

ABERDEEN CITY COUNCIL

---

COMMITTEE	Communities, Housing & Infrastructure
DATE	27 <sup>th</sup> October 2015
DIRECTOR	Pete Leonard
TITLE OF REPORT	Non – Housing Developers Contributions
REPORT NUMBER	CHI/15/200
CHECKLIST COMPLETED	Yes

---

1. PURPOSE OF REPORT

To update the Committee on the current position for non - housing developer contributions.

2. RECOMMENDATION(S)

It is recommended that the Committee:-

2.1 Note the content of the report.

2.2 Grant the Director of Communities, Housing & Infrastructure delegated authority to allocate funds to projects funded by developer contributions in consultation with the Convener of this Committee.

3. FINANCIAL IMPLICATIONS

Monies from the Developer's Fund must be spent in accordance with the terms set out in agreements made with developers. Agreements may take the form of a negotiation letter or Section 75 or Section 69 legal agreement. Monies not spent within the agreed timescale must be paid back with interest to developers.

Each agreement is drawn up on an individual basis and the conditions for payment are unique to each contribution. Payments may be made up front in full, on a milestone basis (on completion of an agreed number of units) or on a quarterly basis.

Contributions which constitute part of a new major capital project are included in the Non – Housing Capital Programme of works and are monitored by the SIP & Capital Review Group.

#### 4. OTHER IMPLICATIONS

There are no other implications at this time but as projects progress or indeed fail to progress then other implications may arise and will be reported to this Committee.

#### 5. BACKGROUND/MAIN ISSUES

##### 5.1 Developer's Fund

Section 75 & 69 agreements (under section 75 of the Town and Country Planning (Scotland) Act 1997 as amended and section 69 of the Local Government (Scotland) Act 1973) and agreements reached by way of a negotiation letter are negotiated through the planning process with Developers. Developers will either pay the Council contributions prior to planning permission being granted or once the legal agreement is formally registered / recorded, with the legal agreement setting out the conditions for payment of the Council contributions.

Contributions currently fall under one of the following headings:

- Community facilities
- Core paths
- Cycling
- Education (Primary & Secondary)
- Flood prevention
- Libraries
- Healthcare
- Parking / Car club
- Pedestrian facilities
- Play equipment
- Playing Pitches
- Road Improvements
- Road Maintenance
- Sports & Recreation
- Statutory Traffic Orders
- Traffic improvements

The balance of contributions to end of period six totals **£4.42 million**.

A total of **£109,230,016** has been agreed by way of Section 75 and 69 legal agreements.

The funding received comes with a requirement to be spent within a given timescale of years of receipt, with the money held in an interest bearing account. Timescales vary in each agreement for time to spend contributions.

Project leads for each contribution are made aware of the conditions of spend in each case and can spend contributions under each heading within these agreed parameters. Each project lead is also made aware of the expiry date for each contribution.

A dashboard showing the status of live and pending contributions is in Appendix A. Appendix B shows a breakdown by ward of each contribution with a Red – Amber – Green status where appropriate. Pending contributions which have not been banked are included within this appendix for future information.

## 5.2 Payments made during 2015/16

£72,872 has been paid out on contributions by end of period six in financial year 2015/16.

Ward	Location	Heading	Contribution Spent on	Amount
Airyhall / Broomhill / Garthdee	Pinewood development	Libraries	Enhancement of Airyhall Library including general internal refurbishment and outward opening doors for improved access	17,038
	Hazeldene development			22,677
	Craigieburn House			3,450
	Airyhall House			2,270
	23 Rubislaw Den North			908
Hilton / Woodside / Stockethill	4 Hilton Nursery	Roads Maintenance	Core Path 27 at Stronsay Park as part of the Flood prevention scheme. The path has been upgraded to a sealed surface.	6,529
Kingswells / Sheddocksley / Summerhill	Kingswood Drive	Playing Pitches	Drainage works at Kingswells playing pitch	7,000
	Tesco Woodend	Roads Maintenance	Core Path 27 at Stronsay Park as part of the Flood prevention scheme. The path has been upgraded to a sealed surface.	13,000
			<b>Total (£)</b>	<b>72,872</b>

## 6. IMPACT

### Improving Customer Experience –

Developer Contributions are now managed in a manner which ensures mitigating measures are carried out in respect of each new development in the city, regardless of size. Communities will not experience lack of facilities from house building / commercial development through management of the Developer's Fund.

### Improving Staff Experience –

Procedures in place now clarify responsibilities for all services and project leads.

**Improving our use of Resources –**

Spending developer contributions alongside existing Capital projects makes better use of resources and staff time.

**Corporate -**

Individual contributions may link directly to projects within the Strategic Infrastructure Plan and the non-housing Capital Programme. Projects funded fully or in part by contributions in some cases will support the key priorities of the Smarter Aberdeen Vision and the thematic priorities of the Single Outcome Agreement.

**Public –**

The public may be interested in this report as it shows the Council's expenditure on developer's contributions which mitigate the impact of new developments.

7. MANAGEMENT OF RISK

There are no specific risks associated with the reports recommendation. However, in terms of ensuring payment by developers and actual spend there is a robust process in place. Risks associated with individual projects funded by contributions will be managed by the Service allocated those funds in conjunction with appropriate officials from other Services.

8. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

David Marshall

Planning & Monitoring Officer

✉ [damarshall@aberdeencity.gov.uk](mailto:damarshall@aberdeencity.gov.uk)

☎ 01224523191

## Appendix A – Dashboard

Ward	Total Developer Contributions (including forthcoming signed legal agreements)		Payments Received	Total Delivered / Spent (Financial year 2015/16)		Expires				Notes
	No.	£		£	No.	£	Issued to service	1 Year +	6 months	
Airyhall / Broomhill / Garthdee	25	781,178	263,084	5	46,343	16	16	0	0	
Bridge of Don	29	2,691,397	651,633	0	-	9	9	0	0	
Dyce / Bucksburn / Danestone	50	84,067,731	182,556	0	-	7	7	0	0	£58.3 million of education contributions agreed.
George Street / Harbour	45	353,822	170,212	0	-	24	24	0	0	
Hazlehead / Ashley / Queens Cross	12	339,057	319,057	0	-	7	7	0	0	
Hilton / Woodside / Stockethill	11	164,945	69,203	1	6,529	6	6	0	0	
Kincorth / Nigg / Cove	56	13,161,192	711,827	0	-	24	24	0	0	£7.6 million of education contributions agreed.
Kingswells / Sheddocksley / Summerhill	30	564,708	195,834	2	20,000	13	13	0	0	
Lower Deeside	50	4,963,709	234,350	0	-	28	28	0	0	£1.4 million of education & £1.7 million of sports & rec contributions agreed.
Midstocket / Rosemount	14	372,093	339,482	0	-	7	7	0	0	
Northfield / Mastrick North	0	-	-	0	-	0	0	0	0	
Tillydrone / Seaton / Old Aberdeen	13	901,498	460,531	0	-	6	6	0	0	
Torry / Ferryhill	41	868,686	825,978	0	-	29	29	0	0	
	<b>Totals</b>	<b>109,230,016</b>	<b>4,423,747</b>		<b>72,872</b>					