

REPORT TO: CITY DEVELOPMENT COMMITTEE - 26 MARCH 2012

REPORT ON: THE DESIGNATION OF ENTERPRISE AREAS IN DUNDEE

REPORT BY: DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 128-2012

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise members of the Scottish Government's designation of two sites in Dundee as part of an Enterprise Area for Low Carbon/ Renewables in Dundee and to seek Members agreement to the adoption of a Protocol for dealing with future Planning Applications in these areas.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee
- a Notes the designation of two sites as Enterprise Areas within Dundee City, and;
 - b Agrees to adopt the Protocol for dealing with Planning Applications within these areas.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no Financial Implications for the Council associated with this Report.

4 BACKGROUND

- 4.1 The Scottish Government announced on 17 January 2012 that it intended to create four Enterprise Areas covering 14 sites across Scotland with an emphasis on the most dynamic industries with the greatest potential to create new employment opportunities stimulate private investment and boost economic growth.
- 4.2 There are two proposed Enterprise Areas for Low Carbon and Renewables to capitalise on Scotland's potential in these technologies. The Renewable Energy Enterprise East Area will comprise the Port of Dundee and the Port of Leith. The Dundee designation also includes a site at Claverhouse East. Plans of the declared areas are provided in Appendix 2
- 4.3 The Scottish Government expects Local Authorities to sign up to a 'Protocol Agreement' to indicate to potential applicants how they can expect planning applications within these areas to be dealt with and the level of before and after service that will be provided.
- 4.4 The Council is requested to agree to this agreement to facilitate the establishment of these Enterprise Areas. A copy of the Protocol Agreement is included at Appendix 1, many of the measures therein are already part of our established practice for processing applications in Dundee.
- 4.5 In addition, it is proposed that within the Dundee areas, Enhanced Capital Allowances (also know as First Year Allowances) would apply. These allowances can enable a business to claim for up to 100% of the cost of certain qualifying

investment in plant and machinery against the businesses profits in the year of purchase. Where a single user, or small number of businesses, are likely to incur significant capital expenditure costs, Enhanced Capital Allowances may be more attractive, and worth more to firms, than Business Rates Discounts.

5 POLICY IMPLICATIONS

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management.

There are no major issues.

6 CONSULTATIONS

- 6.1 The Chief Executive, Depute Chief Executive (Support Services) and Director of Finance have been consulted and are in agreement with the contents of this report.

7 BACKGROUND PAPERS

- 7.1 "Four Enterprise Areas for Scotland": Scottish Government Press Release 17 January 2012.

'Enterprise Areas in Scotland - Incentives': The Scottish Government 2 March 2012.

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15 March 2012

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APPENDIX I

PLANNING IN ENTERPRISE AREAS

Planning Protocol

National Protocol

Partners recognise and welcome the significant economic benefits that can be generated by the designation of Enterprise Areas in Scotland. This protocol is a non-statutory framework committing all partners to work together to facilitate the planning process in designated Enterprise Areas.

In some instances planning permission will already be in place to enable developments within Enterprise Areas to be considered in a timely manner. In others, applications, whether under the Planning Acts or other legislation (Harbour Revision Orders, Listed Building Consent, Marine Licensing) will require commitment to efficient processing and joint working in order to deliver economic benefit expeditiously. Decisions will continue to be made in accordance with established planning policy and legislative framework.

All partners will undertake to:

- draft and support a processing (or similar) agreement as a basis for project management of the application processes with an agreed timeline for all stages in the application processes including associated legal and other agreements
- include provision for determining planning applications for local developments within 2 months and major developments within 3 months

Councils will undertake to:

- ensure the alignment of local authority application process
- Provide prompt pre-application consultation advice free of charge within 2 weeks of request. For major developments this will include advice prior to receipt of a pre-application notice.
- Provide a senior officer contact for each enterprise area to own the process, as per each authority's Scheme of Delegated Approval for Planning and a lead officer contact in relation to planning for each application. The senior contact will act as a contact point to support resolution of any post consent issues on implementation
- Co-ordinate a pre-application process to clarify and check information requirements with the developer to ensure efficient validation of applications.
- Agree reasonable and final dates for agency responses and contact with agency lead officials in the event of a deadline not being met
- Review processing agreement dates with developer within three weeks of verification
- Engage in pre-determination dialogue to agree any necessary conditions with developer

Government and statutory agencies will:

- Provide a senior officer contact for each enterprise area to own the process and a lead officer contact for each application
- Agree and adhere to reasonable and final dates for agency responses and contact local authority lead officials in the event of deadline not being met
- Support a co-ordinated approach to pre-application consultation and discussion

Developers/Applicants will:

- Provide supporting data in a timely manner
- Consider reasonable requests in drafting legal agreements or developer contributions

Where additional resource requirements arise these will be individually specified and agreed by the appropriate parties.

Local Protocol

This provides the equivalent of a generic processing agreement, but it is without prejudice to any developer asking for a bespoke processing agreement should they consider that there would be justification for, and benefit to be gained from, such.

a) Dundee City Council will act as the overall lead body in relation to planning issues in the Enterprise Areas for Low Carbon/Renewables in Dundee

b) Alignment of Dundee City Council consents processes

The Director of City Development and the Director of Environment together will ensure the efficient delivery of the following key consents within their remit – planning consents; building warrants; environmental health consents; and roads construction consents.

c) Prompt pre-application consultation advice

- i In order to facilitate effective advice, applicants should provide at least a location plan and sufficient details to allow full understanding of their proposals.
- ii Dundee City Council City Development officers guarantee to provide at least an initial response within **7 days** to any request for advice prior to submission of an application for any required consent. This response will advise on what is required from the applicant and, if considered necessary, will seek further pre-application discussions and/or submissions which will be dealt with as expeditiously as is reasonably possible.
- iii The Lead planning officer will co-ordinate any pre-application process to clarify and check information requirements with the developer to ensure efficient validation of applications for consent.
- iv DCC officers guarantee to provide at least an initial response **7 days** to any request for relevant property or legal advice.
- v These commitments will be supported by an enabling and co-ordinating service from Head of Economic Development.
- vi Senior Contact Officers from both within the Council and representing outside consultees will be identified in order to facilitate a speedy response.

d) Dates for agency responses

- i The Council will identify key consultation agencies and will agree with them a tight timescale (ideally within 7 days) to provide at least an initial response to any request from prospective developers for pre-application advice. This response will advise on what is required from the applicant and, if considered necessary, will seek further pre-application discussions and/or submissions which will be dealt with as expeditiously as is reasonably possible.
- ii The Council will conclude an agreement with key consultation agencies to respond to formal consultations on planning applications within a tight timescale (ideally **21 days or**

28 days for any EIA or major developments) unless additional time has been agreed by the Consultee and the applicant.

- iii The Scottish Government agrees to and will adhere to the dates for agency responses and will ensure contact with DCC's lead planning officer in the event that it appears that a deadline is not capable of being met.

e) Review of processing agreement dates

- i The lead planning officer will arrange to meet any applicant who is party to a bespoke processing agreement within three weeks of verification.
- ii The lead planning officer will guarantee to respond within **7 days** to any request from the applicant for a meeting to discuss processing, whether or not it is subject to a bespoke processing agreement.
- iii The lead planning officer will notify the applicant as soon as possible of any reason for why determination may take longer than either the dates specified in a bespoke processing agreement or the statutory 2 month period for determination (4 months for major or EIA applications). In such instances mutual agreement on revised processing dates will be sought between DCC and the applicant.
(This will be without prejudice to an applicant's right to seek a review (re any application for local developments) or to lodge an appeal (re any application for major or national developments) against failure to determine an application within the statutory 2 or 4 month period. The Council are nevertheless committed to avoiding such an instance by seeking mutual understanding and agreement.)

f) Pre-determination dialogue to agree any necessary conditions with developer.

- i As soon as possible prior to issue of a decision, the lead planning officer will contact the applicant to discuss any proposed planning conditions. It is hoped and anticipated that mutual acceptance of these will be reached, but in the event that it is not, the applicant and the lead planning officer will request early legal advice from their respective advisors. DCC Legal Services guarantee to respond within **7 days** to any such request.

g) Aftercare

- i Within **7 days** of the issue of a decision, the lead planning officer will contact the applicant to discuss and agree requirements for complying with planning conditions.



