

To: Planning and Climate Change Policy Board

On: 29 August 2023

Report by: Chief Executive

Heading: Dargavel – Planning Update

1. Summary

- 1.1 The Dargavel Masterplan (Community Growth Area) in north-west Renfrewshire has been the subject of several Board and full Council reports in recent months. This report aims to update the Board on land use planning matters only. It refers to other Board reports without seeking to cover the detail of these.
- 1.2 This report seeks to update Board on site allocations within the Masterplan site following negotiations between BAE and the Council; the total number of housing units that have been granted planning permission to date; and proposed changes to the Section 75 legal agreement between BAE and the Council.
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2. Recommendations

- 2.1 It is recommended that the Board:
- (i) Note the proposed changes to the Dargavel Masterplan as currently approved and illustrated in the adopted LDP;
 - (ii) Approve the proposed changes to the existing Dargavel Section 75 Agreement; and
 - (iii) Note the confirmed housing capacity of the Dargavel Masterplan site given planning permissions granted;

- (iv) Note that the above changes will only be enacted when the Council reaches agreement with BAE on the transfer of land within the Dargavel Masterplan for education purposes;
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3. Background

- 3.1 This report brings members an update on planning matters as they affect the Dargavel Masterplan (Community Growth Area) as identified in the adopted Renfrewshire LDP.
- 3.2 Dargavel is the largest residential development under construction and planned within Renfrewshire. By the time it is completed it will provide approximately 4,300 homes.
- 3.3 New home construction at Dargavel commenced in 2013 and has so far (up to July 2023) seen more than 2,300 homes delivered by a range of different housebuilders. The majority of these have been for sale, but the site has also seen approximately 200 social rented homes delivered to date as well as a range of flats and 2 bed homes for sale at lower than average sale price for the Dargavel development.
- 3.4 Members should be aware that the Council's ILE Board will consider a report on 30 August 2023 regarding Dargavel. This report seeks approval of draft Heads of Terms for a legal agreement between BAE and Renfrewshire Council regarding the transfer of land to the Council within the Dargavel site. This is to allow for the delivery of additional education capacity to serve the development.
- 3.5 Although this report sets out several proposed changes to the Dargavel Masterplan for members to approve / note, it is important to bear in mind that these changes will only be enacted should missives be signed between BAE and Council to allow land transfer for new education development at Dargavel. This is an integral part of the negotiated agreement reached between the two parties.

4. Land use allocations

- 4.1 Three changes are proposed to the currently approved Dargavel Masterplan. These are to allow for additional education capacity to be delivered to serve the residents of Dargavel Village. For reference, the sites concerned are indicated in the plans provided in Appendix 2 to this report.
- **Site E1** – (c.3.5 hectares) – this site lies at the heart of the Dargavel Masterplan at the northern end of the land area still to be developed for housing. It is proposed that this site is reallocated from residential use (current Masterplan) to education / community use;

- **Site C1A** – (c.0.6 hectares) – site C1 lies immediately adjacent to the east of Dargavel Primary School.
The western portion of this site (C1A) is proposed to be reallocated from commercial use (current Masterplan) to education / community use;
- **Site C1B** – (c.1.0 hectares) – the eastern portion of site C1 is proposed to be reallocated from commercial use (current Masterplan) to residential use;

4.2 Sites E1 and C1A will be transferred to the ownership of Renfrewshire Council. This transaction forms the basis of a report to the Council's ILE Board on 30 August 2023.

4.3 Site C1B will remain in the ownership of BAE.

5. **Proposed changes to Section 75 Agreement**

5.1 As a result of the negotiations that have taken place between the Council and BAE in recent months, and in reaching agreement on the land transfers outlined in the forthcoming ILE Board report (30 Aug 2023), there are several proposed changes to the existing Section 75 Agreement that applies to the Dargavel Masterplan.

5.2 The Section 75 Agreement (dated Oct 2018) is a legal document that sets out the obligations placed upon BAE (as co-signatories with Renfrewshire Council) and subsequent landowners of the Dargavel development.

5.3 A summary of the Section 75 Agreement is available on the Council's website [Dargavel - summary of S75 Agreement 2018](#)

5.4 The proposed revisions to the Section 75 Agreement, which it is intended are formalised in a Minute of Variation, are:

- Amendments to section 5 to refer to the provision by BAE of a site (E1) for a further new primary school and a site (C1) for potential expansion of existing primary school;
- Amendment to section 12 of the S.75 in relation to Primary Healthcare Facility Option 3 to reflect BAE contribution of land plus £1m to NHS to deliver the new facility;
- A new paragraph (5.16) added to S.75 to acknowledge land previously transferred by BAE to the Council for the provision of a children's nursery at Aberlady Way;
- Amendment to S.75 and Affordable Housing Strategy to reflect reduction of 93 social rented units in Stage 2 Affordable Housing provision;
- amend paragraph (11.2) of S.75 to alter trigger for delivery of second phase Park & Ride Facility to "prior to 30 June 2025"
- Reference being made to the total number of homes in Dargavel Masterplan with planning permission as being 4.322 (see below);

5.5 Members should note that any Section 75 Planning Obligation is a legal agreement between two (or more) parties. If the parties do not agree to the content and any revisions thereof, then the S75 does not change. A local authority does not have the ability to unilaterally alter a Section 75 Agreement without the consent of other signatories.

6. Land Supply

6.1 Over the last number of years many detailed planning applications have been submitted for the Dargavel Masterplan site and approved by Renfrewshire Council. The Council had been working on the premise that the total number of homes with planning permission was approximately 4,300 units and this broadly concurred with the position being progressed by BAE Systems.

6.2 A consented planning figure of 4,300 units formed the basis of the education modelling completed since December 2022. As part of reviewing the historical planning arrangements since the Dargavel development outline planning was approved in 2009, Council officers identified potential uncertainties in relation to the interpretation of the total housing units approved as part of all planning applications determined since 2009 – identifying that the total number may potentially be interpreted as at a lower number of 3,982 units. The Council sought an external legal opinion on this interpretation in 2023 which confirmed there was potential legitimacy in the number being stated by the authority.

6.3 Equally, BAE's legal interpretation of the planning permissions granted has differed from the Council's updated view, stating a case that they have consent for 4,322 homes in total and their list of relevant planning permissions are set out at Appendix 1 to this report.

6.4 In terms of working towards an agreement to find a solution to the current education capacity issues at Dargavel, the Council have agreed to work to an explicitly clarified total of 4,322 homes which broadly reflected the understanding held by Council officers until recently. This figure was used by the Council in commissioning the Edge Analytics work on school roll forecasting for the catchment.

6.5 This figure will be closely monitored by officers against the homes built at Dargavel and any planning application that would result in this total exceeding 4,322 will require a new planning application that will be considered by Renfrewshire Council as if it was submitted afresh and separate from any previously granted permissions for the Masterplan area. That is to say that it would be considered as a stand-alone application and its potential impacts on issues such as education capacity would be assessed anew.

6.6 At time of writing this total can be broken down as follows:

Category	Number
Number of housing units completed	2,373
Number of homes under construction	456
Number of homes with detailed permission but construction not yet started	111
Number of homes with planning permission in principle (detailed applications to follow)	1,382
Total	4,322

6.7 Dargavel is significant in terms of overall housing land supply for Renfrewshire. Over the last 10 years (since 2013) it has provided:

- 32% of Renfrewshire's total number of new homes constructed;
- 92% of the new homes built in Bishopton, Erskine, Langbank and Inchinnan;

6.8 The 1,950 homes that are still to be built at Dargavel Village represent 26% of the total identified future housing land supply in Renfrewshire.

7. **Next Steps**

7.1 If Board agree to the recommendations in this report, officers will move forward to make the necessary changes to the Dargavel Masterplan land allocations. Planning applications will then follow for sites E1 and C1 as appropriate and be dealt with in accordance with the changes agreed to the Masterplan. The Section 75 Agreement will be amended to reflect the changes outlined in this report and will include reference to the total number of housing units with planning permission at present at Dargavel.

Implications of the Report

1. **Financial** – None
2. **HR & Organisational Development** – None.
3. **Community/Council Planning** – Reshaping our place, our economy, and our future – the proposed changes to Dargavel Masterplan will result in a more suitable development to serve the local community.
4. **Legal** – The proposed changes to the Dargavel Masterplan and housing land supply will be reflected in subsequent changes to the LDP and have all been agreed with the landowner, BAE.
5. **Property/Assets** – Council will gain two parcels of land transferred to their ownership from BAE.

This is reflected in detail in the report to Council's Infrastructure, Land and Environment Policy Board on 30 Aug 2023

6. **Information Technology** – None.

7. **Equality & Human Rights** -

- (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.

13. **Climate Risk** – None.

Background papers

None

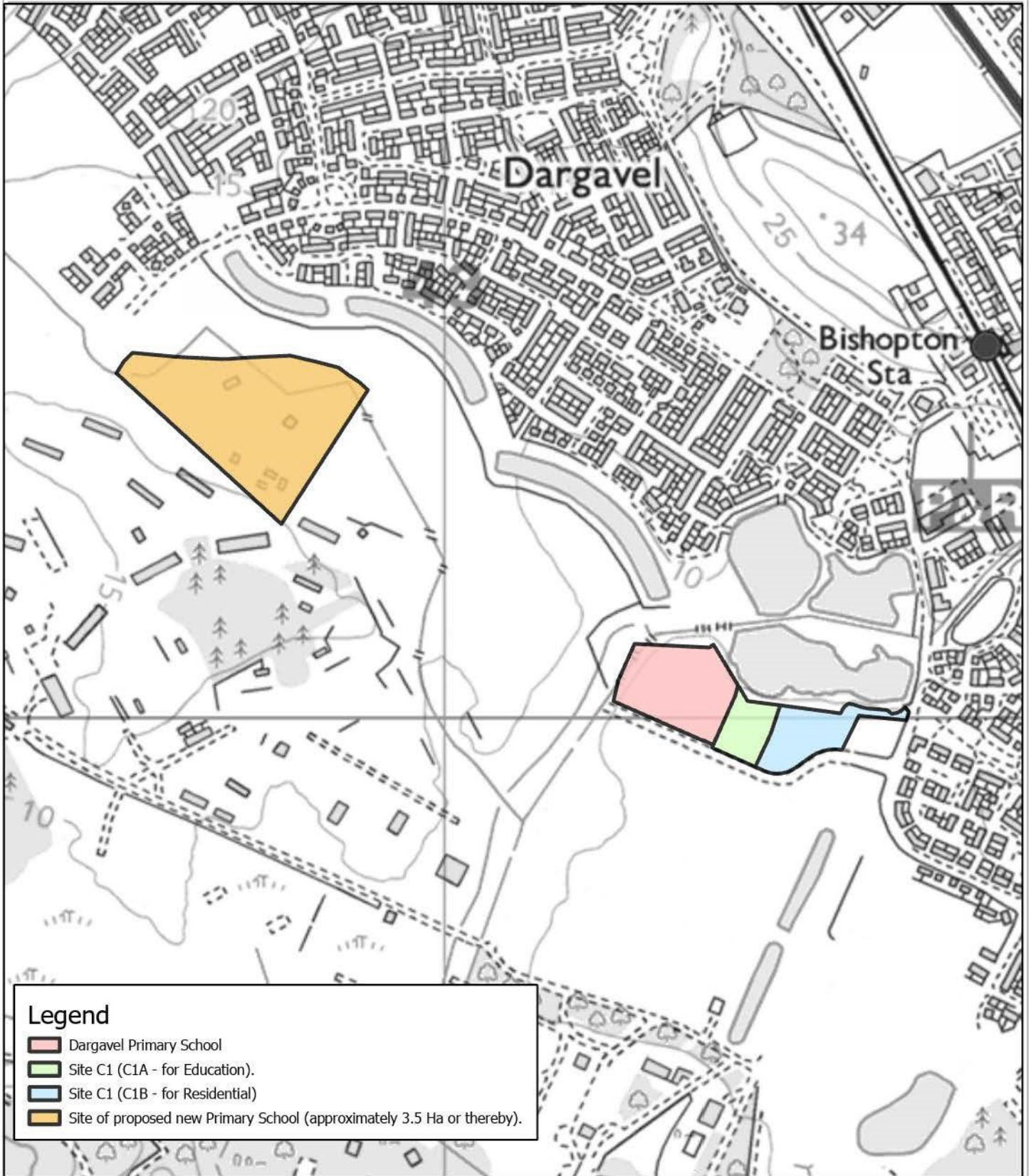
Author: Alasdair Morrison;
Head of Economy & Development
Tel: 07979 700472
Email: Alasdair.morrison@renfrewshire.gov.uk

Appendix 1 –

List of residential planning permissions at Dargavel Village, Renfrewshire (excluding AMSC applications)

<i>Reference</i>	<i>Decision Date</i>	<i>Applicant</i>	<i>Process</i>	<i>Location</i>	<i>Housing Capacity</i>	<i>Cumulative Total</i>
12/0584/PP	29.01.13	BAE	Outline permission	Whole Masterplan	2,500	2,500
14/0218/PP	26.08.14	Persimmon	Detailed permission	E4	132	2,632
15/0188/PP	15.05.15	Persimmon	Detailed permission	H7	49	2,681
15/0794/PP	29.03.16	Persimmon	Detailed permission	H7	48	2,729
16/0403/PP	21.11.16	Persimmon	Detailed permission	H7	49	2,778
16/0648/PP	16.01.17	BAE	Planning permission in principle	Northern edge of Core Development Area	19	2,797
17/0599/PP	20.09.17	Persimmon	Detailed permission	E4	30	2,827
17/0768/PP	01.08.18	Stewart Milne	Detailed permission	H29	13	2,840
17/0819/CL	12.01.18	Renfrewshire Council	Permitted development	H11	41	2,881
17/0820/CL	12.01.18	Renfrewshire Council	Permitted development	H27	39	2,920
18/0413/PP	30.07.18	McCarthy & Stone	Detailed permission	MC	49	2,969
18/0443/PP	18.08.18	Taylor Wimpey	Detailed permission	H10	3	2,972
17/0393/PP	02.10.18	BAE	Planning permission in principle	NW of plots H17 / H19 in original masterplan	350	3,322
17/0394/PP	02.10.18	BAE	Planning permission in principle	H23 / H24 / H25	1,000	4,322

- Permissions listed in date order they were determined by Renfrewshire Council;
- Entries in bold text were permissions granted by Council's Planning Board;



Legend

- Dargavel Primary School
- Site C1 (C1A - for Education).
- Site C1 (C1B - for Residential)
- Site of proposed new Primary School (approximately 3.5 Ha or thereby).

Notes:

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