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<b>Report To:</b>	<b>Environment &amp; Regeneration Committee</b>	<b>Date:</b>	<b>26 August 2021</b>
<b>Report By:</b>	<b>Interim Service Director, Environment &amp; Economic Recovery</b>	<b>Report No:</b>	<b>ERC/RT/GMcF/18.629</b>
<b>Contact Officer:</b>	<b>Gail MacFarlane</b>	<b>Contact No:</b>	<b>01475 714800</b>
<b>Subject:</b>	<b>Section 75 Agreement Relating to Ravenscraig, Greenock</b>		

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## **1.0 PURPOSE**

- 1.1 The purpose of the report is to note progress on the acquisition of the Network Rail bridge at the north-eastern corner of the site by the Council in terms of the Section 75 agreement relating to planning permission reference 18/0205/IC for the construction of 198 residential properties with roads and all associated infrastructure at the former Ravenscraig Hospital, Greenock.

## **2.0 SUMMARY**

- 2.1 The Planning Board, at its meeting on 5 June 2019, considered an application for planning permission by Link Housing Association for the construction of 198 residential properties with roads and all associated infrastructure at the former Ravenscraig Hospital, Greenock.
- 2.2 The Board determined that the planning permission be granted subject to the conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 which required that Link Housing Association financed the upgrading of the Network Rail bridge at the north-eastern corner of the site to bring it up to adoptable standard and, on satisfactory completion of the necessary upgrading works, the Council would take ownership of the bridge, all prior to the occupation of the first residential unit.
- 2.3 This report notes progress on the requirements of the agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. Ownership of the bridge by the Council will permit occupation of the residential units.

## **3.0 RECOMMENDATION**

- 3.1 It is recommended that the Committee notes that the agreed works have been completed and so the Council now requires to take ownership of the bridge from Network Rail on the basis of the Section 75 Agreement and on terms and conditions acceptable to the Interim Head of Legal Services and the Chief Financial Officer.

**Gail MacFarlane**  
**Head of Roads & Environmental Shared Services**

## **4.0 BACKGROUND**

- 4.1 The transport assessment submitted as part of the planning application highlighted that the existing bridge over the railway line in the vicinity of Neil Street should be retained as an emergency access only and should be provided with appropriate measures to prevent parking or use by vehicle at other times. The bridge would be open for pedestrians to access the trunk road and the bus and train infrastructure to help promote active travel within the development.
- 4.2 The bridge is currently owned and maintained by Network Rail and was built as a private accommodation bridge. There is no public right of access.
- 4.3 As the emergency access will have to accommodate vehicles, the bridge required to be upgraded to perform this function. It was outwith the application site and so the upgrading works could not be addressed by condition. Consequently it required a Section 75 Agreement under the terms of which Link Housing Association were to finance upgrading works to the bridge to bring it up to an adoptable standard. Once the works were completed to an adoptable standard, the Council would thereafter take ownership and add the bridge to the list of adopted roads. Implementation of this planning permission was contingent upon these works.
- 4.4 The Planning Board, at its meeting on 5 June 2019, considered an application for planning permission by Link Housing Association for the construction of 198 residential properties with roads and all associated infrastructure at the former Ravenscraig Hospital, Greenock.
- 4.5 The Board determined that the planning permission be granted subject to the conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 which required that Link Housing Association financed the upgrading of the Network Rail bridge at the north-eastern corner of the site to bring it up to adoptable standard and on satisfactory completion of the necessary upgrading works, the Council take ownership of the bridge, all prior to the occupation of the first residential unit.
- 4.6 Link Housing Association designed the road and bridge structure in accordance with the Roads Development Guide to accommodate emergency vehicles.
- 4.7 Under section 16(1) of the Roads (Scotland) Act 1984 the local roads authority shall, upon request, adopt, i.e. add to its list of public roads, any new road (including any associated footway or verge) constructed in accordance with a construction consent.
- 4.8 The upgrading works to the bridge were agreed with the local roads authority and the works are now completed to the satisfaction of the local roads authority.
- 4.9 It is now intended to commence the formal process of transferring the ownership of the bridge from Network Rail to the Council.
- 4.10 After conclusion of the ownership transfer, and the expiry of the one year maintenance period, Link Housing Association will apply for formal adoption of the bridge by the roads authority.

## **5.0 IMPLICATIONS**

### **5.1 Finance**

- 5.2 There will be no cost to the Council for the transfer of ownership from Network Rail to the Council.
- 5.3 There will be an on-going maintenance cost for the structure. However since the

upgrading works have recently been undertaken by Link Housing Association the cost will be minimal for the first 10 years, with only route bridge inspections required. After that minor works may be required and these will be contained within the existing Roads budget.

Annually recurring costs:

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
	Structures	2022/32	0.5		Inspection and cleaning of bridge

#### 5.4 Legal

Legal and Property Services has been consulted on the terms of this report. If the report is approved, missives will require to be concluded and conveyancing documentation adjusted and executed so as to transfer the title to the bridge from Network Rail to the Council.

#### 5.5 Human Resources

There are no HR implications arising from this report.

#### 5.6 Equalities

(a) There are equalities implications in this report.

	YES – This report introduces an amendment to a policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, a Equality Impact Assessment is required
X	NO

(b) **Fairer Scotland Duty**

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES
X	NO – This report's recommendations have no impact on inequalities of outcome caused by socio-economic disadvantage has been completed.

(c) **Data Protection**

Has a Data Protection Impact Assessment been carried out?

	YES
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NO – This report does not involve data processing.

## 5.7 **Repopulation**

There are no repopulation implications arising from this report.

## 6.0 **CONSULTATIONS**

6.1 The Interim Head of Legal Services and the Interim Service Director, Corporate Services and Organisation Recovery have been consulted on this report.

## 7.0 **LIST OF BACKGROUND PAPERS**

7.1 None.