

To: Planning and Climate Change Policy Board

On: 14 June 2022

Report by: Chief Executive

Heading: Developer Contributions

1. Summary

- 1.1 At the meeting of the Communities, Housing and Planning Policy Board on 17th August 2021 it was agreed that officers would undertake further investigations in respect of developer contributions received in relation to Section 50, Section 69 and Section 75 agreements.
 - 1.2 This report provides an update on the investigations undertaken to date and status of the monies currently held by the Council.
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2. Recommendations

- 2.1 It is recommended that the Board:
 - Note that a separate paper will consider the funds held in respect of the development known as Station Rise, Lochwinnoch.
 - Note that £100,000 is held in respect of improved road transportation links at Braehead.
 - Note that £40,000 is held in respect of a pedestrian crossing at Abbotsinch Retail Park;
 - Note that £50,000 is held in respect of artwork at Ferry Village;
 - Note that further investigation is required in respect of monies held in respect of contributions to Fastlink and the art fund at Ferry Village; and
 - Note that an annual report will be brought to the Planning and Climate Change Policy Board in August which outlines 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.
- 3.3 At the meeting of the Communities, Housing and Planning Policy Board on 17th August 2021, a report was presented which detailed monies currently held by the Council, however it explained that further investigation was required in respect of some of the monies involved to clarify the status and purpose of the funds concerned.

4. Monies Held

- 4.1 Officers have sought to investigate the monies which are currently held by the Council and the details are noted below.

Section 50, Station Rise, Lochwinnoch

- 4.2 As noted above, £44,000 is currently held in respect of the Section 50 agreement which relates to planning application 90/0661/PP, known as the Station Rise development.
- 4.3 The consideration and allocation of the £44,000 is subject to a separate paper to be considered by the Communities, Housing and Planning Policy Board.

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

- 4.4 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.
- 4.5 As previously reported, 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.
- 4.6 The obligation was discharged following payment of the sum of £100,000 to Renfrewshire Council and the variation of the associated legal agreement.
- 4.7 The varied legal agreement noted the payment of £100,000 as an infrastructure contribution to facilitate and improve road transportation links to the development.

- 4.8 To date this money is held by the Council. There are no restrictions in terms of when this money requires to be expended.
- 4.9 Environment and Infrastructure have been made aware of the monies to ensure a suitable project(s) comes forward. Details of the proposal to utilise these monies will be brought back to the relevant Board in due course.

Fastlink Contributions

- 4.10 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.
- 4.11 The contributions in question were secured via S69 or S75 legal agreements
- 4.12 As previously reported £26,000 has been received in respect of Fastlink in connection with various planning applications at King Inch Road, and Ferry Village, Renfrew.
- 4.13 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.
- 4.14 Following the Developer Contributions Report which was considered at the Communities, Housing and Planning Policy Board in August 2021, further investigation have been undertaken in order to identify applicants, understand the terms of the agreements in question and confirm the legal status of the monies received.
- 4.15 The further investigations undertaken have not yet been concluded and, in this regard, it is proposed that the ongoing investigations continue to clarify matters in respect of the monies received. It is hoped that we will be able to provide an update at the next meeting of the Communities, Housing and Planning Policy Board.

S69 Abbotsinch Retail Park

- 4.16 A Section 69 agreement secured funds of £40,000 in respect of a planning application at Abbotsinch Retail Park.
- 4.17 Upon further investigation, it has been confirmed that the £40,000 was received in respect of planning application 16/0878/PP which concerned the *erection of non-food retail warehouse with associated car parking and servicing (Amendment to Planning Consent 16/0355/PP to include a free-standing building, amended floorspace layout and alterations to external parking and servicing layout)* at Abbotsinch Retail Park.

- 4.18 The funds received relate to a sustainable transport contribution and more specifically require to be used towards the installation of a pedestrian crossing on Renfrew Road so as to facilitate pedestrian access to the application site from the bus stop on Renfrew Road.
- 4.19 The Section 69 agreement requires that the funds in question are returned should they not be expended 10 years after their receipt. The funds in question therefore require to be spent by 1st June 2027.
- 4.20 In light of the above, planning officers will now liaise with colleagues in Environment and Infrastructure in order to progress the spend of the contribution in line with the terms of the agreement.

S75 Ferry Village, Renfrew

- 4.21 A Section 75 agreement in connection with the Ferry Village development provided £292,250 in respect of upgrades to local primary schools and an art fund.
- 4.22 The upgrades to the respective schools have been completed leaving £50,000 remaining unspent.
- 4.23 The unspent £50,000 relates to an art fund and this money is currently held by the Council.
- 4.24 We are currently seeking further advice in relation to the funds held however it is the intention to liaise with colleagues in Marketing and Communications with a view to commissioning a piece of artwork following a public competition which could be sited in or around Ferry Village.

5. Future Monitoring

- 5.1 In order to keep members updated on the developer contributions held by Renfrewshire Council, as previously agreed, an annual report on such matters be brought to the Planning and Climate Change Policy Board.
- 5.2 The proposed report will outline the monies received that year, funds held and the purposes of the funds.
- 5.3 It is intended that the next annual report will be considered at the August 2022 meeting of the Planning and Climate Change Policy Board.

6. Conclusion

- 6.1 Funds are currently held by Renfrewshire Council in respect of the following developments:
- £100,000 in respect of improved road links to Braehead Shopping Centre;
 - £40,000 in respect of a pedestrian crossing at Abbotsinch Retail Park;
 - £50,000 in respect of an art fund at Ferry Village; and

- £26,000 in respect of various developments contributing towards Fastlink.
- 6.2 Further investigation requires to be undertaken in respect of the monies held in respect of Fastlink contributions (£26,000) and the art fund at Ferry Village (£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.
- 6.3 An annual report will be brought to the Planning and Climate Change Policy Board which outlines the funds held with Renfrewshire Council in respect of planning obligations and their purpose.
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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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