

To: Communities, Housing and Planning Policy Board

On: 17 August 2021

Report by: Chief Executive

Heading: Developer Contributions

1. Summary

- 1.1 At the meeting of Council on 13 May 2021, a motion was carried which instructed Officers to expedite confirmation of the legal status of monies received in respect of a Section 50 agreement. The Section 50 agreement in question relates to a planning application which was approved at Station Rise, Lochwinnoch in the 1990s.
- 1.2 In addition, Council also requested that a Report be prepared in respect of any other monies which the Council have received in respect of other such similar agreements relating to planning applications where the monies are still unspent.
- 1.3 This report provides details relating to the following:
- Section 50 agreement concerning planning application at Station Rise, Lochwinnoch; and
 - Details of other monies held by Renfrewshire Council in respect of other planning applications as agreed by the motion of May 2021.
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2. Recommendations

2.1 It is recommended that the Board:

- Note the agreement of Ogilvie Homes to reallocate the £44,000 held by Renfrewshire Council to projects benefiting the local community of Lochwinnoch.
 - Agree to instruct the Head of Economy and Development to consider the parameters of the reallocation of the funds and to bring proposals as to how this may be implemented to a future meeting of the Communities, Housing and Planning Policy Board for consideration.
 - Note the funds still held by Renfrewshire Council in respect of Section 50, Section 69 and Section 75 agreements.
 - Agree to instruct the Head of Economy and Development to contact the applicants who have made contributions in respect of Fastlink and seek their agreement to repurpose these funds.
 - Note that further investigations are underway in respect of some of the specific contributions received and a further report will be brought to the Communities, Housing and Planning Policy Board.
 - To note that an annual report will be brought to the Communities, Housing and Planning Policy Board outlining the funds held and their purpose in respect of all current S69 or S75 legal agreements associated with planning permissions in Renfrewshire.
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3. Background

3.1 At the meeting of Council on 13 May 2021, a motion was carried which instructed Officers to expedite confirmation of the legal status of monies received in respect of a Section 50 agreement. The Section 50 agreement in question relates to a planning application which was approved at Station Rise, Lochwinnoch.

3.2 In addition, Council also requested that a Report be prepared in respect of other monies which the Council have received in respect of other such agreements relating to planning applications.

4. Section 50, Station Rise, Lochwinnoch

4.1 Planning application 90/0661/PP concerned the erection of a residential development (in outline) at land at Church Street/Lochlip Road, Lochwinnoch and was granted planning consent subject to conditions and a Section 50 agreement on 24 February 1992. The new housing development took on the street name "Station Rise".

- 4.2 The Section 50 agreement resulted in Renfrew District Council (the then local authority) receiving a payment of £44,000 in respect of providing a suitable industrial site within Lochwinnoch. It is however noted that the £44,000 was never utilised. It is assumed that industrial land was delivered elsewhere in Lochwinnoch by another party in respect of a separate obligation.
- 4.3 In this regard Renfrewshire Council currently still holds £44,000.
- 4.4 The local community have requested that the monies are reallocated to other projects that benefit the local community.
- 4.5 Ogilvie Homes, the applicant in relation to planning application 90/0661/PP, has confirmed that they have no objection to Renfrewshire Council utilising the £44,000 in question to other projects that benefit the community.
- 4.6 It is proposed that the Head of Economy and Development considers the parameters of the reallocation of the funds and to bring proposals to a future meeting of the Communities, Housing and Planning Policy Board for consideration.

5. **Other Payments Received**

- 5.1 In addition to providing clarity in relation to the Section 50 agreement in connection with planning application 90/0661/PP, the Council motion also sought clarity on other monies held by Renfrewshire Council in respect of other Section 50 agreements, Section 69 agreements and Section 75 agreements.
- 5.2 Officers have worked back through previous planning application files and below itemise such monies as they have been able to identify to date.

S69 Renfrew – Kings Inch Road/Ferry Road/Meadowside Street/Neil Street, Renfrew

- 5.3 Planning application 02/0660/PP relates to the erection of residential development with ancillary retail and restaurants (in principle) at Kings Inch Road/Ferry Road/Meadowside Street/Neil Street, Renfrew.
- 5.4 A legal agreement relating to the development included an obligation for the applicant to contribute towards rail halts and similar transport related infrastructure. As a result of uncertainty over the timing, routing and funding of such infrastructure, the infrastructure in question has never come forward.
- 5.5 The obligation was discharged following payment of the sum of £100,000 to Renfrewshire Council and the variation of the associated legal agreement.
- 5.6 The varied legal agreement introduced flexibility as to how, when and on what the sum was spent. To date, the sum received has not been expended and is held by Renfrewshire Council.

Fastlink Contributions

- 5.7 Various planning applications have related to developments at King Inch Road, and Ferry Village, Renfrew with a number of applications agreeing to a financial contribution towards the bus rapid transit system known as Fastlink.
- 5.8 The contributions in question were secured via S69 or S75 legal agreements
- 5.9 To date £26,000 has been received in respect of Fastlink in connection with various planning applications at King Inch Road, and Ferry Village, Renfrew.
- 5.10 It should be noted that the Proposed Local Development Plan no longer requires planning applications to contribute to Fastlink as the proposal is no longer being progressed.
- 5.11 In light of the above, the contributions received in respect of Fastlink require to be returned to the applicants in question unless an alternative agreement can be reached with the applicants. In this regard it is proposed that the Head of Economy and Development contact the applicants in question and investigate the possibility of reaching an alternative agreement in respect of the funds in question.

S69 Abbotsinch Retail Park

- 5.12 A Section 69 agreement secured funds of £40,000 in respect of a planning application at Abbostinch Retail Park.
- 5.13 Further investigation is required in order clarify the purpose of the funds in question.
- 5.14 It is proposed that the Head of Economy and Development undertake further investigation in relation to the agreement in question and bring a further report to the Communities, Housing and Planning Policy Board which will outline the result of the further investigation.

S75 Ferry Village, Renfrew

- 5.15 A Section 75 agreement in connection with the Ferry Village development provided £292,250 in respect of upgrades to St. James Primary School.
- 5.16 The schools upgrade has been completed however £50,000 remains unspent and held with Renfrewshire Council.
- 5.17 It is proposed the Head of Economy and Development undertake further investigation in relation to the unspent funds and bring a further report to the Communities, Housing and Planning Policy Board which will outline the result of the further investigation.

6. **Future Monitoring**

- 6.1 In order to keep members updated on the developer contributions held by Renfrewshire Council, it is proposed that an annual report on such matters be brought to the Communities, Housing and Planning Policy Board.
- 6.2 The proposed report will outline the monies received that year, funds held and the purposes of the funds.

7. **Conclusion**

- 7.1 Funds are currently held by Renfrewshire Council in respect of the development at land at and Kings Inch Road, Renfrew (£100,000).
- 7.2 The Head of Economy and Development will seek to make contact with the various applicants and seek their agreement or otherwise to repurpose the funds currently held in respect of Fastlink (£26,000).
- 7.3 Further investigation requires to be undertaken in respect of the S69 agreement as it relates to development at Abbotsinch (£40,000) and also the S75 agreement as it relates to the Ferry Village development and the underspend relating to St James Primary School (£50,000). A further report will be brought to Communities, Housing and Planning Policy Board to provide clarification on the position of the funds in question.
- 7.4 An annual report will be brought to the Communities, Housing and Planning Policy Board which outlines the funds held with Renfrewshire Council in respect of planning obligations and their purpose.

Implications of the Report

1. **Financial** – monies should be released to the appropriate service as required to meet the obligations set out in the associated legal agreement or returned to the applicant where applicable.
2. **HR & Organisational Development** - None
3. **Community/Council Planning** – None.
4. **Legal** – the obligation as stated in respective Section 50 agreement relating to planning application (90/0661/PP) will be required to be discharged.

In addition, obligations relating to other legal agreements will also require to be discharged or varied where monies have been spent, returned or agreement is reached to repurpose the funds.

5. **Property/Assets** – None.
6. **Information Technology** – None.

7. **Equality & Human Rights** - 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
 8. **Health & Safety** – None.
 9. **Procurement** – None.
 10. **Risk** – None.
 11. **Privacy Impact** – None.
 12. **Cosla Policy Position** – None.
 13. **Climate Risk** – N/A.
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