has been designed to ensure that spaces are flexible and this provides the opportunity for the building to be used for community purposes out of school hours.
- 5.12 Designs in respect of the school will be finalised in late summer 2018, with a formal planning application anticipated to be submitted by BAE Systems in autumn 2018.
- 5.13 The Director of Children's Services has advised that the development will necessitate an extension to Park Mains High School for approximately 300 pupils and will be required by 2028/9.
- 5.14 The details for provision of the secondary infrastructure as well as requirements that will emerge in relation to the implementation of Renfrewshire's Early Years Expansion Plan will be incorporated within the finalised s75 Agreement, in discussion with the Director of Children's Services.

### **Primary Health Care Facility**

- 5.15 The terms provide for construction of a health care facility in agreement with NHS Greater Glasgow and Clyde. The terms are similar to the current s75 Agreement but extend the period for a development agreement by approximately four years, reflecting the ongoing discussions with NHSGGC in this regard.
- 5.16 In addition BAE Systems have identified an appropriate site for the health facility within the village centre and in the event that an agreement is not reached to construct and lease a health care facility, provision is made for a contribution of £1million to the Council to provide appropriate health services related to the development.

### **Bus Services**

- 5.17 The terms provide for a financial contribution to support the delivery of a 'peak' bus service to connect the development with the wider village, Bishopton rail station and Erskine, where connecting services are available. The approach and scale of required contribution will be finalised in discussion with SPT and informed by a detailed review of anticipated demand generated by the development.

### **Continuing Obligations**

- 5.18 A range of further obligations identified in the Heads of Terms will continue to be delivered at the appropriate trigger points and will be incorporated within the revised Section 75 Agreement. The revised s75 reflects the significant scale of obligations previously secured by the Council and confirmation in discussion with internal services and key partners that these remain appropriate in the context of increased residential development at the Bishopton site.
- 5.19 Obligations which will continue to be delivered and form part of the revised s75 Agreement are detailed in the appendix and include:-
- financial contribution to M8 Capacity Improvements;
  - a second phase of park and ride facilities (a further 150 spaces, supporting a final total provision of 420 spaces);
  - delivery of refreshed Leisure Services Strategy which identifies the scope, scale and location of sports and recreation facilities across the site;
  - delivery of a management and implementation plan for the proposed Dargavel Community Woodland;

- early delivery of Central Park and Dargavel Community Woodland, providing appropriate walking and cycling routes;
  - remaining financial contributions in respect of remediation and ecological mitigation, taking into consideration payments made to date;
  - continuing support to Bishopton Community Development Trust and delivery of proposals at Holmpark; and
  - remaining financial contributions in relation to the Community Development Fund, taking into consideration payment made to date.
- 5.20 Work is ongoing to progress delivery of these obligations in accordance with the timescales identified within the proposed Heads of Terms.
- 5.21 In addition, discussions are progressing with BAE Systems and a range of external partners to consider where there may be opportunities for innovative approaches to delivery which support and enhance the investment identified within the proposed s75 Heads of Terms.
- 5.22 In particular, opportunities are being explored in respect of renewable energy technologies and the delivery of Dargavel Community Woodland over the medium to long term.

## 6 Next Steps

- 6.1 A finalised Legal Agreement between the Council and BAE Systems under Section 75 of the Town and Country (Scotland) Act 1997 will be concluded with the assistance of the Head of Corporate Governance. The agreement will provide a framework for the ongoing delivery of planning obligations necessary to provide for implementation of development at the Bishopton site.
- 6.2 Progress on delivery of obligations will be monitored by the Council with updates reported to the Board as appropriate.

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## Implications of the Report

1. **Financial** – Any financial impact as a result of the delivery of new facilities within the s75 agreement will be taken into consideration in future budget processes.
2. **HR & Organisational Development** - None
3. **Community/Council Planning** –  
  
**Reshaping our place, economy and our future** – The s75 Agreement supports development at the former Royal Ordnance site, ensuring the necessary infrastructure is provided to grow our population.

4. **Legal** – The detailed drafting of the s75 will require liaison with the relevant Council and external legal advisers
  5. **Property/Assets** - None
  6. **Information Technology** - None
  7. **Equality & Human Rights** - None
    - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
  8. **Health & Safety** - None
  9. **Procurement** - None
  10. **Risk** - None
  11. **Privacy Impact** - None
  12. **Cosla Policy Position** - None
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### **List of Background Papers**

- (a) None
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## BAE Systems Bishopton, Proposed s75 Agreement Heads of Terms

Element	Obligation	Timescale
<b>Affordable Housing</b>		
Phase 1  (2500 units)	625 affordable units incorporating <ul style="list-style-type: none"> <li>• 200 social rent</li> <li>• 20 intermediate</li> <li>• 405 lower market sector</li> </ul>	Over delivery of 2500 units
Phase 2  (1500 units)	415 affordable units <ul style="list-style-type: none"> <li>• Affordable Housing Frameworks to facilitate delivery with each sector ahead of each development phase</li> </ul>	Agreed ahead of each phase beyond 2500 units
<b>Education and Community Facilities</b>		
Primary School	Education Facility Development Brief  Construction of building and grounds to accommodate:- <ul style="list-style-type: none"> <li>• Two stream primary school (440 pupils)</li> <li>• Synthetic playing field</li> <li>• Landscaping / Access / Parking</li> </ul>	30 June 2018  1 June 2021
Secondary and early years provision	Contribution to extension of Park Main High School, Erskine for approximately 300 pupils to be incorporated within finalised Agreement. Consideration also to be given to implementation of the Renfrewshire Early Years Expansion Plan.	Timescale to be finalised in consultation with Director of Children's Services – anticipated 2028/9
<b>Bus Services</b>		
-	Delivery Strategy  Phased contribution to be finalised in discussion with SPT	Finalised timescales and delivery mechanism to be agreed with SPT

<b>M8 Capacity Improvements</b>		
-	Contribution of £1.2M over four instalments.	Occupation of 1200, 1700th, 2200, 2700 units
<b>Park and Ride</b>		
Phase 2	Construction of additional 150 spaces	2200 <sup>th</sup> unit
<b>CCTV</b>		
-	Contribution of £100,000 for installation of CCTV at Village Square and Bishopton Rail Station area	By 30 Jan 2022
<b>Primary Health Care Facility</b>		
-	Provision of healthcare facility by either:-  a) Construction and lease back with Health Board  b) Construction and lease back with health care provider  c) £1M contribution to Council to provide health services to serve the development	Timetable to be agreed with NHS Greater Glasgow and Clyde.
<b>Sports, Recreation and Play Facilities</b>		
-	Leisure Services Strategy	Within 12 months of agreed S75
Newton Road Recreation Ground	Contribution of £100,000 towards upgrade of existing pitches and changing pavilion	1200 <sup>th</sup> unit
Landscaped Areas	Landscape Management and Maintenance Schedule	Timescale for revised schedule to be confirmed
Community Woodland Park	Woodland Management Plan	Within 24 months of agreed S75
<b>Remediation and Ecological Mitigation</b>		
Contribution	Contribution of £305,000 to Council in nine instalments towards cost of monitoring and verifying remediation works	March 2018 – March 2026

<b>SUDS</b>		
-	Design and Maintenance Manual  Contribution of £250,000 to Council towards management and maintenance of adopted SUDS	By 31 December 2022
<b>Community Development Fund</b>		
-	Contribution of £250,000 over four instalments to Bishopton Community Development Trust to support delivery of community projects	1060, 1500, 1940, 2160 units