

PROTOCOL FOR DETERMINING DEVELOPMENT PROPOSALS IN THE FORRES (MORAY) LIFE SCIENCES ENTERPRISE AREA

Background

The Scottish Government Economic Strategy has provided a commitment to establish four Enterprise Areas (EAs) in Scotland – including sites with a particular focus on Life Sciences to help create a supportive business environment. This was announced in January 2012, with one of the EAs described as Life Science EA in Forres (Moray). This land relates to land which is part of the Forres Enterprise Park.

A plan of the 9.5 Ha site is shown below.

The Scottish Government has stated: “A range of incentives will be available to encourage private investment at each EA site. These will include reduced business rates discounts and a streamlined planning process”.

Links to further information are detailed below:

<http://www.scotland.gov.uk/Topics/Government/local-government/17999/11199/NDR-SEA>

<http://www.sotland.gov.uk/Topics/Economy/EconomicStrategy/Enterprise-Areas>

<http://www.scotland.gov.uk/Topics/Economy/EconomicStrategy/Enterprise-Areas/Incentives>

The purpose of this document is to describe a development protocol to enable the commitment to a streamlined planning process to be realised. This will be achieved through the agreement of a National and Local Protocol as set out below.



National Protocol

A protocol has been agreed nationally between relevant Councils and the Scottish Government (initiated and endorsed by the Convention of Scottish Local Authorities) (COSLA). This is detailed below:

1. All 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.
2. In some instances planning permission will already be in place to enable development within Enterprise Areas to be considered in a timely manner. In others, applications, whether under the Planning Acts or other legislation (e.g. Planning (Listed Building (Scotland) Act/Regulations, etc. will require commitment to efficient processing and joint working in order to deliver economic benefits expeditiously.
3. Decisions will continue to be made in accordance with established planning policy and legislative framework. Any proposal which involves a "major development" (including sites over 2 ha) will be subject to procedures including a Proposal of Application Notice and a minimum statutory 12-week period to allow for pre-application consultation with the local community before a planning application can be submitted.
4. There are also requirements for the current Environmental Impact Assessment (Scotland) Regulations 2011 to be taken into account.
5. All partners will undertake to draft and support a processing agreement or similar protocol as a basis for project management of for the application processes with an agreed timeline within which all stages of the application processes including associated legal agreements would expect to be undertaken. All parties involved will be expected to adhere to the agreed process to enable a decision on the planning application to be made include provision for determining planning applications for local developments within 2 months and major developments within 3 months.
6. **All Councils will undertake to:**
 - Ensure the alignment of all local authority applications process;
 - Provide prompt pre-application consultation advice within 2 weeks of request. For major applications this will include advice prior to receipt of a pre-application notice;
 - Provide a Senior Officer contact for the EA to coordinate and take ownership of the process, in accordance with the council's approved Scheme of Delegation and a Lead Officer contact will be identified for any planning application proposed within the Enterprise Area;
 - 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 agency lead officers in the event of a deadline not being met;
 - Review any processing agreement dates with developers within three weeks of verification;
 - Engage in pre-determination dialogue to agree any necessary conditions with developers;
 - Act as the overall lead body in relation to planning issues in Enterprise Areas
7. **Government and Statutory Agencies will undertake to:**
 - 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 response and contact local authority lead officials in the event of deadlines not being met;
 - Support a co-ordinated approach to pre-application consultation and discussion.
8. **Developers/Applicant's will undertake to:**
 - Provide supporting data in a timely manner, to include information required at the time of submission of the application
 - Consider reasonable requests in drafting legal agreements or other developer contributions.
9. Where additional resource requirements arise these will be individually specified and agreed by the appropriate parties.

Local Protocol

The purpose of this local protocol is to help promote economic development and proposals within the Enterprise Area and to ensure that they will be given a high priority. The efficient processing of planning applications and all other relevant or related consents will assist the delivery of development within the Enterprise Area. The following sets out the local protocol for the Forres (Moray) Life Sciences Enterprise Area.

1. Alignment of The Moray Council (TMC) consents processes

- The Corporate Director (Environmental Services) will ensure the efficient delivery of the following consents processes within his remit – planning and listed building consents; building warrants; environmental health requirements and road construction consents, etc.
- The Corporate Director for Corporate Services will ensure the efficient delivery of any legal services required to enable developments and support the terms of any consents required from TMC.

2. Prompt Pre-application consultation advice

- To aid effective advice, applicants must provide a location plan and sufficient details to describe and enable the development proposal to be fully understood.
- TMC Development Management Service commit to provide at least an initial response within **14 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 necessary, will seek further pre-application discussions and/or supporting information which will be dealt with in a timely manner.
- The Lead Officer will co-ordinate the pre-application process and clarify/check information requirements with the developer to ensure efficient validation of applications that are submitted.

Moray Council Senior, Lead Officer and other relevant contacts:

Senior Officer

Beverly Smith beverly.smith@moray.gov.uk 01343 563276

Lead Officer

Angus Burnie angus.burnie@moray.gov.uk 01343 563242

Planning & Economic Development Manager

Gordon Sutherland gordon.sutherland@moray.gov.uk 01343 563278

Planning Policy

David Duncan david.duncan@moray.gov.uk 01343 563043

Transportation

Richard Gerring transport.develop@moray.gov.uk 01343 562550

Building Standards Manager

Kevan Sturgeon buildingstandards@moray.gov.uk 01343 563269

Lead (Building Standards) Officer

William Clark william.clark@moray.gov.uk 01343 563291

Environmental Health

Donnie Mackay donnie.mackay@moray.gov.uk 01343 563358

Legal Services

Aileen Scott aileen.scott@moray.gov.uk 01343 563020

Highland & Islands Enterprise

Steve Hutcheon steven.hutcheon@hient.co.uk 01309 696009

3. Determining Applications

- The Lead Planning Officer will aim to deal with any formal application within 2 months or sooner for a local development or 3 months for a major development.
- In the case of an application required to be determined at the Planning & Regulatory Services Committee in accordance with the approved delegation scheme the application will be presented to the first available committee or a special meeting will be called when deemed necessary.

4. Dates for Key Agency Responses

- Key consultation agencies guarantee to provide at least an initial response to any request from prospective developers for pre-application advice within **14 days**. This response will advise what is required from the applicant and, if necessary, will seek further pre-application information and/or submissions which will be dealt with as expeditiously as possible.
- Key agencies will respond to formal consultation on planning applications within **21 days (or 28 days in the case of EIA and or major applications)** unless an extension of time has been agreed by TMC and the applicant.
- The Scottish Government agrees to and will adhere to the dates for agency response and will ensure contact with TMC's Lead Officer in the event that it appears that a deadline is not capable of being met.

Relevant Agency Contacts:

Scottish Natural Heritage	Mike Shepherd	mike.shepherd@snh.gov.uk
Scottish Environment Protection Agency	Alan Farquhar	alan.farquhar@sepa.org.uk
Scottish Water or	Aileen Mackenzie William Paton	aileen.mackenzie@scottishwater.co.uk william.paton@scottishwater.co.uk
Transport Scotland	Laurence.Kenney	laurence.kenney@scotland.gsi.gov.uk
Health & Safety Executive	Gerry Adderley	gerry.adderley@hse.gsi.gov.uk
Architecture and Design Scotland	Eric Dawson	eric.dawson@ads.org.uk

5. Review of Processing Agreement Dates (timescales for determination)

- The Lead Officer will guarantee to respond within **14 days** to any request from the applicant for a meeting to discuss a processing agreement.
- The Lead Officer will notify the applicant as soon as practicable of any reason for why determination of the statutory 2 month period for determination (3 months for major, including EIA applications) cannot be met. In such instances mutual agreement on revised processing dates/timescales as a result of amendments will be sought between TMC and the applicant.

6. Pre-determination discussion to agree planning conditions with developer

- As soon as the Lead Officer has compiled a list of necessary planning conditions contact with the applicant will be made to discuss these. It is anticipated that mutual acceptance and agreement will be reached, but in the event of disagreement, the applicant and the Lead Officer will seek early legal advice from their respective advisors before forwarding the issue to a higher level.

7. Post-decision

- Within **21 days** of the issue of a decision, the Lead Officer will contact the applicant to discuss and agree requirements for complying with any planning conditions that have been imposed or any requests made for non-material variations. The Lead Officer will also ensure that processes are coordinated with regards to the signing of the Notification of Completion of Development (NOC), Completion Certificate, Roads Construction Consent and any other licences required.